

# APPENDIX C

## TITLE IX POLICY AND GRIEVANCE PROCEDURES: SEXUAL HARASSMENT, DISCRIMINATION, SEXUAL MISCONDUCT

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## I. NOTICE OF NON-DISCRIMINATION

Lexington Theological Seminary does not approve of unlawful discrimination on the basis of age (40 and over); ancestry; citizenship status; color; disability or medical condition; gender; pregnancy, childbirth or related medical conditions; gender identity or expression; marital, military or parental status; national origin; race; sexual orientation; or any other basis prohibited by law in the education programs or activities it operates.

Lexington Theological Seminary is in compliance with, where applicable, the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination in Employment Act of 1967.

Lexington Theological Seminary is an institution of The Christian Church (Disciples of Christ) and adheres to certain religious tenets. (See, e.g., Section II, Theological Statement.) As such, the Seminary is exempt under Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681(a)(3), 34 C.F.R. § 106.21, to the extent that the application of Title IX to the Seminar is not consistent with the Seminary's tenets. The scope of this exemption may apply to, but is not limited to, requirements in the Seminary's community standards, employment policies, admissions and recruitment processes, benefits and services, financial assistance, and academic programs. The Seminary retains all rights afforded under federal law and the laws of the Commonwealth of Kentucky, including, but not limited to, those afforded to religious entities.

For questions about discrimination based on age, ancestry, citizenship status, color or creed or disability and for inquiries about the application of Title IX, contact the following:

LTS Title IX Coordinator  
Vice President of Academic Affairs and Dean  
230 Lexington Green Circle, Suite 300  
Lexington, KY 40503-3337  
[TitleIXCoordinator@lextheo.edu](mailto:TitleIXCoordinator@lextheo.edu)

LTS Title IX Deputy Coordinator  
Chief Financial Officer (& Director of Human Resources)  
230 Lexington Green Circle, Suite 300  
Lexington, KY 40503-3337  
[TitleIXDeputyCoordinator@lextheo.edu](mailto:TitleIXDeputyCoordinator@lextheo.edu)

The OCR office for Kentucky  
Philadelphia Office  
Office for Civil Rights  
U. S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: 215-656-8541  
FAX: 215-656-8605; TDD: 800-877-8339  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

This notice is posted on the Seminary website at <https://www.lextheo.edu/requierd-public-information-documents/> and is included in the Handbook, Appendix C. This notice will be distributed to all applicants for admission and employment as well as to students and employees as required by law.

The policy and procedures to follow address compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681 and its implementing regulations, 34 C.F.R. Part 106, which generally prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial aid.

## II. THEOLOGICAL STATEMENT

All that we do must be rooted in our theological claims. Our understanding of sexuality is in significant ways shaped by the cultures in which we live, by the families from which we come, the experiences which we have had, and the religious communities of which we are a part. But while sensitivity to these differences is important, it is also necessary and possible for us as Christians to make normative theological statements about sexuality and its abuse. These statements must always be demonstrably rooted in the gospel and are always subject to the dialogue of the community. However, at the Seminary we believe the following statements to be normative for Christian community and a foundational basis for this policy on sexual harassment/discrimination.

1. We affirm that sexuality is a gift from God. We are created as embodied relational sexual beings. Sexuality is part of our personal identity and part of our relationships with one another in the world God has fashioned.
2. Relationships between and among embodied sexual persons are to be marked at all times by mutual respect, honor, and support. *Love your neighbor as yourself.* Love does no wrong to the neighbor; therefore, love is the fulfilling of the law. We are to treat one another as we would be treated, protecting one another's dignity as a child of God for whom Christ died. In Jesus Christ we have both a model of our relations with one another and a witness that God has loved us relationally even to the point of assuming human flesh and suffering for us on the cross. In the triune

nature of God, we have an assurance that reciprocity, mutuality, and communion are constitutive of reality itself.

3. As Christians we know ourselves to be people of two worlds. While we live in the new age of God's reign begun in Jesus Christ, we are still gripped by the old reign of sin. Sexuality, while not sinful per se, can be and frequently is distorted and used in ways that violate persons and disrupt communities. Failure to trust the good news of God's love means that we seek to justify ourselves by seeking control or power over others, by demeaning others, by using others for personal gratification without concern for the quality of relationships, and by treating others as means rather than ends. Whenever our relationships with one another as sexual beings are marked by coercion, intimidation, or violation of others' dignity and integrity, it is sin and it demands repentance.
4. Since we are fundamentally relational beings, that way we live out our sexuality is not simply a private matter. Seeing sexuality in terms of individualistic fulfillment may be a dominant cultural conception but it is not consistent with the gospel. As Christians, we recognize that we are members of the human family, and, more intimately of the body of Christ in which when one part suffers, all suffer, and when one part is honored, we are all honored. The church is thus to be a counter-cultural community, both in what it says and how it lives. Because of the persistence of sin, the church, like all communities, needs boundaries to protect its members from exploitation, abuse, discrimination, and harassment. The church is called by the gospel it proclaims to challenge uses of sexuality that demean and abuse. The church is called by the gospel it proclaims to be a place of support and healing for those who have been demeaned and abused. The church is also called by the gospel it proclaims to be a community which recognizes that repentance and amendment of life are possible. The Seminary is an integral part of the church.

Lexington Theological Seminary seeks to ensure, consistent with its religious tenets, that no student or employees are excluded from participation in, or denied the benefits of, any Seminary program or activity on the basis of sex. Members of the Seminary community, as well as contractors, guests and visitors, have a right to be free from sexual harassment, violence and gender-based harassment. When an allegation of Sexual Misconduct is made

and investigated, and a responding community member is found to have violated the Title IX – Sexual Harassment and Discrimination Policy (Handbook Appendix C) or to have engaged in other inappropriate conduct, discipline or corrective measures may be imposed.

### III. PURPOSE OF THIS POLICY

By this policy, the Seminary is providing notice that sexual harassment, discrimination or misconduct in any form will not be tolerated and that the procedures described herein shall be utilized to inform the Seminary of incidents of harassment and to allow all students, faculty, and staff to prevent, report, and eliminate these behaviors from this campus. A copy of this policy shall be included in the Student Handbook and will be made available to all members of the campus community on the Seminary Website at <https://www.lextheo.edu/appendix-c-policy-statement-on-sexual-harassment-discrimination/>.

### IV. APPLICABLE LAW

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 and its implementing regulations, 34 C.F.R. Part 106, prohibit unlawful discrimination on the basis of sex in certain education programs or activities operated by recipients of federal financial aid. Title IX prohibitions may apply to multiple aspects of Seminary policy, procedures and activities, including but not limited to:

- Recruitment, Admissions and Counseling
- Financial Assistance
- Sex Based Harassment
- Pregnant and parenting students or employees
- Application of discipline and sanctions
- Single-sex educational and extracurricular activities
- Employment
- Retaliation

Title IX protects certain students, employees, applicants for admission and employment, and other persons from sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.<sup>1</sup>

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<sup>1</sup> Title IX Resource Guide, U.S. Department of Education, Office of Civil Rights, April 2015, page 1.

Title IX states:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

Lexington Theological Seminary is an institution of The Christian Church (Disciples of Christ) and adheres to certain religious tenets. (See, e.g., Section II, Theological Statement.) As such, the Seminary is exempt under Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681(a)(3), 34 C.F.R. § 106.21, to the extent that the application of Title IX to the Seminar is not consistent with the Seminary's tenets. The scope of this exemption may apply to, but is not limited to, requirements in the Seminary's community standards, employment policies, admissions and recruitment processes, benefits and services, financial assistance, and academic programs. The Seminary retains all rights afforded under federal law and the laws of the Commonwealth of Kentucky, including, but not limited to, those afforded to religious entities.

Title VII of the Civil Rights Act of 1964 generally applies to certain activities of employers with 15 or more employees. The U.S. Equal Opportunity Commission (EEOC) is responsible for enforcing federal laws that generally make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information. It is also generally illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.<sup>2</sup>

“Sexual Misconduct” include a broad range of unwelcome behaviors that are often committed without consent or by force, coercion, or manipulation. Sexual Misconduct includes, but is not limited to, sexual harassment or discrimination and sexual assault. Sexual Misconduct may also include such things as threatening speech of a sexual nature or making or sharing visual or auditory recordings of a sexual nature of another person without their consent. Inquiries about the application of Title IX may be directed to the following:

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<sup>2</sup> <https://www.eeoc.gov/eeoc/index.cfm> accessed 02/13/2019.

LTS Title IX Coordinator  
Vice President of Academic Affairs and Dean  
230 Lexington Green Circle, Suite 300  
Lexington, KY 40503-3337  
[TitleIXCoordinator@lextheo.edu](mailto:TitleIXCoordinator@lextheo.edu)

LTS Title IX Deputy Coordinator  
Chief Financial Officer (& Director of Human  
Resources)  
230 Lexington Green Circle, Suite 300  
Lexington, KY 40503-3337  
[TitleIXDeputyCoordinator@lextheo.edu](mailto:TitleIXDeputyCoordinator@lextheo.edu)

The OCR office for Kentucky  
Philadelphia Office  
Office for Civil Rights  
U. S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
  
Telephone: 215-656-8541  
FAX: 215-656-8605; TDD: 800-877-8339  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Further, the Violence Against Women Reauthorization Act of 2013 (VAWA) became effective as of March 7, 2014, and covers domestic violence, dating violence, sexual assault, and stalking (VAWA Complaints). VAWA violations also fall within the scope of Title IX violations and are referred to either the Title IX Coordinator or Deputy Coordinator in addition to the Campus Security Authority. Any complaints of Sexual Misconduct or VAWA complaints must be properly reported to either of these parties.

Lexington Theological Seminary's policies are consistent with Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and all other applicable statutes to the extent they do not conflict with the Seminary's religious tenets. Policies and procedures addressing these regulatory issues can be found in the Handbook: Section 3.0, [Community Life](#); Appendix C, [Title IX Policy and Grievance Procedures](#); Appendix D, [Racial Discrimination/Harassment](#); Appendix G, [Whistleblower and Anti-Retaliation Policy](#); and Appendix M, [Campus Safety & Security Policy](#).

## V. POLICY STATEMENT

### A. General

This Policy prohibits Sexual Misconduct as defined herein. The Seminary will respond promptly and effectively to reports of Sexual Misconduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy.

### B. Scope of Policy

Persons to whom this policy applies includes the administration, faculty, staff, on-site mentors, trustees, and students of Lexington Theological Seminary, as well as to contractors and others who may be on campus. LTS will not tolerate sexual harassment, discrimination or misconduct, domestic violence, dating violence, or stalking on its campus or in any of-campus setting related to the Seminary including, but not limited to, business trips, meetings, and Seminary-related social events. This Policy applies regardless of the complainant's or respondent's sexual orientation, sex, gender identity, age, race, nationality, religion, or ability.

#### C. Gender Identity or Sexual Orientation Discrimination

Harassment that is not sexual in nature but is based on gender, gender identity, sex- or gender- stereotyping, or sexual orientation is also prohibited by the Seminary's nondiscrimination policies if it denies or limits a person's ability to participate in or benefit from educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether sexual harassment exists, the Seminary may take into account acts of discrimination.

#### D. Retaliation

This Policy prohibits retaliation against a person who reports Sexual Misconduct, assists someone with a report of Sexual Misconduct, or participates in any manner of an investigation or resolution of a Sexual Misconduct report. Further details of the Seminary's Whistleblower and Anti-Retaliation Policy can be found in the Handbook as Appendix G, [\*Whistleblower and Anti-Retaliation Policy\*](#).

#### E. Discipline and Corrective Actions

The Seminary will take reasonable steps to prevent the recurrence of any Sexual Misconduct, to prevent retaliation and to minimize the impact on the complainant (and others, if appropriate). Additional remedial actions such as victim counseling, tutoring, changing intensive class assignments so that the victim and alleged perpetrator do not share the same on-site classes, adhering to no-contact orders, and/or permitting a student to re-

take a course, may be applied. The respondent may be required to participate in educational or counseling intervention.

Any member of the Seminary community who is found to have engaged in Sexual Misconduct will be subject to appropriate discipline, up to and including expulsion, termination of employment or termination of their relations with the Seminary. Specifically, penalties for students found guilty of sexual harassment, discrimination, misconduct or retaliation under this policy may include expulsion or suspension. Staff and faculty found guilty of sexual harassment, discrimination, or misconduct may be dismissed, suspended without pay, or removed from their positions. At a minimum, the offender will be reprimanded, and a written record shall be placed in the individual's personnel file. Additional action may include referral to counseling, clinical supervision by a licensed psychotherapist to reflect on one's ministry, additional curricular or extra-curricular requirements, withholding of promotion, reassignment, or reduction of duties. The Seminary may also take any other corrective action that it deems appropriate under the circumstances.

The Seminary recognizes that not every advance or act of a sexual nature constitutes harassment/misconduct. Whether a particular action or incident is acceptable within a personal social relationship and is without discriminatory effect requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties and all others who are concerned. This policy shall not be used to bring frivolous or malicious charges against fellow students, faculty members, employees, or others. Such charges may result in discipline against the offending individual pursuant to applicable Seminary disciplinary procedures. Discipline and/or corrective actions may also be taken if an investigation results in a finding that the complainant has knowingly made a false accusation.

#### F. Jurisdiction

This Policy shall apply to conduct that occurs on Seminary-owned or leased property and at Seminary sponsored events as well as to events on or off-campus that have sufficient ties to the Seminary. The Seminary will process all Title IX complaints regardless of where the

conduct allegedly occurred to determine whether such conduct had continuing effects on campus.

A finding of unlawful Title IX discrimination on the part of the respondent may be used by a student claimant in appealing related non-Title IX disciplinary or academic sanctions.

#### G. Distribution of Policy

The Seminary will distribute this Policy to all students and employees by appropriate means annually, including posting it on the Seminary's website and directly notifying all students and employees of how to access the Policy by an exact URL address or link, and that they may request a paper copy of the Policy. The Seminary will make preventative educational materials available online to all members of the community and will provide incoming students with a copy of this Policy along with informational literature explaining Title IX as part of their orientation.

#### H. Additional Enforcement Information

The Federal Equal Employment Opportunity Commission (EEOC) investigates complaints of unlawful harassment in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints by students of unlawful Sexual Misconduct in educational programs or activities.

### VI. TITLE IX COORDINATOR and DEPUTY COORDINATOR

Students and employees who have a complaint against any individual involving allegations of Sexual Misconduct in violation of this Policy should contact the Title IX Coordinator or the Title IX Deputy Coordinator as listed below. Students wishing to help in reporting may contact any member of the Student Complaint Advisory Committee. Committee members receive annual training in providing advice and procedural guidance to any students requesting help in resolving a grievance. Visit the LTS website at <https://www.lextheo.edu/lts-student-complaint-advisory-committee/> for contact information for Student Complaint Advisory Committee members.

At Lexington Theological Seminary, the Title IX Coordinator and the Title IX Deputy Coordinator also serve as Campus Security Authorities (CSA) under the Jeanne Clergy Disclosure of Campus Security Policy and Campus Crime Statistics Act. The responsibilities of a Campus Security Authority, which include security procedures in cases of sexual assault, are described in Handbook Appendix M, [Campus Safety & Security Policy](#).

A. Title IX Coordinator

The Vice President for Academic Affairs and Dean serves as the Seminary's Title IX Coordinator. The Title IX Coordinator is responsible for implementing and monitoring Title IX compliance. The Title IX Coordinator's specific responsibilities include, but are not limited to, coordination of training, education, communications, providing prompt and effective response to reports of Sexual Misconduct in accordance with this Policy, initiating investigations of alleged Sexual Misconduct, maintaining records of reports of Sexual Misconduct including records of investigations, voluntary resolutions, and disciplinary action, as appropriate, and identifying and addressing any patterns or systemic problems that arise during the review of Sexual Misconduct complaints.

Title IX Coordinator

Vice President of Academic Affairs and Dean

230 Lexington Green Circle, Suite 300

Lexington, KY 40503-3337

[TitleIXCoordinator@lextheo.edu](mailto:TitleIXCoordinator@lextheo.edu)

B. Title IX Deputy Coordinator

The Chief Financial Officer, who also serves as Director of Human Resources, serves as Title IX Deputy Coordinator, and assists the Title IX Coordinator in all the above duties and serves as acting Title IX Coordinator as needed.

Title IX Deputy Coordinator

Chief Financial Officer (& Director of Human Resources)

230 Lexington Green Circle, Suite 300  
Lexington, KY 40503-3337  
[TitleIXDeputyCoordinator@lextheo.edu](mailto:TitleIXDeputyCoordinator@lextheo.edu)

### C. Responsible Employee

The Office of Civil Rights (OCR) in its *2001 Guidance* defines a responsible employee as any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority of duty.<sup>3</sup> According to Title IX regulations, when a student reports to a responsible employee, pursuant to this policy, about an incident of Sexual Misconduct, the student has the right to expect the Seminary to take immediate and appropriate steps to protect the parties involved and to eliminate the reported hostile environment, and to investigate what happened and to resolve the matter promptly and equitably. These actions may or may not include filing of a formal Title IX complaint, depending upon circumstances described later in this policy.

For the purposes of this policy, all employees of Lexington Theological Seminary, including members of the faculty, are expected to promptly report to the Title IX Coordinator Sexual Misconduct complaints reported to them by students as well as incidents of Sexual Misconduct and/or Title IX violations observed during the course of their professional activities. Only Seminary Chaplains and Counselors and members of the Student Complaint Advisory Committee who are acting in their respective capacities are exempt from this responsibility.<sup>4</sup>

### D. Education and Training Programs

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<sup>3</sup> United States Department of Education, Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence, April 29, 2014, page 15.

<sup>4</sup> Ibid, page 23.

The Seminary is committed to educate students and the campus community on how to identify early warning signs of violence and understand the appropriate responses. In this regard and in compliance with the Clery Act and VAWA regulations, a combination of on-line and print resources is used to inform new students and employees about crime and violence prevention and educate the campus community about sexual violence prevention, self-protection and safety.

Materials are provided to the campus community in several situations: included in preparation materials for periodic student intensives, as annual mailings, as periodic notifications in response to active safety and security issues. The Chief Financial Officer and Director of Human Resources (who is the Campus Security Authority) in collaboration with the Vice President for Academic Affairs and Dean are responsible for the design, update and selection of training and educational materials related to crime, campus security and violence prevention.

Additionally, through courses and other programs, the Seminary will seek to provide materials, bibliography, and educational events designed to make all members of the campus community aware of their rights and obligations under Title IX and to identify relevant issues including all forms of unlawful discrimination, harassment and prejudice and to address, eliminate and prevent future occurrences of these violations. The Title IX coordinator will review and assess such programs periodically to ensure they remain timely and effective.

Members of the Seminary Community involved in implementing the grievance procedures must have training or experience in handling sexual violence complaints and using the campus grievance procedures. Training should include: how to interview victims with special emphasis upon the impact of trauma on factual memory; identifying all forms of sexual violence; information on consent (including when drugs and alcohol are involved); evaluating evidence impartially; determining credibility; how to conduct an investigation; and cultural awareness.

#### E. Climate Surveys

To assure that the Seminary maintains an environment that is free from unlawful sex discrimination in all aspects of the educational experience, the Title IX Coordinator will direct periodic surveys of campus climate to:

- Evaluate whether any discriminatory attitudes pervade the Seminary culture
- Determine whether harassment or other problematic behaviors are occurring
- Determine the details of identified problematic behavior (e.g. circumstances, instigators, and targets)
- Determine how unfavorable conditions might best be remedied

#### F. Grievance Procedures

The Title IX Coordinator and Title IX Deputy Coordinator will work to ensure that all grievance procedures are formalized in writing, easily understood by all members of the Seminary community and widely disseminated. The coordinators will ensure that all procedures incorporate elements required for prompt and equitable resolutions of student and employee complaints under Title IX, consistent with regulatory and Office of Civil Rights (OCR) requirements. The Title IX Coordinator and/or Deputy Coordinator will oversee the grievance process to ensure all complaints are handled properly and according to Seminary policy, including ensuring that grievance procedures are accessible to English language learners and persons with disabilities.

- VII. The offenses described below do not preclude nor set aside Lexington Theological Seminary's formal codes of conduct listed elsewhere in its publications and handbooks. Misconduct by a member of the Seminary community which does not constitute a violation of the Title IX Policy would be addressed under the applicable policy, provided, however, that if a lesser or ancillary violation arises out of an incident that falls under Title IX, this Policy takes priority.

#### A. General Definitions

**Coercion** is the practice of forcing another party to act in an involuntary manner by use of intimidation or threats or some or other form of pressure or force. Coercion may include the use of emotional manipulation to persuade someone to do something the person may not want to do. Being coerced into having sex or performing sexual acts is not consenting to sex.

**Consent\*** is *informed*. Consent is an affirmation, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is *voluntary*. It must be given without coercion, force, threats, or intimidation.

Consent is *revocable*. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is *incapacitated*. A person cannot consent if they are unconscious or coming in and out of consciousness. A person cannot consent if they are under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if their understanding of the act is affected by a physical or mental impairment. For purposes of this Policy, the minimal age of consent is eighteen (18).

*\*It should be noted that Kentucky law provides:*

*“(KRS 510.020): (a) Forcible compulsion; (b) incapacity to consent; or (c) If the offense charged is sexual abuse, any circumstance in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. A person is deemed incapable of consent when he or she is: (a) Less than sixteen (16) years old; (b) An individual with intellectual disability or an individual that suffers*

*from a mental illness; (c) mentally incapacitated; (d) physically helpless; or (e) under the care or custody of the state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency.*

*Note: The provisions of subsection (3)(e) of this section shall not apply to persons who are lawfully married to each other and no court order is in effect prohibiting contact between parties.”*

**Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also included threats, intimidation and coercion that overcomes resistance or produces consent.

**Incapacitation** is the state where someone cannot make rational, reasonable decisions due to lack of capacity to give knowing consent (e.g., to understand the “who, what, when, where, and how” of the sexual interaction). Sexual activity with someone who is mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this Policy. A person whose capacity results from mental disability, sleep, involuntary physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs cannot give consent.

## B. Sexual Misconduct

“Sexual Misconduct” means any act of a sexual nature which disrupts or negatively impacts the educational mission of the Seminary, including but not limited to, sexual assault; public displays of pornography; possession, creation, or distribution of child pornography; causing another person to witness or observe any sexual act without their clear, voluntary consent; videotaping, photographing or otherwise recording sexual acts without the clear, voluntary consent of all individuals involved.

**Sex-Based Harassment** is Sexual Misconduct by peers, employees or third parties committed either in the classroom or in the course of other educational programs or activities that is sufficiently severe or pervasive to deny or limit a student’s or employee’s

ability to participate in or benefit from the Seminary's education programs and activities, (i.e. creates a hostile environment).<sup>5</sup>

**Harassing Conduct** includes any form of activity including verbal acts, name-calling, electronic (social media) communications, graphic and/or written statements or conduct that is threatening, harmful, or humiliating.

**Sexual Harassment** is defined as unwelcome or unwanted advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when: (a) submission to or rejection of this conduct is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, other aspects of employment or academic advancement; or (b) such conduct is sufficiently severe, persistent, or pervasive as to substantially interfere with an individual's employment or studies or creates an intimidating, hostile or offensive environment. Examples of sexual harassment include, but are not limited to, unwanted sexual advances, demands or requests for sexual favors in exchange for favorable treatment; repeated sexual jokes or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, touching, pinching; assault; coerced sexual acts or insulting, obscene or demeaning comments or gestures; display in the workplace or common areas of sexually suggestive objects or pictures.

Sexual Harassment may consist of repeated actions or may even rise from a single incident if sufficiently extreme. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

**Gender-Based Harassment** is another form of sexual-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment

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<sup>5</sup> Title IX Resource Guide, U.S. Department of Education, Office of Civil Rights, April 2015, page 15.

based on gender identity or non-conformity with sex stereotypes, and not necessarily involving conduct of a sexual nature.<sup>6</sup>

**Sexual Exploitation** refers to a situation in which a person takes or attempts to take non-consensual or abusive sexual advantage of another. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed);
- Taking pictures and video or audio recording another in a sexual act or in any other private activity without the consent of all involved in the activity or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).

### C. VAWA Complaints – Sexual Violence

VAWA identifies four specific complaints that may fall under the Title IX Policy: Sexual Assault, Domestic Violence, Dating Violence, and Stalking. A student's Title IX rights are violated when the sexual conduct is sufficiently serious to deny a student's ability to participate in or benefit from the Seminary's educational program.<sup>7</sup>

**Sexual Assault** means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. The term includes all forcible sex offenses (any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent; this includes attempts and non-forcible offenses (any unlawful, non-forcible sexual intercourse). Sexual Assault may constitute sex-based harassment. Specific offenses are defined below.

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<sup>6</sup> Ibid

<sup>7</sup> United States, Department of Education, Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence, April 29, 2014, page 1.

**Forcible Rape:** The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

**Forcible Sodomy:** Oral or anal sexual intercourse with another person; forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault With an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person; forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. (An object or instrument is anything used by the offender other than the offender's genitalia.)

**Forcible Fondling:** The touching of the private parts of another person for the purpose of sexual gratification, forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory ages of consent. (In Kentucky the age of consent as of the promulgation of this policy is sixteen [16] years old in most circumstances.)

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

**Domestic Violence:** Defined as in KRS 403.720 (1), (2), (4) means physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious injury, sexual abuse, or assault between family members or members of an

unmarried couple. Kentucky law defines “family member” as a current or former spouse, a parent, a grandparent, a child, or stepchild. Also, where the victim is a child, any person living in the same household as the child is considered a family member. “Member of an unmarried couple” refers to people who have a child or children together.

**Dating Violence:** For the purposes of this policy, “Dating Violence” includes felony or misdemeanor crimes of violence committed by a dating partner. The term “dating partner” refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

**Stalking:** Stalking In the First Degree (KRS 508.140) is defined as intentionally stalking another person and making an explicit or implicit threat with the intent to place that person in reasonable fear of sexual contact, serious physical injury, or death; and a protective order has been issued, or a criminal complaint is currently pending, or the defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims; or the act or acts were committed while the defendant had a deadly weapon on or about this person. Stalking In the Second Degree (KSR 508.150) is defined as intentionally stalking another person and making an explicit or implicit threat with the intent to place that person in reasonable fear of sexual contact, serious physical injury, or death.

## VIII. REPORTING AND RESPONDING TO A COMPLAINT

### A. Prompt Reporting Encouraged

**Third Party Reporting:** Lexington Theological Seminary employees are required to promptly notify the Title IX Coordinator or Deputy Coordinator no later than one business day after learning of instances of sex- or gender- harassment, discrimination or other misconduct that may be subject to this Policy. This includes conduct by employees,

students, or third parties. Excluded from this reporting requirement is any employee acting in the capacity of a professional counselor at the Seminary.

If the person to whom Sexual Misconduct normally would be reported is the individual accused of harassment, reports should be made to the alternate coordinator, either the Title IX Coordinator or the Title IX Deputy Coordinator.

**Claimant Reporting:** Complainants of Sexual Misconduct may report incidents at any time but are strongly encouraged to make reports promptly in order to preserve evidence for a potential legal or disciplinary proceeding.

- Complainants are strongly encouraged to report criminal incidents to the local police department and Campus Security Administrator (CSA). The CSA will assist the complainant in contacting local police if the complainant desires (see [Appendix M, Section III, Sex Offenses](#), for further information).
- Complainants are also encouraged to contact their local victim/survivor services office, counseling centers, and health care providers for appropriate action. For a full list of confidential and non-confidential resources, please review [Appendix M, Section IV, References and Related Materials](#). It includes a list of national, state and local organizations dedicated to providing assistance to victims of sexual violence.
- In general, there is no limit for a complainant to make a report, but an undue delay in reporting may result in memory lapses or departure of witnesses and may affect the quality or preservation of evidence or witness testimony that would have been available.
- Employees, *with the exception of those acting in the capacity of professional counselor or Student Complaint Advisory Committee member when acting in that capacity*, who have been approached by a student complainant or who have personally observed conduct that they believe in contrary to this Policy have an obligation to promptly make a report.

- Professional counselors and Student Complaint Advisory Committee members when acting as such are exempt from reporting Title IX violations. Please note that professional counselors generally are not required to disclose knowledge of crimes reported to them except when necessary to prevent harm.

**Student Claimants:** Students who have a grievance or would like information about grievance policies and procedures should consult the Student Handbook and may contact either the Office of the President for Academic Affairs and Dean or any member of the Student Complaint Advisory Committee.

When students feel they have been subjected to discrimination on the basis of sex, which includes but is not limited to, sexual harassment or gender discrimination, they should contact the Title IX Coordinator (Vice President for Academic Affairs and Dean) or Deputy Coordinator (Chief Financial Officer and Director of Human Resources) and request an interview, briefly describing the situation. This request must be made in writing. Should the student feel uncomfortable contacting the Title IX Coordinator directly, they may contact any member of the Student Complaint Advisory Committee who will listen to the student's concerns and assist the students in reporting their concern to the appropriate authority.

- Title IX Coordinator: 859-280-1256 | [TitleIXCoordinator@lextheo.edu](mailto:TitleIXCoordinator@lextheo.edu) or
- Title IX Deputy Coordinator: 859-280-1235 | [TitleIXDeputyCoordinator@lextheo.edu](mailto:TitleIXDeputyCoordinator@lextheo.edu) or
- [Student Complaint Advisory Committee members](#)

**Employee Claimants:** Faculty members who have a grievance or who would like information about grievance policies and procedures should consult the Faculty Handbook and/or the Vice President for Academic Affairs and Dean. All other employees who have a grievance or would like information about grievance policies and procedures should refer to

the Employee Handbook and/or the Chief Financial Officer and Director of Human Resources.

When employees (faculty, staff, and administrators) feel they have been subjected to discrimination on the basis of sex, which includes but is not limited to sexual harassment or gender discrimination, they should contact the Title IX Coordinator or Deputy Title IX Coordinator, in writing, using the Employee Complainant Form which appears as Attachment C to this Policy. Any inquiries regarding Title IX or this Policy should be directed to either the Title IX Coordinator or the Deputy Title IX Coordinator.

**Grievance Withdrawal:** At any time during an informal or formal resolution process the claimant may withdraw the allegation. However, even if the claimant decides to withdraw the grievance, the Seminary reserves the right to investigate and take appropriate measures, if necessary, to protect the interests and safety of the claimant and the Seminary community.

## **B. Confidentiality**

To the extent permitted by law, the confidentiality and/or the identities of all parties involved in the investigation and/or resolution of alleged or suspected violations of this Policy will be observed, provided that it does not interfere with the Seminary's ability to conduct an investigation and take any corrective action deemed appropriate.

When weighing a complainant's request for confidentiality or that no investigation, hearing or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the respondent will commit additional acts of Sexual Misconduct, such as: whether there have been other Sexual Misconduct complaints about the same respondent, whether the respondent has a history of violence, and whether the respondent threatened further Sexual Misconduct or other violence against the complainant or others;
- Whether the Sexual Misconduct was committed by multiple perpetrators;

- Whether the Sexual Misconduct was perpetrated with a weapon;
- Whether the Seminary possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g. security cameras or personnel, physical evidence); and/or
- Whether the complainant's report reveals a pattern of perpetration (e.g. via illicit use of drugs or alcohol) at a given location or by a particular group.<sup>8</sup>

The presence of one or more of these factors, or other factors unique to the situation, could lead the Seminary to investigate and, if appropriate, pursue discipline or corrective actions.

### C. Required Notice for Reports of Sexual Misconduct

When the Title IX Coordinator or Deputy Coordinator receives a report that a student or employee has been the victim of Sexual Misconduct or a VAWA Crime, whether the offense occurred on- or off- campus or in connection with any Seminary activity, the Office of the Title IX Coordinator or the Title IX Deputy Coordinator will provide a written explanation of available rights and options, including procedures to follow (see Attachment A: *Title IX Rights and Options*). The written information shall include:

- To whom the alleged offense should be reported
- Options for reporting to law enforcement and campus authorities, including the option to notify local law enforcement authorities; the right to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses and the right to decline to notify such authorities.
- The rights of the parties regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts and the Seminary's responsibilities regarding such orders.
- The importance of preserving evidence as may be necessary to prove sexual assault, a VAWA Crime, or to obtain a protective order.

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<sup>8</sup> United States Department of Education, Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence, April 29, 2014, page 21.

- Existing Seminary and community services available for the parties including counseling, health, mental health, victim advocacy, legal assistance, and other services.
- Options for, and available assistance to, change academic, and working situations, if requested by the one of the parties and if reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Any applicable procedures for institutional disciplinary action.

#### D. Title IX – Initial Assessment

Upon receipt of a report of a possible Policy violation, the Title IX Coordinator (or Deputy Coordinator) will conduct an initial Title IX assessment. The first step of the assessment will usually be a preliminary meeting with the individual making a report (this could be a student or employee complainant, the Campus Security Authority (CSA) or a third-party individual). The purpose of the interview is to gain a basic understanding of the nature and circumstances of the incident and to make a determination if a Title IX complaint should be filed.

**Third Party Interview:** If an incident of suspected Title IX violation is reported to the Title IX Coordinator or Deputy Coordinator by a third-party observer, a preliminary interview with the reporting individual will be conducted to document the names of the victim and accused and the circumstances of the violation observed. If in the opinion of the Title IX Coordinator or Deputy Coordinator, there is sufficient cause to suspect a violation has occurred, the Coordinator will arrange to interview the victim as follows below.

**Student Complainant (victim) Interview:** The Vice President for Academic Affairs and Dean and/or the Chief Financial Officer and Director of Human Resources will interview the student. During the interview with the student, the nature of the complainant will be determined and details of the situation will be discussed. Should a Title IX policy violation be involved or if a third party has reported a violation for which the student was an alleged

victim, the interviewer will complete a Title IX Compliant Form (see Attachment B: *Title IX Complaint Form*) which shall be reviewed and signed by the complainant/victim.

**Employee Complainant (victim) interview:** When employees (faculty, staff, and administration) feel they have been subjected to discrimination on the basis of sex, which includes but is not limited to sexual harassment, or gender, they should contact the Title IX Coordinator or Title IX Deputy Coordinator, in writing, using the Employee Complainant Form (Attachment C). The Vice President of Academic Affairs and Dean and/or Chief Financial Officer and Director of Human Resources will interview the employee to determine the nature of the complaint and applicable Policy. Should it be determined that a Title IX violation has occurred or if a third party has reported a violation for which the employee was an alleged victim, the Vice President for Academic Affairs and Dean will assist the complainant/victim in completing and signing the Title IX Complaint Form.

**Preliminary Information provided to Claimant:** In all cases determined to represent a Title IX violation, the complainant will be provided with information about resources, procedural options and interim measures (Attachment A: *Title IX Rights and Options*).

**Reasonable Determination of Safety:** The initial assessment by the Title IX Coordinator will proceed to the point where a reasonable determination of the safety of the claimant/victim and of the campus community can be made and interim actions determined.

**Decision whether to investigate:** An investigation may be initiated depending on a variety of factors, such as whether the complainant/victim will pursue disciplinary action, the nature of the allegation and the proper grievance process to be applied.

- If a full investigation is initiated, the complainant/victim must provide a written complaint to the Seminary regarding the alleged violations and the respondent will be provided with a copy of the complaint along with a copy of this policy and Title IX Rights and Options (attachment A).

- After the process has been initiated, the respondent will have an opportunity to prepare a written response to the alleged violations and assert any cross-complaints, which will be provided to the complainant.

#### E. Anonymous Third-Party Complaints

**Requests for Anonymity and/or no Action:** Where a complainant requests to remain anonymous or that no formal action be taken, the Seminary must balance this with its obligation to provide a safe and non-discriminatory environment for all community members (see *Factors listed in Section VIII.B.*). The Seminary must also afford the respondent fundamental fairness by providing notice and an opportunity to respond before any action is taken against a respondent.

- In the event that the circumstances of the complaint dictate a full investigation, the Seminary will take all actions necessary to conduct the investigation while balancing the wishes of the complainant. This may include disclosing the identity of the complainant and other steps that might compromise the complainant's request for confidentiality and anonymity. Subject to these limitations, the Seminary will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation.
- The Seminary shall inform the complainant that its ability to investigate or take action will be limited based on the nature of the request by the complainant.
- If the individual decided not to file a complaint with the Seminary, the Seminary encourages the individual to seek out medical and mental health resources as appropriate (see [Handbook Appendix M, Campus Safety and Security Policies and Procedures](#)).
- Individuals who wish to make a complaint at a later date may contact either Coordinator at any time. Please note that a delay in reporting could affect the Seminary's ability to gather information and evidence to determine whether a person is responsible for Sexual Misconduct.

**Anonymous or Third-Party Reports:** Reports that are made anonymously or by third parties may not initiate the formal complaint process. However, Title IX requires the Seminary to investigate all incidents about which the Seminary knows or has reason to know in order to protect the health and safety of the Seminary community. The Seminary may undertake an initial assessment even in cases where the alleged victim/complainant chooses not to cooperate or participate. As necessary, the Seminary reserves the right to initiate a complaint to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim or complainant.

#### F. Reluctance to Report Based on Potential Violations

Students may be reluctant to report incidents because of concerns that their own behavior may be a violation of Seminary policies. The Seminary's primary concern is student safety. Any other rules violations will be addressed separately from the Sexual Misconduct allegation. The use of alcohol or drugs does not make the complainant at fault for Sexual Misconduct. In appropriate circumstances, a student who is found to have engaged in excessive consumption of alcohol or drugs may be offered amnesty and/or a chance to get medical or psychological help in lieu of sanctions. Although Seminary policy violations cannot be overlooked, the Title IX Coordinator will consider the positive impact of reporting an incident involving the Title IX Policy when determining the appropriate response to other policy violations. In such cases, any possible negative consequences for the reported of the problem should be evaluated against the possible negative consequences of not reporting the incident.

#### G. Interim Measures

At any time during the process, the Title IX Coordinator (or a designee) may impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved (*Interim Measures*). Interim Measures may be imposed regardless of whether discipline or corrective measures are sought by the complainant or the Seminary. All individuals are encouraged to report concerns about the

failure of another individual to abide by any restrictions imposed by an Interim Measure. The Seminary will take responsive action to enforce the Interim Measures.

The Seminary reserves the right to take immediate action and impose restrictions on any person accused of violating this Policy, or to take any other Interim Measures it deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings. If the Title IX Coordinator, or a designee, decides at any point that the well-being of a student or employee is at stake, an interim suspension may be imposed on the individual who is suspected of violating this Policy or otherwise poses a risk of safety to others, until the investigation and/or hearing can be completed. This action assumes no presumption or determination of guilt and the investigation will be completed as soon as possible.

At any time during the investigation, Lexington Theological Seminary may implement the following Interim Measures:

- Placing an employee on paid or unpaid administrative leave;
- Removing a student from campus and/or current classes (online or at the Seminary),
- Providing access to counseling services,
- Issuing on-campus No Contact Orders,
- Modifying course schedules, rescheduling of exams and assignments,
- Limitations on time and access to campus (including reduced access to the library and other Seminary facilities),
- Banning individuals from campus except for classes and required Seminary activities,
- Changing class schedules, work schedules or job assignments,
- Voluntary leave of absence,
- Providing an escort to ensure safe movement between classes and/or activities,
- Seminary imposed leave or separation, and/or
- Any other remedy tailored to the involved individuals to achieve the goals of this Policy.

The Seminary may use these Interim Measures in any combination thereof or create new measures as needed. The Seminary will take responsive action to enforce the Interim Measures.

#### H. Disciplinary Actions for Violations of This Policy

Students who are found to have violated this Policy will be subject to disciplinary action, up to and including, expulsion or dismissal in accordance (a) with the provisions of any applicable Honor Code or other comparable policy, and (b) with the additional provisions set forth in this Policy, to the extent these additional provisions are applicable.

Guests and other third parties who are found to have violated this Policy will be subject to corrective action deemed appropriate by the Seminary, which may include removal from campus and termination of any applicable contractual or other arrangements. In instances where the Seminary is unable to take disciplinary action in response to a violation of this Policy because a complainant insists on confidentiality or for some other reason, the Seminary will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

### IX. INVESTIGATING A COMPLAINT

#### A. Duty to Investigate

Lexington Theological Seminary is committed to promptly and impartially investigating known or suspected violations of this Policy. In addition to direct or third-party complaints, some common triggers for an investigation may include: a student filing a police report with local police who alert the Seminary or an administrator receiving an anonymous voicemail, email, or written message alleging Sexual Misconduct. Lexington Theological Seminary's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigations, the location where the alleged conduct occurred, and the Seminary's access to information relevant to

the alleged violation of this Policy. All parties are expected to fully cooperate with the Title IX Coordinator and/or the investigation.

#### B. Sexual Misconduct Involving Bodily Harm

In the event that the Title IX Coordinator has received a report of Sexual Misconduct involving bodily harm, the Title IX Coordinator must determine, consistent with Kentucky and Fayette County law, whether appropriate law enforcement or other authorities should be notified. The victim of Sexual Misconduct may also choose whether or not to file a criminal complaint against the respondent. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the Seminary's investigation, but the Seminary will commence its own investigation as soon as is practicable under the circumstances. Lexington Theological Seminary reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

#### C. Investigations

The Title IX Coordinator or Title IX Deputy Coordinator may investigate the claims or select a person(s) to investigate the claims. The designated investigator (*Investigator*) is primarily responsible for investigating or coordinating the investigation of reports and complaints of violations of the Policy. Attorneys/advisors for the parties must not be associated with nor be allowed to participate in the investigation. The Investigator shall:

- Conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings with witnesses named by both the complainant and respondent;
- Inform the witnesses and other involved individuals of the confidentiality requirements and the prohibition against retaliation;
- Create, gather and maintain investigative documentation, as appropriate;
- Review law enforcement investigation documents, if applicable;
- Review student and personnel files;

- Disclose appropriate information to others only on a need to know basis, consistent with state and federal law, and provide a data privacy notice in accordance with state law;
- Handle all data in accordance with applicable federal and state privacy laws; and/or
- Apply a preponderance of evidence standard to determine whether there has been a violation of this Policy.

The investigation will be completed within sixty (60) days of the filing of a complaint or from the report of the suspected violation of this Policy, unless the Seminary determines in its discretion that more time is required to initiate and complete the investigation. As part of the investigation, the investigator will seek to interview the complainant and the respondent.

The Seminary understands and accepts the neuroscience of trauma and memory and does not expect a complainant to respond as a witness to their own crime; however, to help ensure a prompt and thorough investigation, complainants are encouraged to provide as much of the following information as possible (see Attachment D: *Sample Interview Questions – Title IX Complaints*):

- The name, department, and position of the person or persons allegedly causing Sexual Misconduct or retaliation;
- A description of any relevant incident(s) on the complainant’s academic standing, educational benefits or opportunities, position of employment, salary, employee benefits, promotional opportunities, or other terms or conditions of employment;
- The names of other students or employees who the complainant knows to have been subject to the same or similar Sexual Misconduct, or retaliation;
- Any steps the complainant has taken to try to stop the Sexual Misconduct or retaliation; and
- Any other information the complainant believes to be relevant to the alleged Sexual Misconduct or retaliation.

The respondent is also encouraged to provide as much of the above information as possible that relates to or may be applicable to the respondent in connection with the investigation as well as any other additional information including:

- Any information or documentation providing support for any defense or counterclaim;
- The identity or name of any witnesses who can testify on the respondent's behalf or who can contradict the complainant's allegations;
- The identity or name of any witnesses who can testify as to the complainants' competence, including whether or not the complainant was under the influence of any drugs or alcohol; and
- Any other information the respondent believes to be relevant to the allegations, defenses or counterclaims

#### D. Mediation

Allegations of Sexual Assault may not be resolved using mediation or any other informal resolution process that involved direct contact between parties. However, some allegations of nonviolent Sexual Misconduct may be resolved using an informal resolution process overseen by the Title IX Coordinator or his or her designee, in conjunction with the Investigator, if (a) the Seminary determines, in its discretion, that such a process would be appropriate; and (b) both the complainant and respondent agree to participate. The parties to any such informal process will not be required to deal directly with one another. Instead, one or more representatives, selected by the Seminary, may arrange for or facilitate informal resolution measures between the parties. The parties must be notified of the right to end the informal process at any time during the complaint process.

With advanced approval of the Title IX Coordinator, each party may be entitled to one non-attorney advisor (*Advisor*) or support person who may attend the mediation or other informal resolution process.

#### E. Investigation Report

After the investigation has been completed, the Investigator shall:

- Prepare an investigation report. Generally, an investigation results in a written report that at a minimum includes a statement of the allegations and issues, the position of the parties, a summary of evidence, findings of fact, and a determination by the Investigator whether the Policy has been violated.

The Investigator may recommend:

- a. That no disciplinary action be taken if no violations of this Policy has occurred.
  - b. That the Title IX Coordinator conducts or coordinates education/training.
  - c. Separation of the parties, changes in workplace assignments, enrollment in a different course or program, or any other rehabilitative or corrective action deemed appropriate.
  - d. Discipline or corrective measures, up to and including expulsion, termination of employment, termination of relationship with the Seminary or other disciplinary action deemed appropriate.
  - e. Any other recommendations deemed appropriate to resolve the complaint in a fair and just manner.
- Take any follow-up or additional investigative measures as determined by the Title IX Coordinator.
  - Be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the privacy laws and other applicable law including but not limited to the Family Educational Rights and Privacy Act (FERPA).

## X. POST INVESTIGATION

After receiving the report prepared by the Investigator(s), the Title IX Coordinator shall make the final determination as to whether a violation of this Policy has occurred, and what

disciplinary actions or corrective measures, if any, should be taken. The Title IX Coordinator may take the following actions:

- Determine there has been no violation(s) under the Policy or that there is insufficient evidence to conclude that there has been a violation under the Policy.
- Determine that a violation has occurred; determine the appropriate discipline or corrective measure; and provide the respondent an opportunity to accept the findings of fact and discipline or corrective measure(s).
- Take other measures deemed necessary to determine whether a violation of the Policy has been established by a preponderance of the evidence; additional steps may include a request that the Investigator conduct further inquiries.
- Determine whether a hearing panel should be convened to resolve the complaint.
- Notify the complainant and the respondent of the outcome as appropriate, in accordance with applicable privacy laws.

## XI. HEARING

A hearing may be convened at the discretion of the Title IX Coordinator. In determining whether a hearing should be convened, the Title IX Coordinator may consider the following factors:

- The seriousness of the allegation(s).
- Whether the allegation(s) involve violence, injury, or the use of a weapon.
- Whether there are multiple complaints.
- Whether the accused has been found responsible for prior incidents of Sexual Misconduct.
- Any other special circumstances as determined by the Title IX Coordinator

If a hearing is determined to be required, the Seminary will provide written notification to the complainant and respondent of the hearing date and procedures. The hearing will be held within fourteen (14) calendar days after the Title IX Coordinator determines the necessity for

a hearing, unless the Seminary determines that additional time is required. The Claimant may choose to not attend the hearing in person and may “appear” by means of electronic communication, if preferred.

#### A. Hearing Panel

The Hearing Panel is a fact-finding committee comprised of individuals training or experienced in Sexual Misconduct. Depending on the complexity of the issues, a hearing panel may have one to three (1-3) panelists. The individuals who serve as panelists will be selected by the Title IX Coordinator, or other designated official. The Hearing Panel will have for its review, the initial complaint; the respondent’s response and any cross-complaints; all witness statements written or recorded, and any evidence persevered for the hearing.

#### B. Standard for Determining Responsibility

A preponderance of the evidence standard will be used to determine whether this Policy has been violated.

#### C. Rights of Complainants and Respondents

Both the complainant and respondent have the following rights:

- The opportunity to speak on one’s own behalf
- The opportunity to be accompanied by an Advisor or support person, with advanced notice to the Title IX Coordinator.
- The opportunity to present other evidence on one’s own behalf.
- The opportunity to have the Title IX Coordinator or a member of the hearing panel to be used in questioning or cross-examination of an adverse witness.
- The right to submit questions to the Title IX Coordinator or a member of the hearing panel to be used in questioning or cross-examining an adverse witness.

- The opportunity to attend the entire hearing or other proceeding, except for the deliberation phase.
- The right to be informed of the outcome of the hearing or other proceeding.
- The opportunity to appeal the outcome of the hearing or other proceeding.

#### D. Advisors and Support Persons

The hearing is closed to all persons except for the complainant and respondent and one Advisor for each, any witnesses while they are testifying, any staff required to be at the hearing panel, and any other person deemed appropriate or necessary by the Title IX Coordinator or the hearing panel. An Advisor cannot be a witness in the proceeding.

#### E. Notification and Results of Investigation or Hearing

After the conclusion of the investigation or hearing, the Seminary will provide written notification to the complainant and the respondent involved of the outcome (i.e. whether a violation of this Policy has occurred) within fourteen (14) calendar days after the conclusion of the hearing or proceeding, unless the Seminary determines that additional time is required. This notice shall be issued contemporaneously to both parties to the extent practicable. The Seminary also may disclose to the complainant information about any sanctions or corrective actions taken that relate directly to the complainant (e.g. a No Contact Order and any other notice required under Title IX). Neither the complainant nor respondent will be prohibited from disclosing the outcome of an investigation or hearing. The Seminary will maintain documentation of all hearings or other proceedings.

## XII. RIGHT TO APPEAL

Once written notification of the resolution has been provided, either the complainant or the respondent will have the opportunity to appeal the outcome, including the issue of whether there is a policy violation and any discipline or corrective measure imposed. Any appeal must be submitted in writing to the Title IX Coordinator within ten (10) calendar days of being

notified of the outcome of the investigation or hearing and must set forth the grounds upon which the appeal is based. The only grounds for appeal are as follows: a procedural error that significantly impacted the outcome; to consider new evidence unavailable during the original investigation; or the sanctions imposed are substantially disproportionate to the severity of the violation. Appeals will be resolved in accordance with any applicable procedures found in this Policy or other applicable procedure regarding discipline or corrective measures or actions taken against employees.

The Title IX Coordinator will refer the appeal to the President or other designated Seminary official who shall resolve the appeal. Neither the complainant nor the respondent will be entitled to a hearing in connection with any appeal. Both parties will be informed in writing of the outcome of any appeal within fourteen (14) days of the date by which all requested information is received, unless the Seminary determines that additional time is required. The appeal decision is final.

### XIII. PROHIBITION AGAINST RETALIATION

Retaliation exists when action is taken against a complainant or participant in the complaint process that (a) adversely affects the individual's employment or academic status; and (b) is motivated in whole or in part by the individual's participation in the complaint process.

No individual who makes a complaint alleging a violation of this Policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Any acts of retaliation, as defined in this Policy, shall be grounds for discipline or corrective measures, up to and including expulsion, termination of employment or termination of relationship with the Seminary.

### XIV. PRIVACY

The Seminary shall protect the privacy of individuals involved in a report of Sexual Misconduct to the extent permitted by law and Seminary Policy. A report of Sexual Misconduct may result in the gather of extremely sensitive information about individuals in the Seminary community.

While such information is concerned confidential, Seminary policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of Sexual Misconduct. In such cases, efforts shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of Sexual Misconduct may be advised of discipline or corrective measures imposed against the respondent when the individual needs to be aware of the discipline or corrective measures in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report).

In addition, when the offense involves a crime of violence or non-forcible sex offense, FERPA permits disclosure to the complainant the final results of a disciplinary proceeding against the respondent, regardless of whether the Seminary concluded that a violation was committed. Information regarding discipline or corrective measures taken against the respondent shall not be disclosed without the respondent's consent, unless permitted by law as noted above, or unless it is necessary to ensure compliance with the action or the safety of individuals.

#### XV. RETENTION OF RECORDS

The Title IX Coordinator is responsible for maintaining records relating to Sexual Misconduct, investigations, and resolutions. Records shall be maintained in accordance with Seminary record policies.

#### XVI. ATTACHMENTS

## Attachment A Title IX Rights & Options

### *A copy of these rights and options is to be provided to both the claimant and the respondent*

Lexington Theological Seminary is committed to maintaining an academic and working environment in which students, faculty, and staff feel safe and are free to develop intellectually, professionally, personally, and socially. In accordance with federal and state law, including Title IX, Lexington Theological Seminary strictly prohibits any acts of Sexual Misconduct by students, faculty and staff. Sexual Misconduct includes, but is not limited to, acts of sexual assault, sexual harassment, domestic violence, dating violence, and stalking.

Seminary policies on nondiscrimination and gender and sexual -based harassment and violence along with the Student Code of Conduct are available online in the Handbook at [www.lextheo.edu](http://www.lextheo.edu). All reports of Sexual Misconduct are taken seriously. ***Anyone who has been a victim of/accused of Sexual Misconduct has certain rights under the law and in accordance with Seminary policy. These rights are outlined below.***

1. The complainant and the respondent have the right to be treated with respect, dignity, and sensitivity throughout the process.
2. Students, faculty or staff who are parties to a complaint have the right to a prompt, thorough, equitable and fair review process.
3. The complainant and respondent have a right to be heard.
4. In sexual assault cases, the complainant has the right to choose which course(s) of action they wish to take in addressing their grievance. A complainant may elect to initiate action through the Seminary's prescribed method for handling Sexual Misconduct cases (Handbook Appendices M and C) and/or may file a complaint with the criminal justice system.
5. The complainant has the right to seek a medical examination and treatment. Individuals are encouraged to seek medical treatment in cases of sexual violence as soon as possible. Seeking medical treatment will also provide an opportunity to discuss any risks of exposure to sexually transmitted diseases and pregnancy with a health care provider. To pursue criminal charges at some point, complainants are encouraged to go to a local medical facility that provides a free Sexual Assault Forensic Examination
6. The complainant has the right to talk to a confidential resource/counselor at the Seminary who will not disclose any information shared with them unless there is a direct threat to the health or safety of the claimant or others. The Seminary's Clergy/Mentor Coordinator and Chaplain can be contacted at (850) 280-1232.
7. The complainant has the right to request that interim measures be put in place. Interim measures are reasonably available steps the Seminary may take to ensure your well-being and safety. Interim measures will be implemented on a case-by-case basis. Examples of interim measures include, but are not limited to, the following: changes in class/work; temporary removal from classes/campus; restrictions on contact between the parties; and academic accommodations (e.g. requests for a grade of "incomplete" in a course or taking a course as an independent study). In cases involving faculty and students, the Office of the Vice President for Academic Affairs and Dean, in consultation with other appropriate Seminary personnel as needed, shall determine what interim measures will be implemented. In cases involving staff, the Deputy Title IX Coordinator, in consultation with other appropriate Seminary personnel as needed, shall determine what interim measures will be implemented.
8. The complainant has a right to file their complaint with the United States Department of Education Philadelphia Office of Civil Rights (the office serving Kentucky) by calling (215) 656-8541 or emailing [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov).
9. The complainant and the respondent have the right to be informed of campus and community support services such as counseling, health, advocacy, legal assistance and other services.
10. Students, faculty or staff who are parties to a complaint have a right to have the complaint reviewed through a process which is administered by persons who receive annual training regarding how to conduct an impartial investigation and review that protects the safety of the complainant and assures fairness and due process to the respondent.
11. Cases involving Sexual Misconduct in any form, including but not limited to, dating violence, domestic violence, or stalking will be evaluated using a preponderance of the evidence standard. The standard takes into account the weight of the evidence presented by both parties. Having heard, viewed and/or read evidence presented by both parties, the Title IX Coordinator or hearing panel decides whether it is "more likely than not" that the incident did or did not occur.
12. The complainant and the respondent have the right to be informed of and receive a copy of the grievance process from the Title IX Coordinator.
13. If a grievance is filed, the complainant and respondent have a right to a copy of all available evidence including documents, statements or printed evidence to be used as part of the hearing prior to the hearing.

14. The complainant and the respondent will have the right to review their own statement and to make written comments regarding what has been recorded.
15. The complainant and respondent have a right to present any relevant evidence on their behalf including witnesses, written/electronic statements and documentation. Each party will provide the names and contact information for their witnesses. Reasonable attempts will be made to contact the witnesses.
16. The complainant and the respondent have a right to select an advisor/advocate of their choice and to have that person available for support during the proceeding and to speak on behalf of the complainant/respondent.
17. The complainant and the respondent have the right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend.
18. The complainant and the respondent have the right to ask questions of the Title IX Coordinator and via the decision maker indirectly request responses from other parties and any other witnesses present.
19. The complainant and the respondent have the right to make an impact statement prior to the issuance any sanction(s).
20. The complainant and respondent have the right to be simultaneously informed in writing of the outcome of the disciplinary proceeding including any sanction(s). Family Education Rights and Privacy Act (FERPA) does not prohibit the complainant from receiving information about the outcome of the disciplinary proceedings including any sanction(s).
21. A student who reports having been under the influence of alcohol or drugs at the time they were sexually assaulted may be granted amnesty from Seminary alcohol and drug related sanctions. Generally, the admission of alcohol or drug use will not adversely affect the complainant in the Seminary disciplinary proceedings, nor will it be voluntarily reported to law enforcement. However, students may be referred to counseling for drug and alcohol assessment and education. In cases where repeated violations of the Seminary drug and alcohol policy are at issue, the Title IX Coordinator reserves the right to take judicial action on a case by case basis. The amnesty policy does not provide protection from legal charges which a student may be facing because of their involvement with illegal drugs or alcohol.
22. The complainant and respondent have a right to be informed of the various sanctions which may be imposed if the respondent(s) is found responsible for an incident of sexual violence, domestic violence, dating violence or stalking. Sanctions up to expulsion/termination of employment may be imposed, depending on the circumstances specific to the complaint. Faculty or staff found responsible for sexual violence, dating violence, or stalking will be subject to discipline up to and including written reprimand, suspension, demotion or termination. Also, please note that the respondent may be subject to criminal and civil penalties under federal and state law.
23. The complainant and respondent may have the right to appeal a decision.
24. The complainant, the respondent and other persons who are in any way involved in the grievance process have a right to be free from retaliation, intimidation, threats and coercion which may be committed by any party, anyone acting on behalf of any party or on behalf of the Seminary.
25. Following the report of an incident, if it is determined that there is a continued threat to the complainant or to the health and safety of any campus community member, interim measures may be implemented to ensure safety and to avoid an ongoing hostile environment. The interim measures shall be in place as long as necessary and shall be disclosed only to those with a legitimate need to know.
26. The respondent has the right to have unrelated charges and cases investigated separately but may consent to having the charges aggregated.
27. During the investigation and adjudication of the matter, the respondent has a right to remain silent without any adverse inference resulting. However, if the respondent chooses to remain silent, the investigation and adjudication may ultimately still proceed.
28. The parties have the right to be informed in advance of any public release of information regarding the incident. Further, the parties have the right not to have any personally identifiable information released to the public without their consent.
29. The parties have a right to regular updates on the status of the investigation and/or resolution.
30. The parties have a right to the preservation of privacy to the extent permissible by law.
31. The parties have the right to request recusal of any person involved in the investigation or adjudication of the complaint on the basis of bias.
32. The complainant has the right to provide evidence by means other than being in the room with the responding party.
33. The complainant has the right to seek victim advocacy services and/or legal assistance, to include the provision of a protective order or peace order, if applicable. Off campus resources available to assist in the provision of advocacy and legal assistance

services include the following:

### **In Kentucky**

Office of the Fayette County Sheriff, Victim Services Division, District Court House, Fourth Floor  
150 N. Limestone St., Lexington, KY 40507, (859) 252-1771

Fayette County Sheriff's Office Advocates assist victims after they file an Emergency Protective Order (EPO) – a civil order that protects the Petitioner from acts of violence by the Respondent. The Victim Services Division then assesses the crisis and gives access to resources for managing the trauma of domestic violence. Victims may speak with a deputy to help them form a safety plan, or speak with our advocates to obtain a safe ride to their court hearing or develop a strategy for long-term recovery.

Amanda's Center for Local Resources is another arm of the Office of the Fayette County Sheriff's Victim Services Division. This office remains open 24 hours a day to provide victims with an advocate who will ensure they receive the same access to any resources that might benefit them or their family as they would receive during regular hours.

Access to Justice Foundation 400 Old Vine Street, Suite 203, Lexington, KY 40507, Phone: (859) 255-9913, Phone: (800) 200-3633 for seniors only, <http://www.ajfky.org/>: Coordinates statewide pro bono opportunities for volunteer lawyers, provides poverty law training, directs resource development activities, and provides free telephone legal assistance to seniors throughout Kentucky. Seniors should call (800.200.3633).

Kentucky Cabinet for Health and Family Services Office of the Secretary, 275 East Main Street, Frankfort, KY 40621, Hotline: CHFS Ombudsman Toll-Free 1-800-372-2973, Phone: Abuse Hotline: 1-800-752-6200, Phone: Women, Infant and Children (WIC) Program: 1-800-462-6122, <http://chfs.ky.gov/>: Provides information, links and referrals to various statewide resources.

The Family Violence Prevention Branch of the Kentucky Cabinet for Health and Family Services:

<http://chfs.ky.gov/dcbs/dpp/violenceprevention.htm>

Kentucky Domestic Violence Association: 111 Darby Shire Circle, Frankfort, KY 40601, Phone: Phone: 502-209-KDVA (5382), <http://www.kdva.org>

Legal Aid Network of Kentucky: Hotline: First time callers: 866-452-9243; Phone: Toll Free: 800-782-1924; Phone: Local: 270-782-1924; <http://kyjustice.org/home>

The Stalking Resource Center: Stalking Prevention & Protection Information: <http://www.victimsofcrime.org/our-programs/stalking-resource-center>

### **National**

Directory of Crime Victims Services: Enables crime victims to readily locate national and international assistance services and will help victim service providers make appropriate referrals. The directory allows users to search for victim services by location, type of victimization and type of service needed. <http://ovc.ncjrs.gov/findvictimservices>

The National Organization for Victim Assistance (NOVA) provides victim and witness assistance for criminal justice and mental health professionals, advocates, researchers, victims and survivors, and related professionals. Hotline: 1-800-TRY-NOVA (1-800-879-6682); Phone: (703) 535-NOVA (6682); <http://www.trynova.org>

U.S. Citizenship & Immigration Services [Servicios de Inmigracion]: <https://www.uscis.gov/archive/archive-laws/archive-legal-documents/finding-free-legal-advice>; <https://www.uscis.gov/legal-resources>

Financial Assistance for Crime Victims [Asistencia Financiera para Victims de Crimen]: Victim Connect Resource Center: <https://victimconnect.org/victim-service-information/financial-assistance-crime-victim-compensation>

National Association of Crime Victim Compensation Boards: Provides links to the Websites of state crime victim compensation programs. You can find out specific information about each program's benefits, requirements, and procedures from clicking on the links. <http://www.nacvcb.org/index.asp?sid=6>

National Domestic Violence Hotline: Provides information and resources for victims of domestic violence. <https://www.thehotline.org/help/>

### **Protective Orders**

A protective order is a legal order issued by a court, which requires one person to stop harming, harassing, threatening, abusing, and/or stalking another person. A court looks at the facts and circumstances of the case to determine what actions the alleged individual may not engage in. Emergency Protective Orders (EPO) and Domestic Violence Orders (DVO) provide protection from harm by a family member or someone in a domestic relationship. In Kentucky, a Domestic Violence Order (DVO) is filed at the Circuit or District Courthouse in the county where the victim lives. If the victim has fled the county of residence to escape the abuser, the victim may go to the Courthouse in the county to which the victim has fled.

The court information for Fayette County, Kentucky is:

Fayette County Circuit Clerk, 120 N. Limestone St. Room 103, Lexington, KY 40507-1152, Phone: (859) 246-2141

To view a copy of the Domestic Violence Petition/Motion for Kentucky, see:

<http://courts.ky.gov/resources/legalforms/LegalForms/2751.pdf>

For further information on filing a petition in Kentucky and the types of protection available, see Office of the Kentucky Attorney General's webpage at: <http://ag.ky.gov/criminal/victims/Pages/domestic.aspx>

For information on enforcement of Out-of-State protection orders by Kentucky law enforcement, see the Department for Human Services webpage at: <http://chfs.ky.gov/NR/rdonlyres/7BE6EA33-2EF7-41A8-8711-D8A88192A9C5/0/OutOfStateDomesticViolenceOrders.htm>

34. Lexington Theological Seminary is an institution of The Christian Church (Disciples of Christ) and adheres to certain religious tenets. *See, e.g.*, Section II, Theological Statement. As such, the Seminary is exempt under Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681(a)(3), 34 C.F.R. § 106.12, to the extent that the application of Title IX to the Seminary is not consistent with the Seminary's tenets. The scope of this exemption may apply to, but is not limited to, requirements in the Seminary's community standards, employment policies, admissions and recruitment processes, benefits and services, financial assistance, and academic programs. The Seminary retains all rights afforded under federal law and the laws of the Commonwealth of Kentucky, including, but not limited to, those afforded to religious entities. *For questions or concerns regarding the process or the information provided in this document, contact the Vice President for Academic Affairs and Dean who is the Title IX Coordinator, located in Suite 300, 230 Lexington Green Circle, Lexington, Kentucky 40503-3337, [TitleIXCoordinator@lextheo.edu](mailto:TitleIXCoordinator@lextheo.edu); (859) 280-1256 or The Chief Financial Officer who is Deputy Title IX Coordinator, and is located at the same address. [DeputyTitleIXCoordinator@lextheo.edu](mailto:DeputyTitleIXCoordinator@lextheo.edu) ; (859) 280-1236.*

I, \_\_\_\_\_ read and received a copy of the Title IX Rights and Options  
*name*  
on \_\_\_\_\_ and have been afforded the opportunity to ask and receive answers to any questions  
*date*  
regarding the content.

Witness:

Date:

**Attachment B**  
**Title IX Complaint Form**

*To be completed by the Vice President for Academic Affairs and Dean, or designee and signed by complainant.*

Name:

Date:

Email:

Telephone:

A. What faculty member, student, employee or Seminary contractor is your complaint in reference to?

B. If this grievance relates to discrimination or harassment, indicate the basis of the alleged discriminatory practice by checking below.

Race \_\_\_ Sex \_\_\_ Age \_\_\_ Disability \_\_\_ National Origin \_\_\_

Religion \_\_\_ Marital Status \_\_\_ Gender Identity \_\_\_

Other \_\_\_\_\_

\_\_\_\_\_

C. Have you attempted to informally resolve this grievance? If so, please explain below. Be sure to include the name(s) of persons with whom you discussed your grievance.

D. Describe the facts associated with this complaint. Please be as specific as possible concerning dates, times and witnesses if applicable. Describe how this situation or event has interfered with your Seminary education. [Attach additional sheets if necessary]

E. What specific action would you suggest to remedy your grievance?

**By signing below, I acknowledge the information above is correct and truthful**

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

Official Use Only

Date Received:

Received By:

Reviewed By:

Action Taken to Date:

Next actions to be taken (describe in detail):

## Attachment C Employee Complaint Form

*Faculty members should submit completed form to the Vice President for Academic Affairs and Dean (Title IX Coordinator) [titleixcoordinator@lextheo.edu](mailto:titleixcoordinator@lextheo.edu). Staff should submit completed form to the Chief Financial Officer (Title IX Deputy Coordinator), [deputytitleIXcoordinator@lextheo.edu](mailto:deputytitleIXcoordinator@lextheo.edu)*

Name:

Date:

Email:

Telephone:

A. What policy, department, student or employee is your grievance in reference to?

B. If this grievance is in relation to a specific policy violation or personal misconduct by another party, please name the policy below and/or describe the misconduct.

C. If this grievance relates to discrimination or harassment, indicate the basis of the alleged discriminatory practice by checking below.

Race \_\_\_ Sex \_\_\_ Age \_\_\_ Disability \_\_\_ National Origin \_\_\_

Religion \_\_\_ Marital Status \_\_\_ Gender Identity \_\_\_

Other \_\_\_\_\_  
\_\_\_\_\_

D. Have you attempted to informally resolve this grievance? If so, please explain below. Be sure to include the name(s) of persons with whom you discussed your grievance.

E. Describe the facts associated with your grievance. Please be as specific as possible concerning dates, times and witnesses if applicable. [Attach additional sheets if necessary]

F. What specific action would you suggest to remedy your grievance?

**By signing below, I acknowledge the information above is correct and truthful**

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

Official Use Only

Date Received:

Received By:

Reviewed By:

Action Taken to Date:

Next actions to be taken (describe in detail):

## Attachment D

### Sample Interview Questions: Title IX Complaints

#### A. Complainant

1. What happened?
2. What was the date, time and duration of the incident or behavior?
3. How many times did this happen?
4. Where did it happen?
5. How did it happen?
6. Did anyone else see it happen? Who? What did they say? What did they do?
7. Was there physical contact? Describe it. Demonstrate it.
8. What did you do in response to the incident or behavior?
9. What did you say in response to the incident or behavior?
10. How did the subject of the allegation react to your response?
11. Did you report this to anyone in authority at the Seminary? To whom? When? What did they say and/or do?
12. Did you tell anyone about the incident or behavior? Who? What did they say and/or do?
13. Do you know whether the subject of the allegation has been involved in any other incidents?
14. Do you know why the incident or behavior occurred?
15. Do you know anyone else who can shed light on this incident?
16. Is there anything else you want to tell me that I haven't asked you?

#### B. Witnesses

1. What did you witness?
2. What was the date, time and duration of the incident or behavior you witnessed?
3. Where did it happen?
4. Who was involved?
5. What did each person do and say?
6. Did anyone else see it happen? Who?
7. What did you do after witnessing the incident or behavior?
8. Did you say anything to the parties involved in response to what you witnessed?
9. How did the complainant and the subject of the allegation react to your response?
10. Did you report this to anyone in authority? To whom? When? What they say and/or do?
11. Did you tell anyone about the incident or behavior? Who?
12. Do you know why the incident or behavior occurred?
13. Do you know anyone else who can shed light on this incident?
14. Is there anything else you want to tell me that I haven't asked you?

#### C. Respondent

1. What happened?
2. When and where did this happen?
3. What were the circumstances leading up to the incident?
  1. Who else was involved?
  2. What is your connection to the complainant?
  3. Are you aware of any other complaints by this person?
  4. Recount the dialogue that occurred in order of what was said.
  5. What did the complainant do or say?
  6. Is there any evidence to support your account of what happened?
  7. Is there anyone else we should talk to who had knowledge of the incident or the circumstances surrounding it?
  8. Have you talked to anyone about the incident? Who? What did you tell them?
  9. If the respondent denies involvement in the incident:
    - a) Is there any reason anyone would invent or lie about the incident?
    - b) Where were you when the alleged incident occurred?
    - c) Do you have any witnesses who can corroborate your whereabouts at the time of the incident?