

APPENDIX C
POLICY AND GRIEVANCE PROCEDURES:
HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT

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I. NOTICE OF NON-DISCRIMINATION

Lexington Theological Seminary prohibits unlawful discrimination on the basis of age; 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; sex; 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, Title I and Title III of 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. § 106.12, 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 about discrimination on the basis of 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

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

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

This notice is posted on the Seminary website at www.lextheo.edu/appendix-c and is included in the Handbook, Appendix C. This notice will be distributed to all applicants for admission as well as to students and employees as required by law.

The policy and procedures to follow address the required compliance for Lexington Theological Seminary who is generally exempt from the requirements of Title IX. This includes 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 the other’s dignity and integrity, it is sin and it demands repentance.
4. Since we are fundamentally relational beings, the 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 students 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 all forms of harassment, discrimination and sexual misconduct.

III. PURPOSE OF THIS POLICY

By this policy, the Seminary is providing notice that harassment, discrimination or sexual 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 Handbook and will be made available to all members of the campus community on the Seminary website at www.lextheo.edu/appendix-c.

IV. APPLICABLE LAW

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. The LTS Policy on Harassment, Discrimination and Sexual Misconduct prohibits sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and applies to students, employees, guests, and visitors.

1. 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

“Sexual Misconduct” includes a broad range of unwelcome behaviors that are often committed without consent or by force, intimidation, coercion, or manipulation. Sexual Misconduct includes, but is not limited to, sexual harassment or discrimination and sexual assault, dating violence, domestic violence, and stalking. 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 when such conduct is severe, pervasive and objectively offensive sufficient to limit or deny an individual access to their education or employment.

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.

2. 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 Employment 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, disability, or genetic information. It is also generally illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.¹
3. Title VI of the Civil Rights Act of 1964 was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. “Simple justice requires that public funds, to which all taxpayers of all races [colors and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.”²
4. 504 of the Rehabilitation Act of 1973 and the American’s With Disability Act, Title I & III of 1990, as amended in 2008 prohibit discrimination on the basis of disability in all programs or activities of the Seminary.

¹ <https://www.eeoc.gov/eeoc/index.cfm> accessed 2/13/2019.

² President John F. Kennedy, 1963

Inquiries about the application of state and federal discrimination laws may be directed to the following:

Title IX Coordinator
Vice President of Academic Affairs and Dean
230 Lexington Green Circle, Suite 300
Lexington, KY 40503-3337
TitleIXCoordinator@lextheo.edu

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

The OCR office for Kentucky, located at: 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

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 ("Section 504"), Titles VI and 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](#); [Appendix D: Racial Discrimination/Harassment](#); [Appendix G: Whistleblower and Anti-Retaliation Policy](#) and [Appendix M: Campus Safety & Security Policies](#).

V. POLICY STATEMENT

A. General

This Policy prohibits all forms of harassment, discrimination, and sexual misconduct as defined herein. The Seminary will respond promptly and effectively to reports of harassment, discrimination and sexual misconduct and will take appropriate action to stop, to prevent, to remedy, and when necessary, to discipline behavior that violates this Policy.

B. Scope of Policy

Persons to whom this policy applies include the administration, faculty, staff, on-site mentors, trustees and students of Lexington Theological Seminary, as well as contractors and others who may be on campus. LTS will not tolerate any form of harassment or discrimination including sexual harassment, discrimination, or sexual misconduct; sexual assault; domestic violence; dating violence; or stalking on its campus or in any off-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 Claimant'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 harassment or 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 based on gender, gender identity, sex- or gender-stereotyping, or sexual orientation.

D. Retaliation

This Policy prohibits retaliation against a person who reports harassment, discrimination or sexual misconduct or other forms of prohibited harassment or discrimination, assists someone with a report of Sexual Misconduct or harassment or discrimination, or participates in any manner in an investigation or resolution of a Sexual Misconduct or harassment or discrimination report. Further details of the Seminary's Whistleblower and Anti-Retaliation Policy are provided in Appendix G of the Handbook and can be found on the Seminary's website at <https://www.lextheo.edu/appendix-g-whistleblower-and-anti-retaliation-policy/>.

E. Supportive Measures, 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 Claimant (and others, if appropriate). Additional supportive measures, including but not limited to counseling, tutoring, changing intensive class assignments so that the Claimant and Respondent do not share the same on-site classes, 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 or other forms of prohibited discrimination will be subject to appropriate discipline, up to and including expulsion, termination of employment or termination of their relationship with the Seminary. Specifically, penalties for students found responsible for harassment, discrimination, sexual misconduct or retaliation under this policy may include expulsion or suspension. Staff and faculty found responsible for harassment, discrimination, or sexual 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 academic/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 in duties. The Seminary also may 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 a 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 Claimant 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 nexus to the Seminary. The Seminary will process all Title IX complaints regardless of where the conduct occurred to determine whether such conduct had continuing effects on campus or to members of the campus community.

A finding of unlawful Title IX discrimination on the part of a 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 web site 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. The Seminary will make preventive educational materials available online to all members of the community and will provide incoming students with a copy of this Policy along with an informational pamphlet explaining Title IX and other non-discrimination laws 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 against 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 harassment, discrimination or sexual misconduct in violation of this Policy should contact the Title IX Coordinator or the Title IX Deputy Coordinator as listed below. Students wishing 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 student requesting help in resolving a grievance. (See [Appendix B](#) of the Handbook for Student Complaint Advisory Committee policy and procedure.) Contact information for Student Complaint Advisory Committee members can be found on the Seminary website at https://www.lextheo.edu/wp-content/uploads/2020/06/Appendix-B-revised_09-2019.pdf.

At Lexington Theological Seminary, the Title IX Coordinator and the Title IX Deputy Coordinator also serve as Campus Security Authorities (“CSA”) under the Jeanne Clery 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 [Appendix M](#) of the Handbook.

A. Title IX Coordinator

The Vice President for Academic Affairs and Dean serves as the Seminary’s Title IX Coordinator (“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

B. Title IX Deputy Coordinator

The Chief Financial Officer, who also serves as Director of Human Resources, serves as Title IX Deputy Coordinator, assists the Title IX Coordinator in all of 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

C. Mandatory Reporters

Employees of Lexington Theological Seminary have been given the duty of reporting information they receive regarding all incidents of harassment, discrimination, sexual misconduct or sexual violence to the Title IX coordinator or other appropriate school designee. When a student reports to a Mandatory Reporter , 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, 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.³

D. Education and Training Programs

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 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 material for periodic student intensives, as annual mailings, and 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 relating 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 other non-discrimination laws, 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

³ Ibid, page 23.

- 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

Lexington Theological Seminary 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 Title IX Coordinator or Deputy Coordinator will ensure that all procedures incorporate those elements required for the prompt and equitable resolution 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. DEFINITIONS

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

- ***Actual Knowledge:*** Notice of sexual harassment or misconduct allegations to the Seminary's Title IX Coordinator or any other Seminary official who has authority to institute corrective measures on behalf of the Seminary.
- ***Advisor:*** A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and, in Title IX Regulatory Grievance cases to conduct cross-examination for the party at the hearing, if any. In cases involving sexual harassment, sexual assault, dating or domestic violence or stalking, by law, the advisor of choice may be anyone the party chooses to serve in this capacity. In all other cases, the individual must be a current student or employee of Lexington Theological Seminary.
- ***Claimant:*** The person who experienced behavior alleged to constitute discrimination, discriminatory harassment, sexual harassment, or any other form of misconduct based on a protected class and defined in this policy, or retaliation for engaging in a protected activity.
- ***Coercion:*** the practice of forcing another party to act in an involuntary manner by use of intimidation or threats or some 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 sex.

- ***Confidential Resource***: An employee, or community resource, who is not required to report notice of harassment, discrimination, and/or retaliation to the Title IX Coordinator and/or Deputies.
- ***Consent**** is *informed*. Consent is an affirmative, 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.”

- ***Day***: A business day when the Seminary is in normal operation.
- ***Education program or activity***: Locations, events or circumstances where the Seminary exercises substantial control over both the Respondent and the context in which the harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the Seminary.

- ***Final Determination:*** A conclusion by a preponderance of the evidence that the alleged conduct did or did not violate policy.
- ***Finding:*** A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”)
- ***Force:*** The intentional use of physical violence and/or imposing on someone physically or emotionally sufficient to overcome someone’s free will to consent in order to gain sexual access. Force also includes threats, intimidation and coercion that overcomes resistance or produces consent.
- ***Formal Complaint:*** A document submitted or signed by a Claimant, or signed by the Title IX Coordinator, alleging sexual harassment or retaliation for engaging in a protected activity against a Respondent and requesting that the Seminary investigate the allegation.
- ***Harassment:*** (*For purposes of this policy harassment is defined as*) Unwelcome conduct directed toward an individual or group of individuals that is based on that individual’s or group’s membership (or perceived membership) in a particular demographic group, including race, color, religion, age, gender, gender identity, gender expression, national origin or ethnicity, mental or physical disability, or sex or sexual orientation, that is offensive or disrespectful but does not rise to the level of creating a hostile environment.
- ***Hostile Environment:*** Conduct that a reasonable person would consider to be severe, pervasive, and objectively offensive sufficient to limit or deny educational or employment benefits or opportunities. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with a person’s residence or on-campus environment, or work or school performance, regardless of medium (e.g., in person, telephone, text message, electronic mail, social media or any other method).
- ***Incapacitation:*** The state where someone cannot make rational, reasonable decisions due to a lack of capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, and how” of the sexual interaction). Sexual activity with someone who is known to be or reasonably known to be mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this Policy. A person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs cannot give valid consent.
- ***Incest:*** A type of sexual assault defined as non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Kentucky law.
- ***Intimate Partner Violence:*** Any intentional act or threat of physical, sexual or psychological violence or abuse, including acts of intimidation and coercion, by a current or former partner in an intimate relationship upon the other partner. Intimate Partner Violence may include a pattern of abusive behavior by one partner to consistently maintain power and control over the other partner. This type of violence can occur regardless of the sex, gender, gender identity, gender expression or sexual orientation of the other person.

- The existence of an intimate relationship will be evaluated considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Dating and domestic violence are forms of Intimate Partner Violence and all are prohibited by this policy.
- ***Investigator:*** The person or persons charged by the Seminary with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- ***Mandated Reporter.*** (For purposes of this policy) Includes all Lexington Theological Seminary employees, including student employees in the scope and course of their job, except the professional counselors in the Seminary or any other individual employed by the Seminary with an assigned ministerial role, in performance of that role. Mandated Reporters must promptly report incidents of discriminatory harassment, sexual harassment or other types of misconduct prohibited by this policy to the Title IX Coordinator or the Deputy Title IX Coordinator.
- ***Notice.*** An employee, student or third-party who informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory and/or retaliatory conduct.
- ***Official with Authority (OWA):*** An employee of the Seminary explicitly vested with the responsibility to implement corrective measures for harassment discrimination and/or retaliation on behalf of the Seminary. At Lexington Theological Seminary this includes members of the Board of Trustees, the President, and the Title IX Team.
- ***Preponderance of the Evidence:*** The standard of evidence applied in determining a violation of this policy. Generally considered to be “more likely than not” or “the greater weight of the evidence.”
- ***Remedies:*** Post-finding actions following a determination of a violation of this policy, provided to the Claimant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the Seminary’s educational program.
- ***Respondent:*** The person whose conduct is alleged to constitute discrimination, discriminatory harassment, sexual harassment, or other forms of misconduct or retaliation described in this policy.
- ***Resolution:*** The result of an Informal or Formal Grievance Process.
- ***Sanction:*** A consequence imposed by the Seminary on a Respondent who is found to have violated this policy.
- ***Sexual Harassment.*** The umbrella category identified in the 2020 Title IX Regulations including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence as set forth in Title IX regulations (34 CFR §106.30) and identified in detail in this policy.

- **Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the Seminary’s education programs or activities, including measures designed to protect the safety of all parties or the Seminary’s educational environment, and/or deter harassment, discrimination, and/or retaliation.
- **Title IX Coordinator:** The official designated by the Seminary to ensure compliance with Title IX and the Seminary’s Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- **Title IX Team:** The Title IX Coordinator, any Deputy Coordinators, and Investigators responsible for overseeing designated elements of Title IX compliance.

B. Sexual Misconduct

“Sexual Misconduct” refers to any act of a sexual nature which disrupts or negatively impacts an individual in regard to their education or employment; sexual exploitation circumstances in which a person takes non-consensual or abusive sexual advantage of another for their benefit or the benefit of a third-party, including but not limited to, sexual voyeurism; invasion of sexual privacy; indecent exposure; 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 sex acts without the clear, voluntary consent of all individuals involved; distribution of sexual based pictures or video’s without the subject’s consent; engaging in sexual activity with another person while knowingly infected with a sexually transmittable disease; as well as all forms of sexual assault.

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, pervasive and objectively offensive that denies or limits 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)⁴

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 sexual 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, pervasive and objectively offensive 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,

⁴Title IX Resource Guide, U.S. Department of Education, Office of Civil Rights, April 2015 page 15

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, or assault; coerced sexual acts or insulting or obscene or demeaning comments or gestures; or display in the workplace or common areas of sexually suggestive objects or pictures.

Sexual Harassment may consist of repeated actions or may even arise 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 sex-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or non-conformity with sex stereotypes, and not necessarily involving conduct of a sexual nature.⁵

Sexual Exploitation is taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent, including the making or posting of revenge pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites or other venues designed for dating or sexual connections
- Forcing a person to take an action against that person's will by threatening to show, post or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking

⁵ Ibid

- Creation, possession or dissemination of child pornography

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- based 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 Title IX Deputy Coordinator.

Claimant Reporting: Claimants of harassment, discrimination or sexual misconduct may report incidents at any time but are strongly encouraged to make reports promptly in order to best preserve evidence for a potential legal or disciplinary proceeding.

Reports should be made to the Title IX Coordinator or the Deputy Coordinator.

- When students feel they have been subjected to discrimination, which includes but is not limited to harassment or 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.
- Should the student feel uncomfortable contacting a 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 student in reporting their concern to the appropriate authority.
- Title IX Coordinator: 859-280-1256 (TitleIXCoordinator@lextheo.edu) or
- Title IX Deputy Coordinator: 859-280-1236 (TitleIXDeputyCoordinator@lextheo.edu)
- Student Complaint Advisory Committee members: <https://www.lextheo.edu/lts-student-complaint-advisory-committee/>
- The Title IX Coordinator or Deputy Coordinator will offer and oversee Supportive Measures for the Claimant and will explain the formal reporting process
- Claimants are not required to file a formal complaint in order to receive Supportive Measures, but a formal complaint is required to initiate an investigation or an informal resolution.
- In general, there is no time limit for a Claimant 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.

In addition, an individual who has experienced unwelcome or unwanted sexual contact may also want to contact any of the following:

- Claimants are strongly encouraged to report criminal incidents to the local police department and Campus Security Authority (CSA). The CSA will assist the Claimant in contacting local police if the Claimant desires (see [Appendix M](#), Section III Sex Offenses for further information).
- Claimants are also encouraged to contact their local victim/survivor services office, counseling centers, and health care providers for appropriate action. For a list of confidential and non-confidential resources, please review the Handbook, [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.
- Employees, *with the exception of those acting in the capacity of professional counselor or Student Complaint Advisory Committee member*, who have been approached by a student Claimant or who have personally observed conduct that they believe is 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 exempted 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 Vice President for Academic Affairs and Dean or any member of the Student Complaint Advisory Committee.

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 contact the Chief Financial Officer and Director of Human Resources.

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 discrimination, they should contact the Title IX Coordinator or Title IX Deputy Coordinator, in writing, using the Employee Complaint 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 it does not interfere with the Seminary's ability to conduct an investigation and take any corrective action deemed appropriate.

When weighing a Claimant'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 Claimant 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).
- Whether the Claimant'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.

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 Clery 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:

1. To whom the alleged offense should be reported.
2. The option to notify local law enforcement authorities; the right to be assisted by campus authorities in notifying law enforcement authorities if the Claimant so chooses and the right to decline to notify such authorities.
3. 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.
4. The importance of preserving evidence as may be necessary to prove sexual assault, a VAWA Crime or to obtain a protective order.
5. Existing Seminary and community services available for the parties including counseling, health, mental health, victim advocacy, legal assistance, and other services.

6. 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.
7. 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 the 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 the report (this could be a student or employee Claimant, 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 determine if a Title IX complaint should be filed.

LTS will follow the Title IX Grievance Process established by the 2020 Title IX Regulations if all of the following elements are met:

1. The incident occurred in the United States of America
2. The Claimant is a member of the Lexington Theological Seminary community
3. The Respondent is an individual over whom LTS has authority to take action
4. The incident occurred in a program or activity of LTS
5. The conduct (on its face) meets the Title IX standard of sexual harassment, including conduct on the basis of sex that would include:
 - a. Conduct that is sufficiently severe, pervasive and objectively offensive that it effectively denies access to the LTS program, activity or employment
 - b. Quid Pro Quo, an employee of LTS who conditions provision of an aid, benefit or service of LTS on an individual's participation in unwelcome sexual conduct
 - c. Sexual Assault as defined in 20 U.S.C. 1092(f)(6)(A)(v)
 - d. Dating violence as defined in 34 U.S.C. 12291(a)(10)
 - e. Domestic violence as defined in 34 U.S.C. 12291(a)(8)
 - f. "Stalking" as defined in 34 U.S.C. 12291(a)(30)

If all of the above elements are not met, LTS will follow their standard Grievance Process. If they are met, LTS will follow the Title IX Grievance Process pursuant to 106.45 and outlined in Part IX and XI.

Third-Party Reporter: If an incident of a 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. Following this meeting or review of written information the Title IX Coordinator or Deputy will reach out to the identified Claimant to offer supportive measures, encourage an interview and explain the process, including the right of the Claimant to file a formal complaint in writing to initiate an investigation or an informal resolution as well as the Claimant's right to decline to file a formal complaint but still receive supportive measures.

Student Claimant (victim) Interview: The Vice President for Academic Affairs and Dean and/or Chief Financial Officer and Director of Human Resources will interview the student. During the interview with the student, the nature of the complaint 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 Complaint Form (see Attachment B: Title IX Complaint Form) which shall be reviewed and signed by the Claimant/victim if they wish to initiate a formal complaint.

Employee Claimant (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 discrimination, they should contact the Title IX Coordinator or Title IX Deputy Coordinator, in writing, using the Employee Complaint Form (Attachment C: Employee Complaint Form). The Vice President for 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 Claimant/victim in completing and signing a Title IX Complaint Form if they wish to initiate a formal complaint.

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

Reasonable Determination of Safety: This 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 Claimant/victim will file a formal complaint, the nature of the allegation and the proper grievance process to be applied.

If a full investigation is initiated, the Claimant/victim must provide a formal written complaint to the Seminary regarding the alleged violations and the Respondent will be placed on notice of the allegation, including the identity of the individual making the allegation, general details about the allegation (date, location, known witnesses) and policies alleged to have been violated that provide the basis for the allegation. In addition, the Respondent is assured they are considered not in violation of the policy(s) until a final determination is made. The Respondent will be provided a copy of this policy and Title IX Rights and Options (see Attachment A: Title IX Rights and Options). The Notice of Investigation will request a meeting with the Respondent to discuss the allegations and will provide sufficient time for the Respondent to prepare for that meeting

E. Anonymous and Third-Party Complaints

Requests for Anonymity and/or No Action: Where a Claimant requests to remain anonymous or that no formal action be taken, the Seminary must balance this with its obligations 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 Title IX Coordinator or Deputy Coordinator will initiate the formal complaint. The Title IX Coordinator or Deputy Coordinator do not become the Claimant in the case even if this action is taken. The individual experiencing the sex-based harm remains the Claimant with all rights afforded to them even if they choose not to participate further.
- The Seminary will take all actions necessary to conduct the investigation while balancing the wishes of the Claimant. This may include disclosing the identity of the Claimant and other steps that might compromise the Claimant'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 Claimant that its ability to investigate or take action will be limited based on the nature of the request by the Claimant.
- Whether or not the individual decides to file a formal complaint with the Seminary, the Claimant is still entitled to Supportive Measures. The Seminary encourages the individual to seek out medical and mental health resources as appropriate (see Handbook [Appendix M](#)).
- 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 Claimant/victim chooses not to cooperate or participate. As necessary, the Seminary reserves the right to file a formal complaint which may lead to an investigation and further disciplinary action. The Seminary does not become the Claimant, however. The Claimant remains the individual to whom the sex-based harm occurred and retains all rights associated with being a Claimant even if they choose not to participate.

F. Amnesty for Reluctance to Report Based on Potential Violations

A Claimant or witness 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 Claimant 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 disciplinary 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 reporter of the problem should be evaluated against the possible negative consequences of not reporting the incident.

G. Emergency Removal

- At any time, the Seminary can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.
- This risk analysis is performed by the Title IX Coordinator in conjunction with appropriate Seminary personnel. In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.
- This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.
- When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.
- A Claimant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.
- There is no appeal process for emergency removal decisions.
- A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.
- The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration of the removal during the period of the investigation and final determination. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.
- The Seminary will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave.
- At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

H. Interim Measures for Employees

Interim Measures for employees do not require the Emergency Removal action. An employee may be subject to an interim suspension that could include placing the employee on temporary paid or unpaid leave or other forms of appropriate interim actions to temporarily address a hostile work or educational environment while the investigation and resolution proceedings are proceeding.

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

I. 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 (i) with the provisions of any applicable Honor Code or other comparable policy and (ii) with the additional provisions set forth in this Policy.

Employees who are found to have violated this Policy will be subject to disciplinary action, up to and including termination in accordance (i) with any applicable policies or procedures governing disciplinary action against faculty and staff and (ii) 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 the 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 Claimant 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 Claimant is willing to file a formal complaint or to consent to an investigation, 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 also may 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 if a formal complaint has been filed. 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. Parties may be accompanied by an advisor of their choice who may accompany the party to all meetings and interviews but does not have a role in regard to these interviews or meetings. The advisor will conduct the cross examination if the allegations meet the Title IX Regulatory standards.

The Investigator shall:

- Conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings with witnesses named by both the Claimant 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.

The investigator will seek to complete the investigation 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.

To help ensure a prompt and thorough investigation, Claimants are encouraged to provide as much of the following information as possible (see Attachment D: Sample Interview Questions):

- The name, department, and position of the person or persons allegedly causing Sexual Misconduct or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence and identities/names of any witnesses.
- The alleged effect of the incident(s) on the Claimant’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 Claimant knows to have been subject to the same or similar Sexual Misconduct or retaliation.
- Any steps the Claimant has taken to try to stop the Sexual Misconduct or retaliation.

- Any other information the Claimant 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.
- The identity or name of any witnesses who can testify on the Respondent's behalf or who can contradict the Claimant's allegations.
- The identity or name of any witnesses who can testify as to the Claimants' competence, including whether or not the Claimant was under the influence of any drugs or alcohol.
- Any other information the Respondent believes to be relevant to the allegations.

Each party is entitled to be accompanied by an Advisor who may attend the mediation or other informal resolution process.

D. Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

- Prior to completing the final investigation report the investigator will provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Seminary does not intend to rely on in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence.
- The parties and their advisors will provide feedback to the investigator that may include:
 - Names of additional witnesses to be interviewed
 - Disputes about information included in the report that should be excluded
 - Recommendations for information that was considered not relevant to be incorporated in the report
 - Additional questions to pose to the other party
- The Investigator(s) may elect to share the responses between the parties for additional responses.
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary

revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.

- The investigator should share the report with the Title IX Coordinator for feedback. Following incorporation of any relevant feedback, the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.
- The final investigation report will fully summarize the investigation, all witness interviews, and all relevant evidence. Appendices, including relevant physical or documentary evidence, will be included.

E. Informal Resolution

Allegations of harassment, discrimination or sexual misconduct may be resolved using an informal resolution process, including mediation overseen by the Title IX Coordinator or his or her designee, in conjunction with the Investigator, if (i) the Seminary determines, in its discretion, that such a process would be appropriate and (ii) both the Claimant 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.

X. HEARING

If the parties do not engage in an informal resolution up to the completion of the final report a hearing will be convened at least 10 days following submission of the final investigation report. The hearing may be conducted by a trained Hearing Officer or a trained Hearing Panel consisting of three members, with one member being appointed as Hearing Panel Chair who will conduct the proceedings and rule on relevancy of all questions posed.

The Seminary will provide written notification to the Claimant and Respondent of the hearing date and procedures. The hearing will be held no less than 10 calendar days after submission of the final report unless the Seminary determines that additional time is required. The hearing must be conducted live but may be in person or via the internet.

A. Hearing Panel

The Hearing Panel is a fact-finding committee comprised of individuals trained in harassment, discrimination and sexual misconduct matters. 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 Investigation Report, interviews with both parties and any witnesses (a witnesses may be excused from participating by agreement of both parties and the hearing panel), cross examination of opposite party and witnesses by the advisors, and any evidence preserved for the hearing.

B. Standard for Determining Responsibility

A preponderance of the evidence standard (more likely than not) will be used by the panel to determine whether this Policy has been violated.

C. Rights of Claimants and Respondents

Both the Claimant and Respondent have the following rights:

- The opportunity to speak on one's own behalf.
- The opportunity to be accompanied by an Advisor.
- The opportunity to identify witnesses who can speak about the alleged conduct at issue.
- The opportunity to present other evidence on one's own behalf to the investigator.
- The right to work with an Advisor to identify questions for the Advisor to ask the witnesses or other party during cross-examination.
- The opportunity to attend the entire hearing or other proceeding, except for the deliberation phase.
- The right to be notified of the outcome of the hearing, any modifications to the outcome and notice of the final determination.
- The opportunity to appeal the outcome of the hearing or other proceeding, consistent with the Seminary's established grounds for appeal.

D. Advisors and Support Persons

The hearing is closed to all persons except for the Claimant and Respondent and one Advisor for each, any witnesses while they are testifying, any staff required by the hearing panel, and any other person deemed appropriate or necessary by the Title IX Coordinator or the Hearing Panel.

E. Notification and Results of Investigation or Hearing

After the conclusion of the investigation and hearing, the Seminary will provide written notification provided simultaneously to the Claimant and the Respondent of the outcome (i.e., whether a violation of this Policy has occurred) within twenty-four hours after the conclusion of any 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 Claimant information about any sanctions or corrective actions taken that relate directly to the Claimant (e.g., a No Contact Order and any other notice required under Title IX). Neither the Claimant 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.

XI. RIGHT TO APPEAL

Once written notification of the resolution has been provided, either the Claimant or the Respondent will have the opportunity to appeal the outcome. Any appeal must be submitted in writing to the Title IX Coordinator within five (5) calendar days of being notified of the outcome of the 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 that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
- the Title IX Coordinator, Investigator(s), or Community Standards Board had a conflict of interest or bias for or against Claimants or Respondents generally or the specific Claimant or Respondent that affected the outcome of the matter 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 Claimant nor the Respondent will be entitled to a hearing in connection with any appeal. Appeals will be decided upon the record of the original proceeding and upon written materials submitted by the parties.

The appeal decision maker reviewing an appeal may:

- Affirm the finding and the sanction imposed by the original board.
- Affirm the finding and modify, but not eliminate, the sanction if it is found to be disproportionate to the offense.
- Assign the case to a new hearing board to resolve procedural errors, or errors in interpretation of Seminary regulations were so substantial as to effectively deny the charged party a fair hearing, or if new and significant evidence became available which could not have been discovered by proper diligence before or during the original hearing. The board will be directed not to repeat the specified errors that caused the case to be reheard.

Deference shall be given to the determinations of the hearing panel or officer.

Both parties will be informed in writing of the outcome of any appeal within three (3) 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.

XII. PROHIBITION AGAINST RETALIATION

Retaliation exists when action is directed toward or taken against a Claimant or participant in the complaint process that (i) adversely affects the individual's employment or academic status; and (ii) 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.

XIII. PRIVACY

The Seminary shall protect the privacy of individuals involved in a report of harassment, discrimination or sexual misconduct to the extent permitted by law and Seminary Policy. A report of harassment, discrimination or sexual misconduct may result in the gathering of extremely sensitive information about individuals in the Seminary community. While such information is considered confidential, Seminary policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of harassment, discrimination or sexual misconduct. In such cases, efforts shall be made to redact the records in order to protect the privacy of individuals. A Claimant who has made a report 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 a non-forcible sex offense, FERPA permits disclosure to the Claimant 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.

XIV. RETENTION OF RECORDS

The Title IX Coordinator is responsible for maintaining records relating to all Title IX claims, including harassment, discrimination and sexual misconduct, investigations, and resolutions. Records shall be maintained for at least seven years and in accordance with Seminary records policies.

XV. Attachments

Attachment A Rights & Options for Addressing Harassment, Discrimination and Sexual Misconduct

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, Title VII, Title VI, ADA, Title I & III, 504 of the Rehabilitation Act and other state and federal civil rights laws applicable to LTS. Lexington Theological Seminary strictly prohibits any acts of Harassment, Discrimination or 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. All reports are taken seriously. ***Anyone who has been a victim of/accused of violating this Policy has certain rights under the law and in accordance with Seminary policy. These rights are outlined below.***

1. The Claimant 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 Claimant and Respondent have a right to be heard.
4. In sexual assault cases, the Claimant has the right to choose which course(s) of action they wish to take in addressing their grievance. A Claimant may elect to initiate action through the Seminary's prescribed method for handling Sexual Misconduct cases (Handbook [Appendix C](#) and [Appendix M](#)) and/or may file a complaint with the criminal justice system.
5. The Claimant 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, Claimants are encouraged to go to a local medical facility that provides a free Sexual Assault Forensic Examination
6. The Claimant 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 (859) 280-1232.
7. The Claimant has the right to request that supportive measures be available. Supportive measures are reasonably available steps the Seminary may take to ensure your well-being and safety following a report of sexual misconduct. Supportive measures will be implemented on a case-by-case basis. Examples of supportive measures include, but are not limited to, the following: changes

in class/work; 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 supportive 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 supportive measures will be implemented.

8. The Claimant 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.
9. The Claimant 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 Claimant and assures fairness and due process to the Respondent.
11. Cases involving Sexual Misconduct in any form, including but not limited to, sexual assault, dating violence, domestic violence, or stalking will be evaluated using a preponderance of the evidence standard. This 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 Claimant 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 Claimant 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 Claimant and the Respondent will have the right to review their own statement and to make written comments regarding what has been recorded.
15. The Claimant and Respondent have a right to present to the investigator 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 Claimant and the Respondent have a right to select an advisor/advocate of their choice and to have that person available for support during all meetings or proceeding. The parties’ advisor will conduct cross examination of the other party and witnesses at a hearing on behalf of the Claimant/Respondent.
17. The Claimant 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 Claimant and the Respondent have the right to ask questions of the Title IX Coordinator and the parties’ advisors may ask questions of the other party and witnesses through cross-examination.
19. The Claimant and the Respondent have the right to make an impact statement prior to the issuance of any sanction(s).

20. The Claimant 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 Claimant 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 Claimant 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 disciplinary 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 Claimant 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 Claimant and Respondent may have the right to appeal a decision.
24. The Claimant, 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 based on that person's lawful involvement in a protected activity.
25. Following the report of an incident, if it is determined that the Respondent poses a significant risk of harm to the Claimant or community the Seminary may implement an Emergency Removal following a violence risk assessment. This may result in removal from campus until a final determination is made, prohibition from various locations on campus or in Seminary activities. These 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. 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.
28. The parties have a right to regular updates on the status of the investigation and/or resolution.
29. The parties have a right to the preservation of privacy to the extent permissible by law.
30. 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 or conflict of interest.
31. The Claimant has the right to provide evidence by means other than being in the room with the responding party.
32. The Claimant 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 Inmigración]:
<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 Víctims 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>

33. 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; (859) 280-1256 or The Chief Financial Officer who is the Deputy Title IX Coordinator, and is located at the same address. DeputyTitleIXCoordinator@lextheo.edu ; (859) 280-1236.

I, _____ read and received a copy of the Title IX Rights and
name

Options on _____ and have been afforded the opportunity to ask and
date

receive answers to any questions 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 Claimant.

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 ____ Gender Identity ____

Other _____

C. Have you attempted to informally resolve this grievance? Y / N If yes, 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

Claimant 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. Staff should submit a completed form to the Chief Financial Officer (Title IX Deputy Coordinator), TitleIXCoordinator@lextheo.edu.

Name:

Date:

Email:

Telephone:

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

G. 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 ____ Gender Identity ____

Other _____

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

I. 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]

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

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

Claimant 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

A. Claimant

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 Claimant 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 Claimant?
 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 Claimant 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?