

SOUTHEASTERN BAPTIST THEOLOGICAL SEMINARY
SEXUAL HARASSMENT, DISCRIMINATION, AND MISCONDUCT POLICY



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SEXUAL MISCONDUCT AND INTERPERSONAL VIOLENCE POLICY STATEMENT

Southeastern Baptist Theological Seminary and The College at Southeastern strive to provide a safe living, learning, and working environment for the campus community that is free from harassment, misconduct, and discrimination. Southeastern believes that all members of our community should conduct themselves in a manner that reflects personal integrity and respect for others. Southeastern does not tolerate acts of sexual harassment, interpersonal violence, sexual misconduct, and sex and/or gender based discrimination.

Southeastern recognizes the serious and negative impacts sexual violence, misconduct, harassment, and discrimination have on individuals and the SEBTS community. To end that, the institution is dedicated to enforcing non-discrimination and anti-harassment policies and will work to stop harassment before it rises to the level of violating applicable, state and federal laws.

Students, staff, faculty, and their dependents are strongly encouraged to report any and all instances of sexual harassment, sexual and/or interpersonal violence, and gender-based discrimination to SEBTS Campus Security, police, or the Title IX Coordinator. Additional reporting choices, including a list of confidential options, can be found in Reporting and Resources. When an allegation of sexual misconduct and interpersonal violence is brought to the attention of an appropriate institution official, protective and other remedial measures will be used reasonably to ensure such conduct ends, and is not repeated, and the effects on the victim and community are remedied, including sanctions when a responding party is found to have violated this policy. If a violation of a criminal law is reported, then the institution has a duty to report the violation to the appropriate authorities.

OVERVIEW

Southeastern Baptist Theological Seminary and The College at Southeastern seek to glorify the Lord Jesus Christ by equipping students to serve the Church and fulfill the Great Commission. With that mission in mind, it is vitally important to SEBTS to promote righteous living in all areas of life, including in the area of human sexuality. SEBTS is guided by the understanding that human sexuality is a gift from God and that the purpose of this gift includes the procreation of human life and the uniting and strengthening of the marital bond in self-giving love between one man and one woman. SEBTS bases its understanding on human sexuality on biblical principles outlined throughout the Old and New Testament along with the history of Christian church's thought, teaching, and practice. Faculty, staff, and students at Southeastern Baptist Theological Seminary are expected to conduct themselves at all times in accordance with the highest standards of Christian morality. To this end, SEBTS may subject to disciplinary action any faculty, staff, or student who engages in the following:

1. Sexual activity with another person outside of a monogamous heterosexual marriage between one biological male and one biological female;
2. Touching, caressing, and other physical conduct of a sexual nature that is inappropriate or contrary to SEBTS's Scriptural beliefs about human sexuality;
3. Participation in advocacy groups and/or activities that are contrary to SEBTS scriptural beliefs about human sexuality;
4. The possession or viewing of pornographic material; or
5. Other expressions or actions that are discordant with SEBTS scriptural beliefs about human sexuality and gender.

The actions listed above violate the institution's commitment to sexual purity in line with its scriptural beliefs about human sexuality. These types of violations are covered more fully in the Student Code of Conduct and Employee Handbook, which discuss the disciplinary procedures for such violations. While alleged violations of such institutional offenses would typically be handled under the processes found in the Student Code of Conduct or Employee Handbook, in highly sensitive or complex situations, the President, Vice President for Student Life, or Supervising Vice President can request that potential violations of these types of institutional offenses be adjudicated by SEBTS's Special Committee, who will use similar investigation, hearing, and appeals procedures as those outlined in this policy. In addition to those violations, there are certain types of violations that are so serious that they will always require more robust investigation and hearing procedures. This would include the following prohibited conduct:

1. Sexual assault
2. Sexual violence
3. Sexual harassment
4. Sexual discrimination
5. Domestic or dating violence
6. Stalking
7. Sexual exploitation, or
8. Other sexual misconduct outlined in the Definitions section of this policy

Because of the gravity of these allegations, the prohibited conduct outlined in the preceding sentence will be governed by the more robust procedures outlined in this Sexual Misconduct Policy. SEBTS has a high moral commitment to the worth and dignity of all individuals. Members of the campus community, guests, and visitors have the right to be free from all forms of sexual misconduct. All

members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This Sexual Misconduct Policy is meant to promote a safe living and learning environment for all members of the campus community in accordance with SEBTS's Scriptural beliefs about human sexuality and in compliance with state and federal laws including, but not limited to, Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013, Title VII of the Civil Rights Act of 1964, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and the Campus Sexual Violence Elimination (SaVE) Act.

SCOPE

This policy governs the conduct of Southeastern Baptist Theological Seminary and The College at Southeastern students, regardless of enrollment status; faculty; staff; and third parties (i.e., non-members of the SEBTS community, such as vendors, alumni, or visitors). Third parties are both protected by and subject to this policy. A third party may report or file a complaint concerning a violation of this policy committed by a member of the SEBTS community. A third party may also be permanently barred from SEBTS or subject to other restrictions for failing to comply with this policy. This policy applies to conduct that occurs on institutional property, and in certain circumstances, off institutional property (i.e., off campus). This policy applies to conduct that occurs off campus when the conduct is associated with an institution-sponsored program or activity, such as travel, research, or internship programs; when it utilizes Institution owned or provided technology resources; or when such conduct may have a nexus to campus, such as a continuing adverse effect or creation of a hostile environment on campus.

Maintaining a safe living and learning environment is the responsibility of the entire campus community. Therefore, all faculty, adjunct faculty, and full-time/part-time staff members who are not Confidential Resources (as defined in Section 5 of this policy) must promptly report suspected sexual misconduct to the Title IX Coordinator. Likewise, student workers who learn of violations of this policy in the scope of their employment, including House Leaders, must promptly report alleged violations of this policy to the Title IX Coordinator. SEBTS strongly urges all other members of the SEBTS community, including students and visitors, to promptly report any allegation of sexual misconduct to the Title IX Coordinator.

This policy prohibits any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy.

Definitions for purposes of this policy include, but are not limited to the following sexual misconduct, which are considered to be prohibited conduct: 1) Sexual Assault; 2) Sexual Violence; 3) Sexual Harassment; 4) Sexual Discrimination; 5) Domestic or Dating Violence; 6) Stalking; 7) Sexual Exploitation; 8) Sexually Inappropriate Conduct; 9) Retaliation; 10) Inducing Incapacitation for Sexual Purposes; and 11) Other Non-Consensual Sexual Contact.

If a person would like to press criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in the North Carolina Penal Code and Family Code would apply, not the internal definitions used in this policy.

PROHIBITED CONDUCT STATEMENT

SEBTS prohibits all forms of sexual misconduct, interpersonal violence, and sex and/or gender based discrimination and harassment committed against employees, students, their dependents, third parties, as well as retaliation.

STATEMENT OF NON-DISCRIMINATION

This institution does not discriminate on the basis of age, race, color, sex, national or ethnic origin, disability, or veteran status in the admission of students, the employment of faculty and staff, or the operation for any of its programs.

Students with documented disabilities may request reasonable special services and accommodations. More information on these requests can be found at sebts.edu/disabilityservices. Questions should be directed to the Dean of Students Office.

DEFINITIONS OF ROLES, CONCEPTS, AND PROHIBITED CONDUCT

Roles:

- **Reporting Party (Complainant)** – The individual who is the alleged victim of sexual misconduct, sexual harassment, interpersonal violence, and/or sex/gender based discrimination.
- **Responding Party (Respondent)** – The individual alleged to have committed sexual misconduct, sexual harassment, interpersonal violence, and/or sex/gender based discrimination.

Concepts:

- **Consent** – is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. There is no consent when force, coercion, intimidation, or threats are used. There also cannot be consent when an individual is incapacitated. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity, nor can previous relationships or previous consent imply consent to any future sexual acts. Consent can be withdrawn once it is given, as long as that withdrawal is clearly communicated. Lastly, one must be of legal age to grant consent. Legal age of consent in North Carolina is 16 years of age.
- **Coercion** – Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sexual contact, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. If coercion is used, there is no consent.
- **Force** – Force is the use of physical violence, and/or imposing on someone physically, to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance to produce consent. If force is used, there is no consent.
- **Incapacitation** – Incapacitation is defined as a state in which a person cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, where, why or how” of their sexual interaction). Incapacitation can occur from many things, including mental disability, sleep, involuntary physical restraint, from the use of alcohol and/or drugs, or blackout. If a person is incapacitated, there is no consent. Sexual activity with someone known to be or whom an individual should reasonably know to be incapacitated constitutes a violation of this policy.

Note: The use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

Prohibited Conduct:

- **Sexual Harassment** – Unwelcome, sexual, sex/gender-based verbal, written, online and/or physical conduct.
 - Sexual harassment can take the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

- A hostile environment is created when sexual harassment is sufficiently severe, persistent, or pervasive, and objectively offensive that it unreasonably interferes with, denies, or limits someone's ability to participate in, or benefit from, the institution's educational and/or employment, social and/or residential program.
- The determination of whether an environment is "hostile" must be based on the totality of the circumstances. These circumstances include, but are not limited to, the following:
 - The frequency of the conduct
 - The nature and severity of the conduct
 - Whether the conduct was physically threatening
 - Whether the conduct was humiliating
 - The effect of the conduct on the alleged victim's mental or emotional state
 - Whether the conduct was directed at more than one person
 - Whether the conduct arose in the context of other discriminatory conduct
 - Whether the conduct unreasonably interfered with the reporting party's educational or work performance
- **Quid Pro Quo Harassment** – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another or when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.
- **Non-Consensual Sexual Contact** – Any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent.
 - Sexual contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.
- **Non-Consensual Sexual Intercourse** – Any sexual intercourse, however slight, with any body part or object, by a person upon another person, that is without consent and/or by force. This includes vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.
- **Sexual Exploitation** – Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Examples include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;

- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
 - Engaging in voyeurism;
 - Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
 - Intentionally or recklessly exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals in non-consensual circumstances;
 - Sexually-based stalking and/or bullying may also be forms of sexual exploitation
- **Relationship or Intimate Partner Abuse** – Relationship or Intimate Partner Abuse (also known as Dating Violence or Domestic Violence) is abusive behavior that is used by an intimate partner to gain or maintain power and control over the other partner. Intimate partner violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Intimate partner violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim, where the existence of such a relationship is determined based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - **Stalking** – Stalking is a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome, and would cause a reasonable person to feel fear. Stalking can also be repetitive and menacing conduct, purposely or knowingly causing emotional distress, or pursuing, following, harassing, and/or interfering with the peace and/or the safety of another.
 - **Voyeurism** – The practice of gaining sexual pleasure from watching others when they are naked or engaged in sexual activity.

Note: Conduct which violates any other institutional policy may fall under this policy when it is allegedly motivated by actual or perceived sex or gender.

RETALIATION STATEMENT

Retaliation is defined as any adverse action taken against a person for making a complaint of prohibited conduct or for participating or being involved in the investigation of any such allegation. It is a violation of SEBTS policy to retaliate against those involved in a complaint of harassment, discrimination, or sexual misconduct. Such conduct is inconsistent with institutional policy and may also be prohibited by law. Instances of retaliation will be investigated and adjudicated, and sanctioned where appropriate, as outlined in this policy. Retaliation is prohibited with or without a Cease Contact Directive. Report alleged acts of retaliation to the Title IX Coordinator and/or Campus Security.

REPORTING AND RESOURCES

All SEBTS employees (faculty, staff, administrators) are expected to immediately report actual or suspected sexual misconduct to appropriate officials, though there are some limited exceptions outlined below. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality—meaning they are not required to report actual or suspected sexual misconduct to appropriate institution officials—thereby offering options and advice without any obligation to inform an outside agency or individual unless a complainant has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. Please see the Reporting Options section for the various reporting options at SEBTS.

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize SEBTS's ability to respond promptly and effectively. Complaints and reports may be made at any time without regard to how much time has elapsed since the incident(s) in question. If a complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the complainant may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and compliance with federal and state laws.

A complainant has the right, and can expect, to have reports taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the complainant, and only a small group of officials who need to know will be told, including but not limited to: the Title IX Coordinator, the Deputy Title IX Coordinator assigned to the case, the Vice President of Student Life/Dean of Students (if the allegation involves students), the Provost (if the allegation involves faculty or staff), the supervising Vice President (if the allegation involves an employee), the Office of Legal Affairs for the institution, the Director of Campus Security, the Vice President for Institutional Affairs (if the Campus Security is involved), the members of the Student Disciplinary Committee, and the President of the institution. Information will be shared as necessary with investigators, witnesses, and the respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a complainant's rights and privacy.

At the complainant's request, SEBTS will assist the complainant in contacting local law enforcement. All SEBTS employees have a duty to report, unless they fall under the "Confidential Reporting" subsection. Complainants may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator. Employees must share all details of the reports they receive.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sexual misconduct of which they become aware is a violation of institution policy and will be subject to disciplinary action for failure to comply with institutional policies.

In order to encourage reports of conduct prohibited under this policy, a student who, in good faith, reports being the victim of, or witness to sexual harassment, sexual assault, dating violence, or stalking will be entitled to amnesty from disciplinary actions by the institution.

SEBTS reserves the right to investigate whether a report was made in good faith before granting amnesty. Additionally, amnesty does not apply to the reporting individual's own acts, if any, of sexual misconduct. Good Faith Allegations must be made in good faith and not made out of malice. It is a

violation of SEBTS policy to knowingly make a false, malicious, or frivolous accusation of discrimination, harassment, sexual misconduct or retaliation. However, mere failure to prove a complaint is not equivalent to a false, malicious, or frivolous accusation.

Reporting Against Students

A member of the SEBTS community who wishes to make an official report of sexual misconduct or interpersonal violence committed by a student may report the incident to the institution through the following channels:

- Title IX Coordinator: Dr. Michael Lawson, Broyhill Hall 204, (919) 761-2103; mlawson@sebts.edu
- Dean of Students Office: Dr. Mark Liederbach, Ledford Student Center, (919) 761-2306; mliederbach@sebts.edu
- AVP of Student Life Office: Dr. Drew Ham, Ledford Student Center, (919)761-2305; dham@sebts.edu
- Any of the following responsible employees, who will promptly report the incident to the institution's Title IX Coordinator:
 - Deans
 - Department chairs
 - Senior administrators
 - Supervisors
 - Human Resources staff
 - Campus Security
 - Student Life staff (including student staff)
 - Student Conduct administrators
 - Faculty and other employees supervising overnight domestic or international student travel
- Online through our Sexual Misconduct and Interpersonal Violence Reporting Form.
- In the event that an incident involves alleged misconduct by the Title IX Coordinator, or other Title IX staff, reports should be made directly to the Director of Human Resources: Dawn Satterwhite, Stealey 315, (919) 761-2209, dsatterwhite@sebts.edu

Law Enforcement Reporting Options

Legal charges may be filed with SEBTS Campus Security (who will also report to the Title IX Coordinator) or the Town of Wake Forest Police Department (or other department) depending on the jurisdiction in which the crime was committed.

For more information on how to report a sexual misconduct violation to law enforcement, visit our Campus Security webpage.

Confidential Reporting Options

- SEBTS Counseling Services Office
 - Campus counselors will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse to a minor. If there is knowledge of a threat or danger to a third party, then the third party shall be warned. If there is knowledge of abuse to a minor, then there is an absolute duty to report the abuse to the appropriate authorities. Campus counselors are available to help free of charge as a service to all parties. These employees will annually submit anonymous, aggregate statistical information for Clery Act purposes.

Reporting Against Faculty or Staff

- Title IX Coordinator: Dr. Michael Lawson, Broyhill Hall 204, (919) 761-2103; mlawson@sebts.edu
- Director of Human Resources: Dawn Satterwhite, Stealey 315, (919) 761-2209, dsatterwhite@sebts.edu

Responsible Parties include:

- Title IX Coordinator: Dr. Michael Lawson, Broyhill Hall 204, (919) 761-2103; mlawson@sebts.edu
- Dean of Students Office: Dr. Mark Liederbach, Ledford Student Center, (919) 761-2306; mliederbach@sebts.edu (also a Deputy Title IX Coordinator)
- AVP of Student Life Office: Dr. Drew Ham, Ledford Student Center 102, (919) 761-2305; dham@sebts.edu (also a Deputy Title IX Coordinator)
- Deputy Title IX Coordinators: Dawn Satterwhite, Stealey 315, (919) 761-2209, dsatterwhite@sebts.edu; Jake Hatfield, Ledford Student Center 102, (919) 761-2802, jhatfield@sebts.edu; Missie Branch, Ledford Student Center 102, (919) 761-2302, mbranch@sebts.edu; Chelsea Hunter, Ledford Student Center 102, (919) 761-2305, chunter@sebts.edu
- Any of the following responsible employees, who will promptly report the incident to the institution's Title IX Coordinator:
 - Deans
 - Department chairs
 - Senior administrators
 - Supervisors
 - Human Resources staff
 - Campus Security
 - Student Life staff (including student staff)
 - Student Conduct administrators
 - Faculty and other employees supervising overnight domestic or international student travel
- Director of Human Resources: Dawn Satterwhite, Stealey 315, (919) 761-2209, dsatterwhite@sebts.edu (also a Deputy Title IX Coordinator)

Responsible Employees are required to report instances of sex/gender based harassment, discrimination, and violence when such situations are disclosed to them. These reports will be made to Title IX staff and will include information shared with them such as:

- Names of those involved
- Type of incident
- Location of incident
- Date and Time of incident
- Any other pertinent information shared with them

Faculty and Staff with questions about their Responsible Employee status should contact the Title IX Coordinator for clarification and training if necessary.

Amnesty for Victims of Sexual Misconduct, Interpersonal Violence, or Hazing

In order to encourage reports of conduct prohibited under this policy, the institution provides amnesty from disciplinary actions by the institution to those, who in good faith, report being the victim of, or witness to sexual harassment, sexual assault, dating violence, or stalking. We understand that victims may be hesitant to report violations of this policy to institution officials because they fear that they themselves may be accused of other policy violations at the time of the incident. Educational options will be explored, but no conduct proceedings or official record will arise from a reporting party's report. Records regarding the provision of amnesty may be maintained.

SEBTS reserves the right to investigate whether a report was made in good faith before granting amnesty. Additionally, amnesty does not apply to the reporting individual's own acts, if any, of sexual misconduct. Good Faith Allegations must be made in good faith and not made out of malice. It is a violation of SEBTS policy to knowingly make a false, malicious, or frivolous accusation of discrimination, harassment, sexual misconduct or retaliation. However, mere failure to prove a complaint is not equivalent to a false, malicious, or frivolous accusation. SEBTS also reserves the right to deny or revoke amnesty when the institution's administration sees fit.

INTERIM MEASURES AND REMEDIES

The Title IX Coordinator, in conjunction with the Dean of Students Office, may enact interim measures or remedies to address the short or long term effects of any prohibited conduct within this policy, and to prevent further harassment, discrimination, retaliation, or other violations of this policy. Remedies available will be discussed with Reporting and Responding parties as well as witnesses. The Title IX Coordinator (or designee), in conjunction with other SEBTS offices when needed, will determine necessity and scope of any interim remedies or measures on a case-by-case basis. Even if neither party requests protective action, the Title IX Coordinator (or designee) may enact interim measures at their discretion to ensure the safety of any individual, the broader SEBTS community, or the integrity of the investigative process.

Interim measures and remedies can include, but are not limited to:

- Assistance with connection to counseling services and medical assistance through the SEBTS Health Center
- Access with connection to emergency rape crisis treatment and emergency medical services
- Assistance with changing living arrangements
- Assistance in seeking assistance and/or charges from local law enforcement
- Assistance in addressing academic concerns and making reasonable academic adjustments
- Interim Administrative Actions may be imposed when a Responding Party is deemed to threaten the health, safety, or well-being of the Reporting Party, the broader SEBTS community, the effective functioning of the institution, or when a Responding Party has been charged with a serious criminal offense. Interim Administrative Actions include, but are not limited to, suspension from the institution, removal from SEBTS housing, suspension of privileges, restriction of access when on-campus, and other similar measures.
 - Students shall have a prompt meeting with the Dean of Students, the AVP of Student Life, or their designee, to review the behavior that forms the basis for Interim Administrative Action within 15 days of the complaint and/or violation. This meeting may resolve in the Interim Administrative Action, but does not serve as a substitute from the processes outlined within this policy.

INTAKE AND INVESTIGATION

Reports against students or faculty and staff will be handled according to the procedures outlined in the following sections of this policy. This information is also available in the Title IX Complaint Procedure Flowchart and the Detailed Step-by-Step Process Guide.

Roles in Investigations:

- Title IX Coordinator: Dr. Michael Lawson
- Deputy Title IX Coordinators: Dr. Mark Liederbach, Dr. Drew Ham, Dawn Satterwhite, Jake Hatfield, Missie Branch, Chelsea Hunter
- Appropriate VP: adhoc
- Student Disciplinary Committee: comprised of two faculty members, two staff members, and 2 students
- Special Investigator: adhoc

Intake and Confidentiality:

When a report of Sexual Misconduct, Interpersonal Violence, and/or Gender-Based Harassment or Discrimination is filed, the Title IX Coordinator (or designee) will interview the reporting party and coordinate the institution's response. If the Reporting Party does not allege a violation of this policy, or if other resolution options are appropriate, or if a Reporting Party does not want to pursue further action, then the complaint will not move forward under this policy unless circumstances dictate that the institution must take action. These instances will be on a case by case basis and the Reporting Party will be informed when their wishes cannot be upheld. The institution reserves the right to pursue its own investigation when it has reason to believe the Responding Party is an eminent threat to the health and safety of the Reporting Party and/or the broader SEBTS community.

If the Reporting Party requests confidentiality or requests that a complaint not be pursued, the institution will take all reasonable steps to investigate and/or respond to the reported prohibited conduct consistent with the request for confidentiality or request not to pursue an investigation. If a Reporting Party insists that their own name or other identifiable information not be disclosed to the Responding Party, the institution's ability to respond may be limited. While the institution will work to ensure the Reporting Party's privacy, in limited circumstances the institution may have to override a student's request for confidentiality in order to provide a safe and nondiscriminatory environment for the Reporting Party and the SEBTS community. The Title IX Coordinator (or designee) will inform the Reporting Party of this when such a request is made. Regardless of a request for confidentiality, or that an investigation not be pursued, the institution may still provide interim measures and resources to the Reporting Party. Title IX prohibits retaliation, and the institution will not only take steps to prevent retaliation but also take a strong responsive action if retaliation occurs, even if a formal investigation is not pursued.

Timing of Investigations:

If the Title IX Coordinator (or designee) determines that a full investigation is necessary, the institution will conduct a prompt, fair, and impartial investigation. Investigations regarding potential

violation of this policy are expected to be completed within 30 calendar days after the institution has begun its investigation. Investigations may take longer in some circumstances, including but not limited to the complexity of the case, the number of parties involved, the availability and cooperation of the parties and witnesses, the institutional calendar, or instances where the institutional investigation may compromise a law enforcement investigation. Delays of the stated timeline and the reasoning behind such delays will be communicated to the Reporting and Responding parties.

Advisor/Support Person:

The Reporting and Responding party each may have an advisor or support person of their choosing present throughout the process. This person may be a friend, family member, faculty or staff member, or an attorney. Parties may request both parents be allowed to serve as advisors, such requests must be made to the Title IX Coordinator (or designee). The role of the advisor/support person is limited in scope. Reporting and Responding parties are expected to ask and respond to questions each on their own behalves, and an advisor/support person may not answer for, speak for, or represent the advisee. The advisor/support person may consult with their advisee quietly or in writing, or outside of the meeting during breaks. The Reporting and Responding parties should inform the investigative team in advance of any meeting if an advisor/support person will be present, so that they may make accommodations for the meeting location. To ensure timely completion of investigations, these processes and timeline will not be extended due to unavailability of an advisor/support person. The institution reserves the right to proceed with meetings regardless of the availability of an advisor/support person.

Investigation and Resolution:

Once separate interviews are conducted and evidence is gathered, the appropriate VP will render a decision as to whether the case is Severe or Not Severe. If the case is Not Severe, both parties will receive the case rulings and outcome, disciplinary action that will be taken, notification that the case is closed, and notification of how to appeal the decision.

If the case is Severe, the Appropriate VP will make a decision as to whether Interim Measures, a Clearly Timely Warning, and/or if outside authorities need to be contacted and both parties will be emailed. A special investigator will be named and will conduct and complete an investigation within 30 days from the initial complaint. The special investigator will notify the Title IX Coordinator if additional time is needed to complete the investigation. Once completed, the Title IX Coordinator will send a Notice of Hearing to both parties and a hearing will be conducted. The Student Disciplinary Committee will render it's ruling before adjourning. Either party may request an appeal of the decision within 10 business days of the hearing. If no appeal is received, the decision is final.

Responding Party's Withdrawal or Decision Not to Participate in Investigation:

If the Responding party withdraws from SEBTS before the investigation and/or complaint resolution process has been concluded or the Responding party chooses not to participate in the process, the Responding party will still be informed that he or she is alleged to have violated institutional policy, that an investigation will be conducted, and that the resolution process will continue.

The Responding party may respond in one of two ways: 1) participate in the investigation, or 2) withdraw pending a hearing.

In situations where the Responding party withdraws from the institution without request and subsequent approval, a letter will be sent to the Registrar indicating an investigation and determination are pending. The investigation and determination will continue, as much as it is able, despite the Responding party's absence. If the student attempts to re-enroll before the matter is resolved, the Registrar will notify the Dean of Students Office. The matter must be fully resolved, including completion of sanctions, before the student is eligible to seek re-enrollment at the institution.

RIGHTS OF PARTIES INVOLVED

Both the Reporting and Responding Party are afforded rights within this policy. Both are entitled to:

- Have a written statement of the charges.
- Have written notice of the date, time and place of investigative interviews and no sooner than 2 business days prior to the interview.
- Have equal opportunity to access, and present evidence to the investigators.
- Receive reasonable accommodation(s) as determined by Disability Resources.
- Be kept informed of the status of a report and anticipated resolution timeline.
- Have the investigation/interviews postponed for good cause. (Request for postponement must be made no less than two days prior to the scheduled time of the hearing and must be made in writing to the Title IX Coordinator (or designee).
- Have an advisor of their choosing (Please note the advisor's role as outlined in Intake & Investigation).
- Hear and respond to the information related to the charge(s).
- Provide information on their own behalf.
- Obtain witnesses on their own behalf.
- Submit questions for the other parties interviewed during the investigation. (Please see Intake & Investigation for more information).
- Know the final outcome of the investigation, including level of responsibility for policy violation, sanctions (if applicable), and information on the appeals process.

SANCTIONS FOR VIOLATIONS OF THE SEXUAL MISCONDUCT AND INTERPERSONAL VIOLENCE POLICY

A Responding Party found responsible of violating this policy will be sanctioned consistent with the Code of Conduct. Such sanctions may include the following:

- Official Warning
- Cease Contact Directive
- Mental Health Assessment
- Educational Sanctions
- Relocation of Campus Housing
- Removal from Campus Housing
- Restitution
- Suspension of Privileges
- Disciplinary Probation
- Suspension
- Permanent Separation
- Other Sanctions as deemed appropriate by the Title IX Coordinator, Appropriate Deputy Title IX Coordinator, and the Appropriate VP

Sanction parameters:

- Any person found responsible for violating this policy as it relates to Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive sanction ranging from disciplinary probation to permanent separation depending on the severity of the incident and previous disciplinary violations. Sanctions may also include a combination of the other sanction options listed above as appropriate.
- Any person found responsible for violating the policy on Non-Consensual Sexual Intercourse will receive a minimum sanction of suspension from the institution. Permanent Separation, may be an option depending on the severity of the incident and previous disciplinary violations. Sanctions may also include a combination of the other sanction options listed above as appropriate.
- Any person found responsible for violating the policy on Sexual Exploitation or Sexual Harassment will likely receive a sanction ranging from warning to permanent separation, depending on the severity of the incident and previous disciplinary violations. Sanctions may also include a combination of the other sanction options listed above as appropriate.
- Any person found responsible for violating this policy as it relates to Relationship or Intimate Partner Violence, or Stalking will likely receive sanction ranging from disciplinary probation to permanent separation depending on the severity of the incident and previous disciplinary violations. Sanctions may also include a combination of the other sanction options listed above as appropriate.
- Decisions to levy sanctions of Suspension and/or Permanent Separation will be made in conjunction with the Dean of Students.

APPEALS

Either party may request an appeal of the decision of the Student Disciplinary Committee by sending a letter to the Title IX Coordinator within 10 business days of the Student Disciplinary Committee's ruling. If no appeal is received within 10 business days, the decision is final.

The appeal will be scheduled within 5 days after the receipt of the Notice of Appeal and will be scheduled within 30 business days and will be heard by the President or his designee. All previously provided evidence and additional statements from the Complainant, Respondent, and Special Investigator will be considered. The President or his designee will rule on the appeal no less than 10 business days after the appeal is heard. The ruling made by the President or his designee is final.

ADDITIONAL POLICY PROVISIONS

- SEBTS students, faculty, and staff are responsible for knowing the information, policies, and procedures outlined in this document.
- Parental Notification: The institution reserves the right to notify parents/guardians of the dependent students regarding any health or safety risk, change in student status or conduct situation, particularly violations which go against the Student Covenant. The institution may also notify parents/guardians of non-dependent students who are under the age of 21 of drug/alcohol policy violations. Where a student is non-dependent, the institution will contact the parents/guardians to inform them of situations in which there is a significant and articulable health or safety risk. The institution reserves the right to designate which institution officials have the need to know about individual conduct reports pursuant to FERPA.

DATA AND RECORD KEEPING

The Dean of Students Office maintains all student conduct files (paper and electronic formats) for matters involving student code of conduct violations. Files are maintained separately from academic transcripts but are considered educational records subject to the federal Family Educational Rights and Privacy Act (FERPA). The Dean of Students Office may disclose information related to student conduct records to SEBTS officials with legitimate educational interests without prior consent from students. All student conduct files are maintained as required by law and/or institution policy (generally a minimum retention of 6 years from the date of the incident).

Students wishing to view their conduct files should contact the Dean of Students Office at studentservices@sebts.edu to specify the information they are requesting to review. Federal law requires that the requested information be made available for review although, in accordance with FERPA certain information related to other students may be redacted. The institution also may be required to disclose student code of conduct files when required by lawful court order or subpoena, regardless of institutional policy on retention or reporting. The institution also may disclose student code of conduct files or information from them with written authorization from the student as further described below.

Code of Conduct violations resulting in sanctions of **Permanent Separation** will be reported outside the institution (such as transfer applications, graduate schools, employers, or licensing agencies). These violations will be reported, and records will be kept and maintained, indefinitely.

Code of Conduct violations resulting in sanctions of **Disciplinary Suspension** will be reported outside the institution (such as transfer applications, graduate schools, employers, or licensing agencies) as long as the records are maintained as required by law and/or institution policy.

Code of Conduct violations resulting in sanctions of **Disciplinary Probation** will be reported externally during the probationary period. Following the probationary period, Code of Conduct violations will not be reported externally unless required by law.

Code of Conduct violations resulting in sanctions of **Official Warning or Academic Censure** will not be reported externally unless required by law.

Charges of Code of Conduct violations or assigned sanctions that remain unresolved at the time a student leaves or withdraws from the institution may be kept indefinitely and reported externally. Once resolved, these records are kept and maintained according to Institution policy.

Responses to a request for student disciplinary records may include a statement explaining the institution's policy regarding retention and reporting of disciplinary records.

CHANGES OR TERMINATION OF THE POLICY

Southeastern Baptist Theological Seminary and The College at Southeastern reserves the right to modify, amend, or terminate this policy at any time. Students, faculty, staff, and their dependents are encouraged to check online for the most current version of all policies and procedure. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form. The policy is effective as of August 27, 2019. This policy supersedes all previous SEBTS policies with respect to Title IX, sexual misconduct, and interpersonal violence.

TITLE IX EXEMPTION

The following is stated on the Department of Education website (<https://www2.ed.gov/about/offices/list/ocr/docs/t9-rel-exempt/index.html>) reference exemptions for religious institutions:

Title IX generally prohibits a recipient institution from excluding, separating, denying benefits to, or otherwise treating students differently on the basis of sex in its educational programs or activities unless expressly authorized to do so under Title IX. Title IX and its implementing regulations contain several exemptions and exceptions from its coverage, including for the membership practices of certain organizations and admissions to private undergraduate colleges.

Therefore, SEBTS applied for and was granted this exemption. If you would like to know more about this exemption and its application to SEBTS, the letter granting this exemption is attached to this document as Appendix A.

APPENDIX A:

DEPARTMENT OF EDUCATION – TITLE IX EXEMPTION LETTER 2016_01_28



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

January 13, 2016

COPY

Daniel L. Akin
President
Southeastern Baptist Theological Seminary
120 South Wingate Street
Wake Forest, NC 27587

Dear President Akin:

I write to respond to your December 18, 2015, letter to the U.S. Department of Education, Office for Civil Rights (OCR), in which you requested a religious exemption for Southeastern Baptist Theological Seminary (Seminary) of Wake Forest, North Carolina from Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance.

The implementing regulation at 34 C.F.R. § 106.12 provides that Title IX does not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions are allowed to request an exemption from Title IX by identifying the provisions of Title IX that conflict with a specific tenet of the religious organization. The request must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets.

Your request explained that the Seminary, "a Southern Baptist institution of higher education," "is controlled by a religious organization. That organization is the Southern Baptist Convention . . . whose constituency is the cooperating Southern Baptist churches of North America." Your letter states that "[p]ursuant to the Seminary's Charter and Bylaws, the Southern Baptist Convention controls the Seminary in part by exercising its right to select the entire membership of the board of directors of the Seminary, the governing body of the Seminary."

Your letter requests a religious exemption from the provisions of Title IX "to the extent application of those provisions would not be consistent with the Convention's religious tenets regarding marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy, and abortion." In support of this request, you cite to "The Baptist Faith and Message 2000, a statement of faith adopted by the Southern Baptist Convention." According to your letter, The

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Baptist Faith and Message 2000 states that “It is God’s unique gift . . . to provide for the man and woman in marriage the framework for intimate companionship, the channel of sexual expression according to biblical standards, and the means of procreation of the human race.” Your letter further states that God created people “male and female as the crowning work of His creation. The gift of gender is thus part of the goodness of God’s creation. . . . Christians should oppose . . . all forms of sexual immorality, including adultery [and] homosexuality . . . [and] should speak on behalf of the unborn and contend for the sanctity of all human life from conception to natural death.”

You explain that it would not be consistent with the Convention’s religious tenets for the Seminary to comply with Title IX to the extent that it prohibits the Seminary from “engaging in recruiting and admissions under a policy which called for the consideration of an applicant for admission’s sexual orientation, transgendered status, marital status, past and present practices regarding marriage, sex outside of marriage, pregnancy, and abortion[; . . . from] subjecting students to rules of behavior, sanctions, or other treatment because of the students[’] characteristics[; or from] making all employment decisions. . . in a manner which takes into consideration these employee characteristics.”

You state that, for these reasons, the Seminary is requesting an exemption from the following regulatory provisions “to the extent the regulation would require the institution to treat marriage, sex outside of marriage, homosexuality, pregnancy, abortion, and gender identity in a manner that is inconsistent with the religious tenets of the Convention:”

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions);
- 34 C.F.R. § 106.31(b)(7) (governing the limitation of rights, privileges, advantages, or opportunities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities such as restrooms and locker rooms);
- 34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students);
- 34 C.F.R. § 106.41 (governing athletics);
- 34 C.F.R. § 106.51 (governing employment);
- 34 C.F.R. § 106.52 (governing employment criteria);
- 34 C.F.R. § 106.53 (governing recruitment of employees);
- 34 C.F.R. § 106.57 (governing the consideration of marital or parental status in employment decisions); and
- 34 C.F.R. § 106.60 (governing pre-employment inquiries).

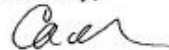
President Daniel L. Akin – page 3

The Seminary is exempt from these provisions to the extent that they prohibit discrimination on the basis of marital status, sex outside of marriage, sexual orientation, gender identity, pregnancy, or abortion and compliance would conflict with the controlling organization's religious tenets.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulation other than as stated above. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption here granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact me.

Sincerely,



Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education