



URSHAN ADMINISTRATIVE POLICY

Policy Title	Title IX: Policies and Procedures to Address Discrimination, Harassment, and Retaliation
Policy Number	SS.02.026
Responsible Office	Dean of Student Services/ Title IX Coordinator
Coordinating Office(s)	N/A
Documents and Locations	UGST Student Handbook (<i>Abbreviated policy</i>)

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I. PURPOSE AND SCOPE OF POLICY

I.A. INTRODUCTION

Urshan is committed to excellence in education that is based on Christian values and standards. The College and Graduate School believes this goal can only be achieved in an environment free of discriminatory behavior, sexual harassment, or retaliation. Discriminatory behavior, sexual harassment, and retaliation undermine the mission of Urshan College and Urshan Graduate School of Theology. The intent of Urshan is to provide an environment for students, employees, and faculty that is free from these practices.

Discrimination, harassment, and retaliation of any form are a violation of a person's rights, dignity, and integrity. Such acts debase the integrity of the educational process and are contrary to the mission and values of Urshan. In response to any reported misconduct, administration will take appropriate steps to eliminate the misconduct, prevent its recurrence, and address its effects. Urshan will review and investigate all reports, and provide for fair and impartial evaluation and resolution. Retaliation is prohibited against a person who makes a report of discrimination or harassment.

I.B. PURPOSE OF POLICY

The purpose of this policy is to provide the Urshan community with a set of behavioral standards, common understanding of definitions and key concepts, descriptions of prohibited conduct, and processes for submitting, investigating and resolving complaints. The policy is intended to protect and guide those who have been affected by discrimination and harassment whether as a complainant, a respondent, or a third party.

This policy also identifies resources and support for all members of the Urshan community, identifies appropriate administrators and describes their roles, provides information about how to make a report, and provides information about how a report will be evaluated and resolved.

I.C. SCOPE

The policies below are subject to resolution using Urshan's complaint resolution process. Regardless of the status of the parties involved, the resolution process is available to students, student organizations, staff, faculty, administrators, trustees, volunteers, visitors, contractors, and vendors. This policy also extends the right to act on incidents occurring on the Urshan campus, at Urshan-sponsored events and programs off-campus, and online conduct when the school determines that such conduct affects substantial Urshan interests.

I.D. INQUIRIES

The Dean of Student Services at Urshan College and Urshan Graduate School of Theology serves as the Title IX Coordinator and Clery Compliance Officer and will oversee the implementation of all civil rights policies and claims related to discrimination and harassment. Reports of discrimination, harassment and/or retaliation should be promptly reported to the Dean of Student Services. Inquiries about these policies and procedures may be made internally to:

David Reid, Title IX Coordinator
700 Howdershell Dr. Florissant, MO 63031
(502) 649-5843
dreid@ugst.edu

II. NON-DISCRIMINATION POLICIES & ACCOMMODATIONS

II.A. DISCRIMINATION AND HARASSMENT

Several Federal, State and local laws prohibit discrimination and harassment in employment on the basis of legally protected characteristics. In addition, Title IX of the Federal Civil Rights Act, and the Federal Clergy Act, prohibit discrimination, including harassment and violence, on the basis of gender and sex in federally funded educational programs and activities.

In employment, in access to educational opportunities, and in all other areas of life, Urshan prohibits unlawful discrimination and harassment on the basis of race, ethnicity, color, national origin, age, religion, disability, gender, marital status, and other characteristics protected by federal, state or local statute or ordinance. Because Urshan is a Christian institution, the institution may, under the Free Exercise Clause of the First Amendment to the Constitution of the United States and various relevant statutes, lawfully discriminate on the basis of religious and confessional criteria in its employment and educational practices. One example is Urshan's use of Apostolic doctrine and faithful church attendance as conditions of employment for faculty and administrators with faculty status. Another example relates to sexual conduct. Although it is the institution's policy to assure equal opportunity in its hiring, personnel practices and admissions without regard to marital status, sexual relations outside of marriage are prohibited. Marriage, as understood by the United Pentecostal Church International is a sacred union between a man and a woman.

II.B. ACCOMMODATION OF DISABILITIES

In addition to prohibiting discrimination on the basis of disability, Urshan is committed to fulfilling its legal obligations to provide accommodation. A disability is a physical or mental substantial impairment that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

Urshan is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of Urshan. Requests for an accommodation should be directed to the Academic Dean of the individual school a student is attending.

Urshan is committed to providing reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would result in undue hardship on the institution. An employee with a disability who needs an accommodation to perform the essential functions of his/her job should contact the Executive Vice President to make such a request.

III. PROHIBITED CONDUCT

This policy recognizes that Apostolics seek to live their lives out of the positive law of love in obedience to God's commandments. As a community that prepares students for Christian service, we expect students to exhibit integrity, honesty, and other behavior that is in keeping with a follower of Jesus Christ and the Urshan Honor Code. As an institution of higher learning, we sometimes engage difficult, controversial, and potentially offensive issues. We strive to address these issues in ways that are respectful, appropriate, and give the least offense to others.

III.A. DISCRIMINATION AND HARASSMENT

Discrimination is defined as unequal, adverse treatment of an individual because of his or her protected legal status, such as race, age, or gender. For instance, different treatment of two similar individuals with respect to pay, opportunity for advancement, or educational opportunity constitutes discrimination if the reason for the different treatment is the protected status of one of the individuals.

Harassment is defined as unwelcome verbal or physical conduct that is sufficiently severe, persistent or pervasive such that it unreasonably interferes with, denies, or limits someone's employment access, benefits or opportunities, and/or the ability to participate in or benefit from Urshan's educational program and/or activities, or constitutes retaliation.

Examples of harassment based on actual or perceived membership of a protected characteristic, whether race, ethnicity, gender, age, or any other protected characteristic include, but are not limited to: epithets, slurs, denigrating jokes or negative stereotyping; threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers health or safety; written or graphic material that degrades or shows hostility or aversion; pranks or horseplay intended to embarrass or humiliate; imposing submission to unwelcome verbal or physical conduct; stalking, bullying, hazing; any other action that is motivated by the actual or perceived membership of the victim in a protected class.

III.B. SEXUAL MISCONDUCT

Although many acts of sexual misconduct can be addressed within a general nondiscrimination and harassment policy, federal regulations require institutions of higher education who receive federal funding to address with specificity sexual misconduct. Sexual misconduct includes, but is not limited to, the following prohibited conduct: sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, and consensual romantic and sexual relationships between people of unequal power. Definitions and examples of this conduct are found in Appendix B of this policy.

III.C. RETALIATION

Retaliation, also called retaliatory harassment, is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or harassment of any kind. Retaliation against an individual for alleging harassment, for supporting a complainant or for assisting in providing information relevant to a claim of harassment is a serious violation of Urshan policy. Individuals who engage in such actions are subject to discipline up to and including suspension or dismissal from school, consistent with the institution's procedures. Acts of alleged retaliation should be reported immediately to the Title IX

Coordinator. Urshan is prepared to take appropriate steps to protect individuals who fear they may be subjected to retaliation.

IV. REPORTING OF OFFENSES UNDER THIS POLICY

IV.A. REPORTING IS VITAL

Violations of this Policy, including gender and sex-based harassment and discrimination, must be reported under Federal law. Whoever receives such reports or observes such behavior is required to report all violations. Urshan's commitment to an environment free from discrimination and harassment calls on every member of the community to be vigilant in deterring and reporting all violations.

IV.B. GUIDANCE AND COUNSELING TO SUPPORT THE REPORTER

Reporting may pose concerns about confidentiality, the effect on the reporter or on other persons. Or a reporter may wonder whether the observed offense is serious enough to report. To assist and support the reporter, the following resources are available:

The Dean of Student Services Office
Executive Vice President's Office
Off-Campus local and state assistance agencies
Counselors recommended by the Dean of Student Services Office

IV.C. CONFIDENTIALITY

Confidentiality and privacy for the reporter are valued. In working with reporters, the institution will be guided by the goals of empowering the victim and allowing the victim to retain as much control over the process as the case allows, but no Urshan employee (other than the campus pastor, under certain circumstances) can or may promise confidentiality over the entire course of the process. When the investigation and/or resolution process requires disclosure of certain information, Urshan will keep the reporter informed, and protected to the extent permitted by the circumstances.

IV.D. FILING A COMPLAINT

This Policy provides several choices for filing a complaint. Any member of the Urshan community, or any visitor to the community, who believes this policy has been violated is encouraged to contact the Dean of Student Services/ Title IX Coordinator. It is also possible for employees to notify a supervisor, or for students to notify an administrator or faculty member.

In addition to reporting acts of discrimination, harassment and retaliation internally to the Dean of Student Services/ Title IX Coordinator, students, faculty, and staff are also encouraged to report any and all suspected and/or actual criminal activity also so that it can be handled promptly.

IV.E. COMPLAINT INTAKE

Following receipt of notice or a complaint, the Title IX Coordinator will complete an initial assessment and make an initial determination whether a policy violation may have occurred and/or whether conflict resolution might be appropriate. If the complaint does not appear to allege a policy violation or if conflict resolution is desired by the complainant, and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation.

A full investigation will be pursued if there is evidence of a serious violation, a pattern of misconduct, a perceived threat of further harm to the community or any of its members, or the complainant desires further action. Urshan aims to complete all investigations within a 30 business day time period, which can be extended as necessary for appropriate cause by the Title IX coordinators with notice to the parties.

IV.F. BYSTANDER INTERVENTION

Urshan expects all community members to take reasonable and prudent actions to prevent or stop an act of misconduct. Taking action may include direct non-violent intervention, calling law enforcement, and seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation in good faith and a reasonable manner will be supported by the institution and protected from retaliation.

IV.G. FALSE COMPLAINTS

Urshan will seriously investigate all complaints. However, it also recognizes that false complaints are likely to cause significant damage to the person and reputation of an individual who is wrongfully accused. Individuals found to have knowingly made false complaints will be subject to disciplinary action. A complaint that is erroneous but made in good faith will not be subject to disciplinary action.

V. INVESTIGATION

The investigation will be conducted with no pre-disposition position towards any particular finding or result. The investigation will be a fair, objective, impartial and thorough inquiry into the allegations of the complaint, the responses and defenses raised by the respondent, and other relevant issues. Complainants and respondents, as well as other witnesses, will be respected and their suggestions and input concerning the scope and focus of the investigation will be given due regard. When appropriate or needed, the Title IX Coordinator may utilize outside assistance in conducting an investigation. The Title IX Coordinator will notify the appropriate administrators (Academic Deans, Executive VP) when an investigation begins and update them as needed throughout the process.

VI. RESULTS OF INVESTIGATION

The Executive VP will review the results of the investigation to confirm that the investigation has been fair, objective, impartial, and thorough and that institutions policies have been followed. The investigators will prepare a Report of Investigation. The format and degree of detail of the Report of Investigation will be appropriate to the resolution process.

VII. COMPLAINT RESOLUTION

Based on the results of investigation the Title IX Coordinator, will decide on the next step(s) which may include:

- a. No further action or investigation
- b. Additional investigation
- c. Education, counseling or other informal remedial actions
- d. Referral to Conflict Resolution by the Dean of Student Services
- e. Resolution without a Hearing
- f. Hearing – See below

VIII. HEARING

VIII.A. URSHAN HEARING PANEL

The Title IX Coordinator will appoint a Chair and two additional faculty members, none of whom have been previously involved with the complaint, to serve on the hearing panel. The Safe and Healthy Community Administrator will consider the roles and functions of hearing panel members to ensure the panel has the necessary expertise to make sound judgments.

VIII.B. WRITTEN CHARGES

Charges will be made in writing by the Title IX Coordinator and will include the following a list of the policies allegedly violated, the Report of Investigation, and relevant evidence produced in the investigation. A copy of the written charges should be sent to the complainant, the respondent, and the Executive VP.

VIII.C. FAIR HEARING RIGHTS

All parties are entitled to a fair hearing that will include the following opportunities and rights: to be treated with respect by Urshan administrators; to have an advisor from the Urshan community (faculty, staff, or student) during the process; to respond to all evidence, specifically including the opportunity to review and respond to the contents of the Report of Investigation; to a decision by the Urshan Hearing Panel that is based solely on evidence that is reviewed by all parties; and to request “Resolution without a Hearing” or “Conflict Resolution” at any stage during the hearing.

IX. APPEALS/GRIEVANCE POLICY

All accused parties can appeal the resulting decision of the investigation and hearing. The appeal must be submitted in writing within 30 days of the ending of the investigation. Receipt of appeal will be acknowledged in writing within 10 days. Depending on the nature of the appeal, the Title IX Coordinator reserves the right to personally investigate and arbitrate the appeal, establish an ad hoc committee of uninvolved parties to investigate and arbitrate appropriate action, or refer the matter to the Urshan Administrative Committee (Executive Vice President, Academic Deans, Dean of Student Services) for final determination. The Urshan Administrative Committee reserves the right to appeal to the Board of Directors during the process of their investigation. Review of written grievances by uninvolved parties is guaranteed. Retaliation by Urshan personnel against students initiating grievance procedures will not be tolerated and will be subject to disciplinary action. Anyone party who feels that retaliation has occurred may file a written report to be filed in with in Title IX Coordinator's Office.

X. PRESIDENT'S REVIEW

The Title IX Coordinator will provide the President with a report of the investigation. If the President wishes to change and/or remand the findings and/or sanctions, he or she will do so in consultation with the Title IX Coordinator and Executive Vice President.

XI. PROCESS FOR REVISIONS

The Title IX Coordinator has permission to change policy language in those cases where the federal government and/or the Office for Civil Rights changes its preferred language for certain kinds of behavior and when the description of the processes described here can be made clearer. The changes will be published to the Urshan community and also communicated for information to the Faculty and the Board of Trustees. This policy shall be reviewed yearly under the direction of the Dean of Student Services and Executive Vice President.

APPENDIX A: STATEMENT ON RACIAL HARASSMENT

While the Non-Discrimination policy generally prohibits discrimination and harassment in employment and in access to educational opportunities on the basis of legally protected characteristics, this statement on racial harassment is intended to stipulate Urshan's position prohibiting racial, ethnic, and cultural harassment within the community. Therefore, this statement shall be interpreted in its broadest sense, and not specifically limited to an exhaustive list of situations. However, this policy is not intended to discourage or impede serious and responsible attention to issues of race, ethnicity, or other markers of cultural differences. Rather, it is expected that this policy will guide the institution's efforts of becoming a safe environment for students, staff, faculty, and guests.

A. NON-DISCRIMINATION STATEMENT

1. No member of the Urshan community shall engage in racial, ethnic, or cultural harassment. Harassment includes, but is not limited to: harassing remarks or actions serving no scholarly, artistic, or educational purpose that are made directly or indirectly toward individuals or groups due to their race, ethnicity, or culture.
2. Intimidating, hostile, humiliating, or demeaning remarks or actions based on race, ethnicity, or culture which, whether intentional or unintentional, interfere with or threaten an individual's or group's participation in the life of the institution, including academic or co-curricular activities. This may include actions or public displays of material that serve no scholarly, artistic, or educational purpose.

B. INTERPRETIVE GUIDELINES

1. Examples of racial, ethnic, or cultural harassment include, but are not limited to: racial epithets, derogatory comments, jokes, or ridicule directed to a specific person or persons about their race, ethnicity, or culture; threats of or actual violence based upon race or ethnicity or culture of the victim; defacement of property based on race, ethnicity, or culture of the owner; remarks or conduct based on race, ethnicity, or culture, even if it is not directed at a specific person or persons, which unreasonably affects the ability of persons to participate in Urshan programs.
2. In determining whether an act constitutes racial or ethnic harassment, the totality of the circumstances that pertain to any given incident in its context must be carefully reviewed and due consideration must be given to the protection of individual rights, freedom of speech, academic freedom, and advocacy.

APPENDIX B: SEXUAL MISCONDUCT

Prohibited sexual misconduct includes, but is not limited to, the following prohibited conduct: sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, and consensual romantic and sexual relationship between people of unequal power.

A. SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive such that it unreasonably interferes with, denies, or limits someone's employment access, benefits or opportunities, and/or the ability to participate in or benefit from Urshan's educational program and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation.

B. NON-CONSENTUAL SEXUAL CONTACT

Non-consensual sexual contact is defined as any intentional sexual touching, however slight, with any object, by one person upon another that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

C. NON-CONSENTUAL SEXUAL INTERCOURSE

Non-consensual sexual intercourse is defined as any sexual intercourse, however slight, with any object, by one person upon another that is without consent and/or by force. Sexual exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of sexual harassment, non-consensual sexual intercourse or non-consensual sexual contact.

D. ROMANTIC AND/OR SEXUAL CONSENTUAL RELATIONSHIPS BETWEEN PEOPLE WITH UNEQUAL POWER

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (e.g., faculty and student, supervisor and employee). The unequal power inherent in such relationships, even if consensual, heightens the vulnerability of the person with less power and heightens the potential for coercion and abuse. In addition, these relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. Such relationships can also create a hostile learning and work environment for others.

Examples of the kinds of relationships prohibited by this policy include:

Faculty and students. The decision to become a faculty member at Urshan presumes an educational and mentoring relationship with any student and precludes engaging in such a romantic relationship with any student.

Staff or volunteers who have mentoring or supervisory relationships with students. The decision to become a staff member or a volunteer in a position that is defined by mentoring or supervision precludes engaging in such a romantic relationship with any student.

Supervisors and subordinates. Romantic relationships are not allowed between employees of Urshan when a supervisory relationship is involved. This applies to all employees and their supervisors. The power differential makes such relationships open to abuse and to charges of sexual harassment or unprofessional conduct. Such relationships can also create a hostile work environment for others. Should romantic relationships develop, the supervisor should inform his/her supervisor so that appropriate actions can be made to remove the involved supervisor from direct supervision.