

## Equal Opportunity, Harassment, and Non-Discrimination Policy

### Rationale for the Policy

Lancaster Theological Seminary aspires to be a welcoming and inclusive community that embraces and values the diversity of all members of the campus community. We strive to accept the uniqueness of all individuals, and we cultivate an environment that respects, affirms, and defends the dignity of each member of our community. We are committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation.

To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Lancaster Theological Seminary has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. We strive to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

### GLOSSARY

- *Advisor* means 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 to conduct cross-examination for the party at the hearing, if any.
- *Complainant* means an individual alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Confidential Resource* means an employee of Lancaster Theological Seminary who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation based on licensure (irrespective of status as a Campus Security Authority under the Clery Act).
- *Day* means a business day when the Lancaster Theological Seminary is in normal operation.
- *Education program or activity* means locations, events, or circumstances where Lancaster Theological Seminary exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs, including buildings owned or controlled by a recognized student organization (RSO) of Lancaster Theological Seminary.
- *Employee* means any individual with a temporary or permanent working relationship with Lancaster Theological Seminary in a faculty, staff, or administrative role. An employee also taking courses at the institution is generally considered an Employee under this policy. See Employee Handbook for additional detail.
- *Directly Related Evidence* is evidence connected to the complaint, but is neither inculpatory (tending to prove a violation) or exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report
- *Final Determination* is a conclusion based on the preponderance of the evidence standard (more likely than not) that the alleged conduct did (responsible) or did not (not responsible) violate policy.
- *Finding* is a conclusion based on the preponderance of the evidence standard that the conduct did

or did not occur as alleged (as in a “finding of fact”). A finding may lead to a final determination.

- *Formal Complaint* means a document submitted or signed by a Complainant (or signed by the Title IX Coordinator) alleging harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity, against a Respondent. The formal complaint serves as a request that Lancaster Theological Seminary initiate a resolution process, which includes investigating the allegation. This is a decision separate and distinct from the submission of a report.
- *Formal Grievance Process* means “Process A,” a method of formal resolution designated by Lancaster Theological Seminary to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR 106.45.
- *Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Hearing Panel (Member or Chair)* refers to those who have decision-making and sanctioning authority within Lancaster Theological Seminary's Formal Grievance process.
- *Investigator* means the person(s) charged by Lancaster Theological Seminary with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling an investigation report and file of directly related evidence.
- *Mandated Reporter* means an employee of Lancaster Theological Seminary who is obligated to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator. Under this policy, Lancaster Theological Seminary designates all employees mandatory reporters, unless specifically designated confidential.
- *Lancaster Theological Seminary* is a postsecondary education program that is a recipient of federal funding.
- *Notice* means that an employee, student, or third-party 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)* means a institutional employee explicitly vested with responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the institution.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Process A* means the Formal Grievance Process compliant with the requirements of 34 CFR 106.45.
- *Process B* means the administrative resolution procedures that apply only when Process A does not, as determined by the Title IX Coordinator (see Appendix B).
- *Relevant Evidence* is information that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- *Remedies* are post-finding actions directed to the Complainant and/or the community to address

safety, prevent recurrence, and restore access to Lancaster Theological Seminary's educational program.

- *Report* means any form of notice to the Title IX Coordinator (or a Deputy Coordinator), either directly or indirectly, of discrimination, harassment, and/or retaliation. A Report is often a first step and is separate and distinct from any subsequent decision to pursue a Formal Complaint.
- *Respondent* means an individual reported to have engaged in conduct that may constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Resolution* means the outcome of an informal or Formal Grievance Process.
- *Sanction/Corrective action* means a consequence imposed by Lancaster Theological Seminary on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is the broad category of sexual misconduct that includes sexual harassment, sexual assault, stalking, dating violence and domestic violence.
- *Student* means any individual who has accepted an offer of admission, who is registered or enrolled for credit or non-credit bearing coursework, or who maintains a continued educational relationship with Lancaster Theological Seminary, even if on temporary voluntary or involuntary leave of absence. A student employee is generally considered a Student for purposes of this policy. See Student Code of Conduct for additional detail.
- *Title IX Coordinator* is the official designated by the institution to ensure compliance with federal Title IX regulations and within Lancaster Theological Seminary's Title IX program. References to the Coordinator throughout this policy may encompass a designee as deemed appropriate by the institution.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

## **POLICY**

### **1. Applicable Scope**

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or differential treatment in activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this non-discrimination policy is reported, the allegations are subject to resolution using Lancaster Theological Seminary's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the Lancaster Theological Seminary community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Lancaster Theological Seminary community. This community includes, but is not limited to, students, student organizations, employees, and third parties such as guests, visitors, volunteers, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

### **2. Title IX Coordinator**

Leah M. Naso, Executive Director for Equity and Compliance with Moravian University, oversees implementation of Lancaster Theological Seminary's policy on equal opportunity, harassment, and nondiscrimination and serves as the institutional Title IX Coordinator. The Title IX Coordinator has the primary responsibility for coordinating institutional efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

### **3. Independence and Conflict-of-Interest**

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and its procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact Vice President for Human Resources (Moravian University), Jon B. Conrad at [conradj@moravian.edu](mailto:conradj@moravian.edu). Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to Vice President for Human Resources (Moravian University), Jon B. Conrad at [conradj@moravian.edu](mailto:conradj@moravian.edu). Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

### **4. Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Leah M. Naso

**Executive Director for Equity and Compliance** (Title IX Coordinator)

314 Colonial Hall

Moravian University

1200 Main Street

Bethlehem, PA 18018

610.861.1529

[equityandcompliance@moravian.edu](mailto:equityandcompliance@moravian.edu)

[www.moravian.edu/titleix](http://www.moravian.edu/titleix)

Ryan D. McKinney

**Deputy Title IX Coordinator / University Investigator**

316 Colonial Hall

Moravian University

1200 Main Street

Bethlehem, PA 18018

610.625.7033

[equityandcompliance@moravian.edu](mailto:equityandcompliance@moravian.edu)

[www.moreavian.edu/titleix](http://www.moreavian.edu/titleix)

Concerns specific to gender and equity in athletics to:

Rebecca May

**Fitness Center Director/Assistant Athletic Director (Deputy Title IX Coordinator)**

109 Johnston Hall  
Moravian University  
1200 Main Street  
Bethlehem, PA 18018  
610.625.7791  
mayr@moravian.edu

Under this policy, all institutional employees are designated Mandatory Reporters of any knowledge they have about a member of the campus community experiencing harassment, discrimination, and/or retaliation.

In addition, the institution designates certain administrators Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Coordinator, this includes Deputy Coordinator(s), Civil Rights Investigators (not otherwise affiliated with Lancaster Theological Seminary or Moravian University), the President, Provost/Dean of Faculty, Vice President for Human Resources, Vice President for Student Life, Campus Police, and Student Development staff. A list of these individuals is maintained at [moravian.edu/TitleIX](http://moravian.edu/TitleIX).

In addition to the institutional officials listed above, inquiries may be made externally to:

Office for Civil Rights (National OCR office)

U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Phone: (800) 421-3481  
Fax: (202) 453-6012  
TDD: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)

Office of Civil Rights (Regional OCR office)

U.S. Department of Education  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: (215) 656-8541  
Fax: (215) 656-8605  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Equal Employment Opportunity Commission (EEOC)

Philadelphia District Office  
801 Market Street, Suite 1000  
Philadelphia, PA 19107-3126  
Phone: (800) 669-4000 / (267) 589-9700  
Fax: (215) 440-2606  
TTY: (800) 669-6820  
ASL Video Phone  
844-234-5122  
Email: [PDOContact@eeoc.gov](mailto:PDOContact@eeoc.gov)  
Web: [www.eeoc.gov/contact/](http://www.eeoc.gov/contact/)

Through March 31, 2022, Lancaster Theological Seminary will also notify the National Science Foundation (NSF) of any findings/ determinations of sexual harassment, other forms of harassment, or sexual assault

regarding an NSF funded Principal Investigator (PI) or co-PI, or of the placement of the PI or co-PI on administrative leave, or the imposition of any administrative action relating to harassment or sexual assault finding or investigation.

## **5. Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Anyone may file a report or give verbal notice of alleged discrimination, harassment, and/or retaliation to the Title IX Coordinator. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator. Notice may also be given to the Deputy Title IX Coordinator(s) or any Official with Authority.

Reports may be filed online at any time using the [Title IX Reporting form](#) (also available at [www.moravin.edu/titleix](http://www.moravin.edu/titleix)). Reports submitted online are sent directly to the Title IX Coordinator for review. Mandatory reporters are required to include their name and contact information when completing the online reporting form. Any other person may submit this form anonymously.

Anonymous reports may still give rise to a need to investigate but may also significantly limit the institution's ability to respond effectively. While Lancaster Theological Seminary strives to provide supportive measures to all Complainants, we are rendered unable to do so when their identity is unknown. Unless there is a compelling threat to health and/or safety, Lancaster Theological Seminary respects a Complainant's right to discuss options and determine how to proceed. Privacy is maintained to the highest degree possible that allows the institution to provide supportive measures and/or resolution options.

The Title IX Coordinator is on notice upon receiving any information from any source alleging a violation of this policy. A report is often a first step for submitting this information and is separate and distinct from any subsequent decision by a Complainant to pursue a formal complaint. A formal complaint means a document submitted or physically/digitally signed by the Complainant (or signed by the Title IX Coordinator) alleging a policy violation by a Respondent and requesting that Lancaster Theological Seminary initiate a resolution process, including investigating the allegation. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email to [equityandcompliance@moravian.edu](mailto:equityandcompliance@moravian.edu). The Title IX Coordinator will work with the Complainant to ensure that any formal complaint is properly filed.

## **6. Supportive Measures**

Lancaster Theological Seminary will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to restore or preserve the parties' access to the institution's education program or activity, including measures designed to protect the safety of all parties and/or the institution's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly contacts the Complainant and makes supportive measures available upon receiving a report/notice. At the time that supportive measures are offered, Lancaster Theological Seminary will inform the Complainant, in writing, of their option to file a formal complaint with the institution either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account regarding supportive measures that are implemented. Supportive measures are likewise made available to the Respondent, once put on notice by the Title IX Coordinator.

Lancaster Theological Seminary will implement supportive measures in a way that does not unreasonably burden the other party, will ensure as minimal an academic/occupational impact on the parties as possible, and will maintain the privacy of the parties to the degree possible in providing the measures. It should be noted that

the Title IX Coordinator is a Campus Security Authority (CSA) under the Clery Act and reports required statistical data (no personally identifiable information) to the Moravian University Police Department (as well as the Franklin & Marshall Police Department when appropriate) for inclusion in the Daily Crime Log and Annual Security Report (ASR).

Supportive measures may include, but are not limited to:

- Referral to the Advocates for Survivors of Sexual Violence (24/7 support hotline 484-764-9242)
- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the campus community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus police escorts
- Providing transportation accommodations
- Implementing contact limitations (including no contact orders) between the parties ●
- Academic support, extensions of deadlines, or other course/program-related adjustments ●
- No Trespass orders (issued via Moravian University Police Department)
- Timely warnings to campus (under Clery Act)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Learn more about support resources. Potential violations of no contact orders (NCOs) are referred to student development or human resources for resolution and action as appropriate. The Moravian University Police Department enforces no trespass orders for Lancaster Theological Seminary's campus.

## **7. Emergency Removal**

Lancaster Theological Seminary may 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 their removal. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX.

Emergency removal is determined through risk analysis performed by the Threat Assessment Team (TAT) using established violence risk assessment (VRA) procedures. In all cases in which an emergency removal is imposed, the student will be given notice of the emergency removal and the option to request to meet with the Title IX Coordinator prior to removal being imposed, or as soon thereafter as reasonably possible, to show cause why the removal should not be implemented or should be modified. This meeting's sole purpose is to determine whether the emergency removal is appropriate.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the meeting to show cause. 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. A Complainant and their Advisor may also 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, and the Title IX Coordinator has the discretion to determine the conditions and duration of emergency removal. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

Lancaster Theological 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: removing a student from a residence hall, 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, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics. 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. Where the Respondent is an employee, existing provisions for interim action are applicable, as per the Employee Handbook.

## **8. Promptness**

All Formal complaints are acted upon promptly by Lancaster Theological Seminary. The institution strives to resolve complaints in a timely manner, and where possible, to contain proceedings to a single semester. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the institution will avoid all undue delays within its control. The institution will provide written notice to the parties of any significant delays, the cause of the delay, and an estimate of the anticipated resolution timeline.

## **9. Privacy**

Every effort is made by the institution to preserve privacy. Lancaster Theological Seminary will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Lancaster Theological Seminary reserves the right to determine which institutional officials have legitimate educational interest in information obtained under this policy, pursuant to the Family Educational Rights and



Privacy Act (FERPA). Only a small group of officials who need to know will typically be told about the complaint, including but not limited to the Behavioral Intervention Team, Threat Assessment Team, and personnel in Student Life, Academic Affairs, or Human Resources as appropriate to the situation. Information will be shared as necessary with Investigators, Advisors, Decision-makers, witnesses, and the parties. The institution strives to preserve the parties' rights and privacy.

Lancaster Theological Seminary may contact a party's emergency contact when a significant and articulable health and/or safety risk exists, but will usually consult with the party when possible before doing so. Confidentiality and mandatory reporting are addressed in more detail in subsequent sections of this policy.

## **10. Jurisdiction of Lancaster Theological Seminary**

This policy applies to the education program and activities of Lancaster Theological Seminary, to conduct that takes place on the campus or on property owned or controlled by Lancaster Theological Seminary, at Lancaster Theological Seminary-sponsored events, or in buildings owned or controlled by Lancaster Theological Seminary's recognized student organizations. The Respondent must be a member of Lancaster Theological Seminary's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Lancaster Theological Seminary's educational program. The institution may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial institutional interest.

Regardless of where the conduct occurred, Lancaster Theological Seminary will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Lancaster Theological Seminary interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of Lancaster Theological Seminary.

If the Respondent is unknown or is not a member of the Lancaster Theological Seminary community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of Lancaster Theological Seminary's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator, the Advocates for Survivors of Sexual Violence, and/or the Bias Response and Intervention Team (BRIT) depending on the nature of the situation. Lancaster Theological Seminary may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from campus property and/or events.

All vendors serving Lancaster Theological Seminary through third-party contracts are subject to the policies

and procedures of their employers or to those policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

The Title IX Coordinator may also be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Lancaster Theological Seminary where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainants.

## **11. Time Limits on Reporting**

There is no time limitation on providing notice or complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Lancaster Theological Seminary's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or even impossible. Acting on notice or complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate. When notice or a complaint is affected by significant time delay, Lancaster Theological Seminary will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

## **12. Online Harassment and Misconduct**

The policies of Lancaster Theological Seminary are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the institution's education program and activities or use institutional networks, technology, or equipment. Although Lancaster Theological Seminary may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported, the institution will engage in means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or using the ease of transmission and/or anonymity of the Internet or other technology to harm any member of the campus community.

## **13. Statement on Non-Discrimination**

Lancaster Theological Seminary adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education. The institution does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of actual or perceived race, ethnicity, color, sex, religion, age, ancestry, national origin, caste, sexual orientation, gender identity or expression, genetic information, pregnancy, familial status, marital status, citizenship status, veteran/military status, disability status, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This policy covers non-discrimination in both employment and access to educational opportunities. Therefore, any member of the Lancaster Theological Seminary community whose acts deny, deprive, or limit the

educational, employment, residential, and/or social access, benefits, and/or opportunities of any member of the campus community, guest, or visitor on the basis of actual or perceived membership in a protected class is in violation of this policy. When brought to the attention of Lancaster Theological Seminary, any such discrimination will be promptly and fairly addressed and remedied by the institution according to the appropriate grievance process described below.

#### **14. Policy on Disability Discrimination and Accommodation**

Lancaster Theological Seminary is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by Lancaster Theological Seminary, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Leah Naso, Executive Director for Equity and Compliance at Moravian University, has been designated as the individual responsible for institutional compliance with these laws, responsible for responding to grievances and conducting investigations of alleged harassment and/or discrimination based upon disability. Grievances related to disability discrimination are addressed using the procedures outlined in this policy.

Kathleen Barr, Director of Career Development at Moravian University, has been designated as the ADA/504 Coordinator, responsible for responding to grievances and conducting investigations when it is alleged that a student or employee has been denied equal access in the form of appropriate accommodations, modifications, auxiliary aids or effective communication. Grievances related to these matters are addressed using procedures separate from this policy.

Additional details related to disability accommodations while participating in the institutional resolution process are included subsequently in this policy.

#### **Students with Disabilities**

Lancaster Theological Seminary is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of Lancaster Theological Seminary. A student requesting any accommodation should first contact the Accessibility Services Center (ASC), which coordinates services for students with disabilities. The Director of Accessibility Services determines accommodations on an individualized basis through documentation review and an interactive process.

#### **Employees with Disabilities**

Pursuant to the ADA, Lancaster Theological Seminary will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the institution. The Office of Human Resources (HR) determines whether employees are eligible for reasonable accommodations in order to perform the essential functions of their employment.

An employee with a disability is responsible for submitting a request for an accommodation to the Office of

Human Resources (HR) and providing necessary documentation. The Vice President for HR/designee will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

## **15. Policy on Discriminatory Harassment**

Students and employees are entitled to an employment and educational environment that is free of discriminatory harassment. Lancaster Theological Seminary's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Lancaster Theological Seminary policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Lancaster Theological Seminary policy. The institution will offer supportive measures to those impacted, including opportunities to engage in restorative practices where appropriate. All policies incorporate actual and/or attempted offenses.

### **Discriminatory Harassment**

Discriminatory harassment constitutes a form of discrimination that is prohibited by Lancaster Theological Seminary policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law. The institution does not tolerate discriminatory harassment of any employee, student, visitor, or guest, and will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment".

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive. When discriminatory harassment rises to the level of creating a hostile environment, Lancaster Theological Seminary may also impose sanctions on the Respondent through application of the appropriate grievance process below.

Lancaster Theological Seminary reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under this policy, but may be addressed through other applicable institutional policies, as well as through education, remedial actions, conflict coaching, mediation, shuttle negotiation, facilitated dialogue, restorative practices, and/or other alternate resolution mechanisms. The institution's Bias Response and Intervention Team (BRIT) is available to assist and respond to these types of concerns.

### **Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Pennsylvania regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. Lancaster Theological Seminary has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender expression/identity of those involved. Sexual Harassment, as an umbrella

category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender or conduct that is sexual in nature that satisfies one or more of the following:

1. Quid Pro Quo:

- an employee of the Lancaster Theological Seminary,
- conditions the provision of an aid, benefit, or service of the Lancaster Theological Seminary,
- on an individual's participation in unwelcome sexual conduct;

2. Sexual Harassment:

- unwelcome conduct,
- determined by a reasonable person,
- to be so severe, and
- pervasive, and,
- objectively offensive,
- that it effectively denies a person equal access to the institution's education program or activity.

3. Sexual assault, defined as:

- Sex Offenses, Forcible:
  - Any sexual act directed against another person,
  - without the consent of the Complainant,
    - including instances in which the Complainant is incapable of giving consent.
- Forcible Rape:
  - Penetration,
  - no matter how slight,
    - of the vagina or anus with any body part or object, or
    - oral penetration by a sex organ of another person,
  - without the consent of the Complainant.
- Forcible Sodomy:

- Oral or anal intercourse with another person,
  - forcibly,
    - and/or against that person's will (non-consensually), or
  - not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Sexual Assault with an Object:
  - The use of an object or instrument to penetrate,
  - however slightly,
    - the genital or anal opening of the body of another person,
  - forcibly,
    - and/or against that person's will (non-consensually), or
  - not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Forcible Fondling:
  - The touching of the private parts of another person (buttocks, groin, breasts),
  - for the purpose of sexual gratification,
  - forcibly,
    - and/or against that person's will (non-consensually), or
  - not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Sex Offenses, Non-forcible:
  - Incest:
    - Non-forcible sexual intercourse,
    - between persons who are related to each other,
      - within the degrees wherein marriage is prohibited by Commonwealth of Pennsylvania law.
  - Statutory Rape:

- Non-forcible sexual intercourse,
- with a person who is under the statutory age of consent of sixteen (16).

4. Dating Violence, defined as:

- violence,
- on the basis of sex,
- committed by a person,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition,
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.

5. Domestic Violence, defined as:

- violence,
- on the basis of sex,
- committed by a current or former spouse or intimate partner of the Complainant,
- by a person with whom the Complainant shares a child in common, or
- by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the Commonwealth of Pennsylvania, or
- by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.
- Additionally, to categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

## 6. Stalking, defined as:

- engaging in a course of conduct,
- on the basis of sex,
- directed at a specific person, that
  - would cause a reasonable person to fear for the person’s safety, or
  - the safety of others; or
  - suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Lancaster Theological Seminary acknowledges the power dynamics inherent in many of our campus relationships and asserts specific expectations regarding intimate/sexual relationships between employees and students and between supervisors and subordinates. These expectations are outlined in more detail in the [Employee Handbook](#) (Section 10.13 “Student/Employee Relationships” and Section 10.14 “Employee Relationships”) and in the [Faculty Handbook](#) (Section 4.1 “Statement on Professional Ethics”).

Lancaster Theological Seminary reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

### **Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, 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.



**Consent:** Consent is knowing, voluntary, clear permission by word or action to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. Additionally, consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

In the Commonwealth of Pennsylvania, sexual contact by an adult with a person who is of an age that they cannot legally consent to sexual activity will be considered a violation of this policy. According to Pennsylvania law, a person under the age of 13 years cannot consent to sexual activity. Individual between the ages of 13 and 15 can only consent to sexual activity with a person within a four-year age range. More information related to the safety and protection of minors can be found in Lancaster Theological Seminary's [Protection of Minors Policy](#).

Proof of consent or non-consent is not a burden placed on either party involved in an incident; the burden remains on Lancaster Theological Seminary to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM (bondage, discipline/dominance, submission/sadism, and masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Lancaster Theological Seminary's evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

## Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, Lancaster Theological Seminary additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: 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:
  - Exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals
  - Engaging in sexual voyeurism (such as watching a person undressing, using the bathroom, or engaged in sexual acts without the consent of the person being observed)
  - Permitting others to observe you engaging in an act of consensual sex without the consent of all involved parties
  - Taking pictures, video or audio recordings of a sexual nature without the consent of all involved parties
  - Disseminating pictures, video, or audio recordings of a sexual nature without the consent of all involved parties
  - Knowingly exposing another to pornography without their consent
  - 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
  - Knowingly engaging in sexual activity with another while knowingly infected with a sexually transmitted infection (STI) without informing the other person in advance of the sexual activity
  - Engaging in sex trafficking or prostituting another
  - 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
  - Creation, possession, or dissemination of child pornography

- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Lancaster Theological Seminary community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity, as defined further in the institutional Hazing Policy;
- Bullying, (including cyberbullying occurring online) defined a repeated and/or severe behavior that likely intimidates or intentionally harms or controls another person physically or emotionally, and which is not protected by freedom of expression, as defined further in the institutional Bullying Policy;

Violation of any other Lancaster Theological Seminary policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities. Sanctions for the above listed Civil Rights Offenses range from reprimand through expulsion/termination.

## **16. Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Lancaster Theological Seminary will take all appropriate and available steps to protect individuals who reasonably fear retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation.

Lancaster Theological Seminary and any member of the campus community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude a party has made a materially false statement in bad faith.

## **17. Mandated Reporting**

Lancaster Theological Seminary designates all employees (faculty, staff, administrators) as mandatory reporters expected to report actual or suspected discrimination or harassment to appropriate officials immediately, with the exception of professionals acting under confidential licensure.

In order to make informed choices regarding disclosure, community members must understand confidentiality and mandatory reporting requirements when consulting campus resources. Fully confidential resources are not required to report actual or suspected discrimination or harassment and may offer options and resources

without any obligation to inform an outside agency or campus official unless a Complainant has requested information be shared. Complainants may want to carefully consider whether they share personally identifiable details with employees that are not deemed confidential, as those details must be shared with the Title IX Coordinator.

If a Complainant expects formal action in response to their disclosure, reporting to any Mandatory Reporter should connect them with resources to report crimes and/or policy violations, including reporting to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported. The following sections describe the reporting options at Lancaster Theological Seminary for a Complainant or third-party (including parents/guardians when appropriate):

### **Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- Campus Counseling Center
- Campus Health Center
- Lancaster Theological Seminary Chaplains
- The ADVOCATES for Survivors of Sexual Violence (when contacted anonymously)
- Off-campus resources (non-employees of the institution):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

The campus Counseling Center provides confidential individual, couples, and group counseling and therapy to all full-time undergraduate and graduate Lancaster Theological Seminary students at no additional charge. Counselors can be reached after hours on an emergency basis by calling Campus Police at 610-861-1421. Employees may access the [Employee Assistance Program](#) free of charge. [Support Resources](#) are detailed on the Title IX website.

Under the Clery Act, employees designated as confidential and who receive reports within the scope of their confidential roles are required to submit anonymous aggregate statistical information to the Lancaster Theological Seminary Police Department.

### **Mandated Reporters and Formal Notice/Complaints**

All employees (faculty, staff, administrators) of Lancaster Theological Seminary (including Resident Advisors),

with the exception of those who are designated as Confidential Resources, are mandatory reporters under this policy and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment. Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party. Supportive measures may be offered as the result of such disclosures without a formal complaint or action by the institution.

When a mandatory reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, thus triggering notice to the institution. Employees who personally experience harassment or discrimination, including sexual harassment, are not obligated to report these experiences, although they are encouraged to do so. In general, information obtained through climate surveys, classroom assignments, human subjects research, or prevention programs/events, does not need to be reported unless the Complainant clearly indicates that they desire a report to be made or they seek a specific response from the institution.

Mandatory reporters can report in person, by email, by phone, or by using the [Title IX Reporting Form](#). Failure to report disclosures of harassment or discrimination to the Title IX Coordinator is a violation of this policy, and employees may be subject to disciplinary action for failure to comply.

Emergent situations should be reported to Lancaster City Bureau of Police by dialing 911 or 717-664-1180 (for non-emergencies). Employees are also strongly encouraged to connect students with the YWCA Lancaster (Lancaster County's designated Rape Crises Center) by calling the 24/7 hotline for support at 717-392.7273.

## **18. When a Complainant Does Not Wish to Proceed**

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 complaint to be pursued, they 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 to comply with state or federal law. The Title IX Coordinator has ultimate discretion over whether the institution proceeds when the Complainant does not wish to do so and may themselves sign a formal complaint to initiate a grievance process upon completion of a violence risk assessment.

The Title IX Coordinator also considers the effect that non-participation by the Complainant may have on the availability of evidence and the institution's ability to pursue a formal grievance process fairly and effectively. Additionally, the institution's ability to remedy and respond to notice may be limited if the Complainant does not want the institution to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the institution's obligation to protect its campus community.

Any decision to proceed would be based upon the results of a violence risk assessment that show compelling risk to health and/or safety that requires Lancaster Theological Seminary to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Lancaster Theological Seminary may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

When the Title IX Coordinator executes a formal complaint, they do not become the Complainant. The Complainant is the individual who is alleged to have experienced the conduct. The Complainant (or their Advisor) may choose to have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the institution to honor that request, Lancaster Theological Seminary will offer alternative resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action. If the Complainant elects to take no action, they can change that decision and pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the institution, and to have the incidents investigated and properly resolved through these procedures. Delays in pursuing a formal complaint may cause limitations on the institution's ability to access evidence, or may present jurisdictional issues with a party's status.

## **19. Federal Timely Warning Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Lancaster Theological Seminary must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community. The institution will ensure that a Complainant's name and other personally identifiable information is not disclosed, while still providing enough information for community members to make safety decisions in light of potential danger. Notices are issued from the institution's Police Department.

## **20. False Allegations and Evidence**

Lancaster Theological Seminary operates under a presumption that a report is made in good faith until evidence demonstrates otherwise. Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not produce sufficient evidence to determine a policy violation. Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Lancaster Theological Seminary policy.

## **21. Amnesty for Complainants and Witnesses**

Complainants or witnesses may be hesitant to report to institutional officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Lancaster Theological Seminary community that Complainants choose to report misconduct to institution officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process. To encourage reporting and participation in the process, Lancaster Theological Seminary maintains a policy of offering parties and witnesses amnesty from minor policy violations, such as underage consumption of alcohol or the use of illicit drugs, related to the incident. To encourage continued reporting of serious incidents during the COVID-19 pandemic, amnesty will be offered for violations of Lancaster Theological Seminary's COVID-related policies as well.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty (the incentive to report serious misconduct) is rarely applicable to Respondent with respect to a Complainant.

Students may be hesitant to assist others for fear that they may get in trouble themselves. Lancaster Theological Seminary therefore maintains a policy of amnesty for students who offer help to others in need. In situations of this nature, Lancaster Theological Seminary may provide educational programs with no official

disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Employees may be hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to institutional officials. Lancaster Theological Seminary may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

## **22. Federal Statistical Reporting Obligations**

Campus officials deemed Campus Security Authorities under the Clery Act have a duty to report the following for federal statistical reporting purposes:

- All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- VAWA-based crimes (Violence Against Women Act), which include sexual assault, domestic violence, dating violence, and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with the [Moravian University Police Department], including the type of incident and its date, time, and general location (e.g. on or off-campus or in the surrounding area) for publication in the Annual Security Report and daily campus crime log. Incidents can be reported using the Campus Crime Reporting Form.

Campus Security Authorities include the President/cabinet, student affairs staff, campus law enforcement, coaches, athletic directors, Title IX Coordinators, Resident Advisors, HUB managers, Fitness Center monitors, faculty/staff advisors to student organizations, and any other official with significant responsibility for student and campus activities.

## **23. Preservation of Evidence**

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. During the initial meeting with the Complainant, the Title IX Coordinator will reinforce the importance of preserving evidence by taking the following actions:

- Contact the Advocates for Survivors of Sexual Violence hotline for guidance, support, and hospital accompaniment at 484-674-9424.
- Seek forensic medical assistance at a local hospital (Lehigh Valley Health Network- Muhlenberg and St. Luke’s University Hospital- Bethlehem, both within 3 miles of campus), ideally within 120 hours of the incident (sooner is better).
- Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.

- Try not to urinate.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container.
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

## **PROCESS A**

### **RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NON-DISCRIMINATION UNDER THE SCOPE OF TITLE IX (KNOWN AS “PROCESS A”)**

#### **1. Overview**

Lancaster Theological Seminary will act on any notice or complaint of an alleged violation of the policy on Equal Opportunity, Harassment, and Non-Discrimination (“the Policy”) that is received by the Title IX Coordinator [or designee herewithin] or any other Official with Authority by applying these procedures, known as “Process A.” The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students or employees of the institution that fall within the scope of Title IX.

If other policies are invoked, such as policies on protected class harassment or discrimination above, please see Appendix B for a description of the procedures applicable to the resolution of such offenses, known as “Process B.”

Process B also applies to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction falls outside of the scope of Title IX, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the Student or Employee Handbooks.

#### **2. Notice/Complaint**

Upon receipt of notice or a complaint to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the institution needs to take.

The Title IX Coordinator will initiate at least one of three responses:

- Offering supportive measures because the Complainant does not want to file a formal complaint ; and/or
- Informal Resolution (upon submission of a formal complaint); and/or
- A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

Lancaster Theological Seminary uses the Formal Grievance Process to determine whether or not the Policy



has been violated. If so, the institution will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

### 3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, informal resolution, or a formal grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their request(s), assesses the request(s), and implements accordingly. No informal resolution or formal grievance process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If informal resolution is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal modality may serve the situation best, and may seek to determine if the Respondent is also willing to engage in informal resolution.
  - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or
      - a culture/climate issue.
    - If it does not, the Title IX Coordinator determines that Title IX does not apply, assesses which policies may apply, and refers the matter for

resolution under Process B. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX, and does not limit the institution's ability to address a complaint with an appropriate process and remedies.

## **Violence Risk Assessment**

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A Violence Risk Assessment (VRA) is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat. It is not a psychological/mental health assessment or an evaluation for an involuntary behavioral health hospitalization.

While Violence Risk Assessment often begins at the time of notice or during the initial assessment of a reported incident, it is intended to be an ongoing process. The Title IX Coordinator may request that the institution's Threat Assessment Team (TAT) conduct a Violence Risk Assessment (VRA) at any time. VRA may inform climate issues or possible predatory and/or pattern conduct and may aid in critical determinations such as emergency removal/interim actions or appropriateness of negotiated/alternative resolution. Institutional officials with emergency management responsibility, including but not limited to Campus Police or student life emergency on-call personnel, may also enact emergency removal or other interim actions as appropriate. VRA is conducted independently from the Title IX process, but is informed by it, and the members of the TAT are trained to mitigate any bias and provide the analysis and findings of VRA in a fair and equitable manner. Due to its ongoing nature, Violence Risk Assessment may result in interim actions being added, amended, or removed at any time. Where VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

## **Dismissal (Mandatory and Discretionary)**

Under 34 CFR 106.45, Lancaster Theological Seminary must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- The conduct did not occur in an educational program or activity controlled by Lancaster Theological Seminary (including buildings or property controlled by recognized student organizations), and/or Lancaster Theological Seminary does not have control of the Respondent; and/or
- The conduct did not occur against a person in the United States; and/or
- At the time of filing a formal complaint, the Complainant is not participating in or attempting to participate in the education program or activity of the institution.

Lancaster Theological Seminary may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by Lancaster Theological Seminary; or

- Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Lancaster Theological Seminary will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

#### **4. Counterclaims**

Lancaster Theological Seminary is obligated to ensure that the grievance process is not abused for retaliatory purposes. The institution permits the filing of counterclaims but uses an initial assessment to determine whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted and may constitute a violation of this policy.

Counterclaims determined to be reported in good faith will be processed using the grievance procedures below. Investigation of such claims may either take place after resolution of the underlying initial allegation or may be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator.

#### **5. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor, as long as the Advisor is eligible (no conflict of interest) and available (time/capacity to fill the role). Lancaster Theological Seminary also permits the parties to each include one additional support person to accompany them, as needed throughout the process.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-makers and may impact the weight of their testimony as a witness.

#### **Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors internal or external to the Lancaster Theological Seminary community. The parties reserve the right not to have an Advisor in the stages of the process prior to the hearing.

The Title IX Coordinator will also offer to assign an Advisor for any party. If the parties choose an Advisor from the institution's pool, the Advisor will be trained and familiar with the institution's resolution process. Conversely, if the parties choose an Advisor from outside the pool, the Advisor may not have training or familiarity with the institution's process. Lancaster Theological Seminary cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the institution is not obligated to provide an attorney.

#### **Role of the Advisor**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present. Advisors help the parties prepare for each meeting and should advise ethically, with integrity, and

in good faith. Advisors may request to meet with the Title IX Coordinator/officials conducting interviews/meetings in advance of these interviews or meetings. This allows Advisors to clarify their role, as well as institution policy and procedures.

Under Title IX regulations, a form of direct questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the institution will appoint an Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the institution will appoint an Advisor who will do so regardless of the participation or non-participation of the party in the hearing. Extensive questioning of the parties and witnesses may also be conducted by the Decision-makers during the hearing.

If a party's Advisor of choice refuses to comply with the institution's established rules of decorum for the hearing, the institution may require the party to use a different Advisor. If an institution-provided Advisor refuses to comply with the rules of decorum, the institution may provide that party with a different Advisor to conduct cross-examination on their behalf.

### **Advisor Violations of Lancaster Theological Seminary Policy**

All Advisors are subject to the same Lancaster Theological Seminary policies and procedures, whether they are attorneys or not. Advisors are expected to advise the party without disrupting proceedings. Advisors should not address institution officials in meetings or interviews unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent the party during any meeting or proceeding and may not speak on behalf of the party to the Investigator(s) or other Decision-makers except during cross examination in a hearing.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation process. Although the Advisor generally may not speak on behalf of the party, the Advisor may consult with them, either privately or by conferring or passing notes during any meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will first be warned. If the Advisor continues to disrupt or otherwise fails to respect the scope of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role in the process.

### **Sharing Information with the Advisor**

Lancaster Theological Seminary expects that the parties may wish to have the institution share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

Lancaster Theological Seminary also provides a consent form that authorizes the institution to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Lancaster Theological Seminary is able to share records with an Advisor.

### **Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Lancaster Theological Seminary. Lancaster Theological Seminary may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the Lancaster Theological Seminary's privacy expectations.

### **Advisor Availability**

Lancaster Theological Seminary generally expects an Advisor to adjust their schedule to allow them to attend institution meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. The institution may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies.

### **Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigator(s), or as soon as possible if a more expeditious meeting is necessary or desired.

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least five (5) business days before the hearing.

### **Assistance in Securing an Advisor**

A listing of local attorneys and legal services, some of which may be available pro bono or at a reduced cost, is available through the [Attorney Referral and Information Service](#) or by calling 610-258-6333.

For representation, Respondents may wish to contact organizations such as:

- [FACE](#) (Families Advocating for Campus Equality)
- [SAVE](#) (Stop Abusive and Violent Environments)

Complainants may wish to contact organizations such as:

- [The Victim Rights Law Center](#)
- [The National Center for Victims of Crime](#) (maintains the Crime Victim's Bar Association)
- [The Time's Up Legal Defense Fund](#)

## **6. Resolution Processes**

All Lancaster Theological Seminary proceedings, whether formal or informal, are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with this policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose through an informal resolution process as described below. Lancaster Theological Seminary also encourages parties to discuss any sharing

of information with their Advisors before doing so.

## **Informal Resolution**

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can remedy the situation by providing supportive measures, without engaging in additional action;
- When the parties agree to resolve the matter through an alternate resolution mechanism, typically before a formal investigation takes place (described in more detail in b. below); or
- When the Respondent accepts responsibility for violating policy, and agrees to accept a sanction to end the resolution process, typically after a formal investigation takes place (described in more detail below).

To initiate Informal Resolution, a Complainant must submit/sign a formal complaint. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Lancaster Theological Seminary will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the institution. Lancaster Theological Seminary will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

## **Alternate Resolution Mechanisms**

Alternate Resolution is an informal process by which the parties reach a mutually agreed upon resolution. Alternative resolution can often be effective at both preventing and/or addressing conduct that may violate institution policy, as well as conduct that is concerning and/or inappropriate but is not necessarily unlawful or in violation of institutional policy.

For any alternative resolution process, the willingness of the parties to engage authentically is critical to success. Therefore, all parties must willingly agree to participate and can choose to withdraw at any time. The Respondent's agreement to undertake alternative resolution shall not constitute, shall not be used as, and shall not be construed as an admission that the Respondent has violated institution policy. Likewise, the Complainant's agreement to undertake alternative resolution shall not constitute, shall not be used as, and shall not be construed as an admission that the Respondent has not violated institution policy.

Alternative resolution may result in mutually agreed-upon outcomes including, but not limited to, mediated terms or agreements, accommodations including but not limited to new or continued support measures, reassignments or relocations, and/or educational outcomes including but not limited to training, coaching, or performance monitoring.

In various ways and with different levels of facilitation and contact between the parties, alternative resolution processes can allow for an exchange of perceptions, for the building of common ground, for recognition and repair of harm, for resolution of misunderstanding, and/or for the development of a pathway forward. Resolution options, including but not limited to conflict coaching, shuttle negotiation, facilitated dialogue, mediation, and restorative conferences or circle processes (described below), are often effective choices to both correct behavior and restore relationships in the workplace/ campus community.

- Conflict Coaching involves a trained professional working with the Complainant to build the skills needed to directly address the behavior of concern with the Respondent. Conflict coaching aims to change concerning behavior by creating an awareness of its existence and its impact. Conflict coaching helps individuals build assertiveness and communication skills to engage appropriately in difficult conversations.
- Shuttle Negotiation is an indirect (often written) conversation between parties that is guided by a trained, multipartial facilitator. Parties each independently share their concerns and desired outcomes with the facilitator, who helps them draft an agreement with conditions that best address and resolve the situation. This process iterates until the agreement is acceptable to all parties and meets their respective needs. Shuttle negotiation is particularly useful when the parties do not wish to have direct contact with one another.
- Facilitated Dialogue is a structured conversation between parties that is guided by a trained, multipartial facilitator to understand and resolve concerns. Each party works independently with the facilitator to discuss their perspective of events, concerns, and desired outcomes, before coming together for conversation under agreeable terms, space, and ground rules. Facilitated dialogue can continue for multiple sessions as needed and can result in a written agreement as well.
- Mediation is a structured process where an impartial third party, a mediator trained in communication and negotiation techniques, helps disputing parties resolve a conflict. The mediator does not determine, but instead helps the parties determine their own mutually acceptable resolution. Mediation can continue for multiple sessions as needed and can result in a written agreement as well.
- Restorative Practices provide an opportunity to repair harm specifically when a Respondent is willing to acknowledge their behavior and understand its impact on others. It is important to distinguish that a Respondent acknowledging their behavior is not necessarily the same as a Respondent accepting responsibility for violating institutional policy (as described in c. below).
  - Restorative Conferences provide an opportunity for the parties to come together to address concerning behavior in a process that explores harms and needs. Similar to facilitated dialogue, conferences involve a trained, multipartial facilitator who works with the parties to prepare before bringing them together for conversation. Because the Respondent has already taken responsibility for their behavior, the conversation focuses on the harm that resulted and what must be done to repair it. As appropriate, conferences may include supporters of the parties. Restorative conferences can continue for multiple sessions as needed and can also result in a written agreement.
  - Restorative Circles provide an opportunity for dialogue and repair of harm much like restorative conferences but includes a broader group of participants. Typically, circles may include members of a group or community who were affected by the harmful behavior or supporters, such as friends or family, of the affected parties. Restorative circles can also continue for multiple sessions and can result in a written agreement.

Alternative resolution is made available at the discretion of the Title IX Coordinator. The Title IX Coordinator may look to the factors below to assess whether Alternate Resolution is appropriate and which form may be most successful for the parties. The Title IX Coordinator may also consider any suggestions or terms that the parties believe would be necessary for their effective participation.

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

Employees interested in exploring alternative resolution processes for general interpersonal conflicts should contact Human Resources or Institutional Equity & Compliance for additional information; students or registered student organizations (RSOs) interested in doing so should contact Student Development.

The ultimate determination of whether Alternate Resolution has been successful is to be made by the Title IX Coordinator. Institutionally-imposed sanctions are not imposed through alternative resolution, although the parties may determine and agree to sanction(s), corrective action(s), and/or appropriate remedies. The Title IX Coordinator maintains records of any resolution, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal/Alternate Resolution are not appealable.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is complete, should the parties and the Title IX Coordinator believe it potentially beneficial.

### **Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the institution are able to agree on responsibility, sanctions/corrective actions, and/or remedies. If so, the Title IX Coordinator implements a finding that the Respondent is in violation of Lancaster Theological Seminary policy and implements agreed-upon sanctions, corrective actions, and/or remedies, in coordination with other appropriate



administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to the agreed upon terms of resolution.

When a resolution is accomplished, the appropriate sanction/corrective actions are promptly implemented in order to effectively stop the harassment, discrimination, or retaliation; prevent its recurrence; and remedy its effects on the Complainant and campus community. Conversely, when the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

### **Negotiated Resolution**

At any time throughout Process A, the Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and Lancaster Theological Seminary. Negotiated resolutions are not appealable.

## **7. Formal Grievance Process Pool**

The Formal Grievance Process relies on a pool of officials (“the Pool”) to carry out the process. In addition to the Title IX Coordinator/Deputies, the Pool generally includes Civil Rights Investigators (institution employees not otherwise affiliated with the institution beyond this role), other institutional officials, and employee volunteers from the institution’s faculty and staff. The institution may also engage trained external contractors as deemed necessary and/or appropriate for any role in the process. A list of Pool members is maintained at [moravian.edu/TitleIX](http://moravian.edu/TitleIX) and contact information is available in the [Campus Directory](#).

Members of the Pool are trained annually and fill the following roles at the direction of the Title IX

Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To facilitate alternate resolution processes
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator)
- To serve as a Decision-maker (hearing panel chair or member)
- To serve as an Appellate Officer, appeal board chair or member

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the institution can also designate permanent roles for certain individuals, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

All Pool members are required to attend annual training, including training for certain roles. The materials used to train the Pool are updated annually and posted at [moravian.edu/TitleIX](http://moravian.edu/TitleIX). This training includes, but is not limited to:

- The scope of Lancaster Theological Seminary's Equal Opportunity, Harassment, and Non Discrimination Policy and Procedures
- Definitions of offenses and how to apply them with consistently, impartially, and in accordance with policy
- Applicable laws, regulations, and federal regulatory guidance
- Reporting, confidentiality, and privacy requirements
- How to identify conflict of interest and implicit bias, and maintain impartiality and objectivity
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to recognize disparate treatment and impact
- How to uphold fairness, equity, and due process
- How to create an investigation report that fairly summarizes relevant evidence
- How to conduct a grievance process (hearings, appeals, informal resolution)
- How to weigh evidence, conduct questioning, and assess credibility
- How to determine relevance of questions and evidence
- How to deliberate, render findings, and generate evidence-based rationales
- How to determine appropriate sanctions/corrective actions
- How to use technology throughout the process, including at a live hearing
- How to keep appropriate records throughout the grievance process

## **8. Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),

- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/corrective actions that could result,
- A statement that the Respondent is presumed not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the institutional policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that institutional Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the institution's VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges. Notice will be made in writing and will typically be delivered by email to the parties' Lancaster Theological Seminary-issued email or designated accounts. Once sent, notice will be presumptively delivered. Notice may be delivered in person or by an alternative communication method as necessary.

## **9. Resolution Timeline**

Lancaster Theological Seminary aims to be thorough, equitable, and timely, in their completion of any resolution process in order to minimize prolonged impact on all parties. The institution often resolves complaints within a semester, unless good cause exists to extend this timeline, including but not limited to the absence of parties and/or witnesses or accommodations for language assistance, disabilities, or health conditions. Should the resolution process be extended, the Title IX Coordinator will provide notice of and rationale for any extensions to the parties as appropriate.

## **10. Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation typically using a team of two Investigators, usually within two (2) business days of determining that an investigation should proceed.

## **11. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent. The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If potential conflict of interest or bias exists with the Title IX Coordinator, the Vice President for Human Resources at Moravian University should be contacted.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation (inculpatory) and evidence that supports that the Respondent did not engage in a policy violation (exculpatory). Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. The institution operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by a preponderance of the evidence. It is also presumed that a report is made in good faith until evidence demonstrates otherwise.

## **12. Investigation Timeline**

Investigations are completed expeditiously, often within a few weeks, though some investigations may take months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, and other factors. The institution will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress of the investigation.

## **13. Delays in the Investigation Process and Interactions with Law Enforcement**

Lancaster Theological Seminary may undertake a short delay in its investigation (several days to a few weeks) if circumstances require, specifically under a request from law enforcement to temporarily delay the investigation while evidence is collected in a concurrent criminal process. The institution will update the parties accordingly and will promptly resume its investigation as soon as feasible. During such a delay, the institution will implement supportive measures as deemed appropriate.

Institutional action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

## **14. Steps in the 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, throughout the investigation process, to suggest witnesses and questions, to provide evidence, to suggest expert witnesses, and to review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this

order): ● Determine the identity and contact information of the Complainant

- Initiate or assist the Title IX Coordinator with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the parties of all policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment
- Commence the investigation by identifying issues and developing an investigative strategic plan
- Meet with the Complainant to finalize their interview/statement
- Assist the Title IX Coordinator with preparing the initial Notice of Investigation and Allegation (NOIA)
- Provide each party/witness an opportunity to review and verify summary notes of relevant evidence/ testimony from their respective interviews
  - Make good faith efforts to notify the parties in advance of any meeting involving the other party
- Provide parties with written notice of the date, time, location, purpose of the meetings they should attend
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Complete the investigation promptly and provide regular status updates throughout the investigation
  - Provide the parties with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report summarizing the investigation, witness interviews, and relevant evidence (appendices including relevant physical or documentary evidence will be included)
- Gather, assess, and synthesize evidence, but render no recommendations or findings as part of the report
- Provide the parties with a secured electronic or hard copy of the draft investigation report, 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 Lancaster Theological Seminary does not intend to rely in reaching a determination) for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence (parties may elect to waive the full ten days)
- The Investigator(s) may elect to respond in writing in the report to the parties' responses and/or to share the responses between the parties for additional comment
- 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(s) share the report with the Title IX Coordinator and/or legal counsel for review and feedback
- The Investigator(s) incorporate any relevant feedback, and the final report is then shared with all parties/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 not included in the report.

## **15. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of Lancaster Theological Seminary are strongly encouraged to cooperate with and participate in the institution's investigation and resolution process. Student witnesses and witnesses from outside the campus community are encouraged to cooperate with institutional investigations and share all information they know relevant to a complaint.

Although in-person interviews are ideal, circumstances may require individuals to be interviewed remotely. Videoconferencing (or similar technologies) may be used for interviews if the Investigator(s) determine a need for remote interviewing. The institution will take appropriate steps to reasonably ensure the ability of parties and witnesses to participate and the security/privacy of remote interviews. Though not preferred, if deemed appropriate by the Investigator(s), witnesses may provide written statements in lieu of interviews or choose to respond to written questions. If a witness submits a written statement but does not submit to cross examination at a hearing, their written statement may not be used as evidence.

## **16. Recording of Interviews**

Lancaster Theological Seminary typically audio and/or video record interviews to ensure that testimony is captured accurately and can be made easily available for review. In accordance with dual-party state requirements, all involved parties must be made aware of and consent to the audio and/or video recording by the Investigators. No unauthorized audio or video recording of any kind is permitted during investigative interviews or other meetings in this process.

## **17. Evidentiary Considerations in the Investigation**

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions and evidence concern prior incidents of the Complainant's sexual behavior with the Respondent and are offered to prove consent. Within these boundaries, the investigation can consider character evidence generally, although it is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

## **18. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing will not take place less than ten (10) business days from the conclusion of the investigation (distribution of the final investigation report), unless all parties and Decision-makers agree to an expedited timeline.

## **19. Hearing Decision-maker Composition**

Lancaster Theological Seminary will designate a three-member panel of Decision-makers from the Pool, at the

discretion of the Title IX Coordinator. The panel will typically include one Civil Rights Investigator (Chair), as well as one faculty member and one staff member from either Lancaster Theological Seminary or Moravian University, but composition may vary at the discretion of the Title IX Coordinator. The Title IX Coordinator may also elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

The Decision-makers will not have had any previous involvement with the complaint, and those who have served as Investigators for the complaint will act as witnesses in the hearing. Those who are serving as Advisors for any party may not serve also as Decision-makers for the same complaint. Likewise, the Title IX Coordinator may not serve as a Decision-maker, but may facilitate the hearing process. The hearing will convene at a time determined by the Title IX Coordinator, in consultation with the Decision-makers.

## **20. Evidentiary Considerations in the Hearing**

Any evidence that the Decision-makers determine is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions and evidence concern prior incidents of the Complainant's sexual behavior with the Respondent and are offered to prove consent. Within these boundaries, the investigation can consider character evidence generally, although it is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

After the hearing concludes, Decision-makers enter a closed deliberation and render a determination based on the preponderance of the evidence standard (whether it is more likely than not that the Respondent violated the Policy as alleged). Upon a determination of non-responsibility, the deliberation ends.

Upon a determination of responsibility for any of the allegations, previous disciplinary action of any kind involving the Respondent may be considered by the Decision-makers in determining appropriate sanction(s)/corrective action(s). This information is only considered in this stage of the process and is not shared until then. Prior to the hearing, the parties may each submit a written impact statement for consideration by Decision-makers during sanctioning.

## **21. Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator (or Chair) will send notice of the hearing to the parties. Once sent (typically emailed), notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/corrective actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other academic/ workplace commitments.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing. The Title IX Coordinator or Chair will then confirm with the parties any technology that will be used to facilitate the hearing.

- A list of all those who will attend the hearing, along with an invitation to object to any Decision maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- Information on how the hearing will be recorded and how parties may obtain access to a copy after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by Decision-makers. For a compelling reason, the Title IX Coordinator/ Chair may delay the hearing.
- Notification that the parties may be accompanied by an Advisor of their choice at the hearing. Five (5) days in advance of the hearing, each party must notify the Title IX Coordinator of the name of their intended Advisor. If they do not have an Advisor, the institution will appoint one. Under federal regulation, each party must have an Advisor present at the hearing, and the Advisor must ask any questions of the other parties or witnesses.
- An invitation to each party to submit an impact statement to the Title IX Coordinator in advance of the hearing (reviewed by Decision-makers during sanctioning).
- An invitation to contact the Title IX Coordinator to request disability accommodations, language assistance, and/or interpretation services needed at the hearing, at least five (5) business days prior to the hearing.

Hearings that occur near the end of an academic term (assuming the Respondent is still subject to this Policy) will typically be resolved over breaks, where possible.

## **22. Alternative Hearing Participation Options**

If any party or witness prefers not to attend (or cannot attend) the hearing in person, they should contact the Title IX Coordinator or Chair at least five (5) business days prior to the hearing to arrange for remote participation.

## **23. Pre-Hearing Preparation**

The Title IX Coordinator or Chair, after any necessary consultation with the parties and Investigator(s), will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties/Advisors at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that would be newly offered at the hearing. The Chair may delay the hearing and instruct that the investigation needs to be reopened to interview that witness or consider that evidence, unless parties agree to admission at the hearing,

The parties will be given a list of the names of the Decision-makers at least seven (7) business days in advance of the hearing. Objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than five (5) days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial proceeding.



The Title IX Coordinator will then give the Decision-makers a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business-day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the hearing facilitator/Chair at the pre-hearing meeting or at the hearing and will be exchanged between parties by the hearing facilitator/Chair.

## **24. Pre-Hearing Meetings**

The Chair, in consultation with the Title IX Coordinator, may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Chair to rule on their relevance in advance and avoid improper evidentiary introduction in the hearing. The Chair may also provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with the parties their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the investigation report and/or by Investigator(s) during the hearing.

At each pre-hearing meeting, the Chair will consider arguments that evidence identified in the final investigation report deemed as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments at this time and will exchange those rulings between the parties to assist in preparation for the hearing. The Title IX Coordinator typically attends all pre-hearing meetings and may consult with legal counsel and/or ask counsel to attend pre-hearing meetings. Pre-hearing meetings may be recorded by the Title IX Coordinator/Chair, as deemed appropriate.

## **25. Hearing Procedures**

At the hearing, the Decision-makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within this Policy.

Participants at the hearing will include the Chair, two additional panelists, the Title IX Coordinator, hearing facilitator, the Investigator(s), the parties, Advisors to the parties, and anyone providing authorized accommodations or assistive services, as well as any called witnesses. The Chair will allow witnesses to appear at a portion of the hearing in order to respond to specific questions from the Decision-makers and parties, and the witnesses will then be excused.

The Chair or hearing facilitator will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

## **26. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the

same Respondent of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## **27. The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair and/or hearing facilitator explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-makers on the basis of bias or conflict of interest. The Title IX Coordinator will review and decide the challenge. The Respondent will then be given the opportunity to respond to each allegation and may choose to accept or deny responsibility for each.

The Chair and/or hearing facilitator then conducts the hearing according to hearing guidelines. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator, typically the Title IX Coordinator, Deputy Title IX Coordinator or designee. This includes but is not limited to the order of the hearing; logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants.

## **28. Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-makers and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, except deliberation.

Neither the parties nor the Decision-makers should ask the Investigator(s) their opinions on credibility or recommended findings/determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## **29. Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair and/or hearing facilitator. The parties/witnesses will submit to questioning by the Decision-makers and then by the parties through their Advisors (known as “cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will state the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider the question (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance and may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a

question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

### **30. Recording Hearings**

Hearings (but not deliberations) are recorded by Lancaster Theological Seminary for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Decision-makers, the parties, their Advisors, and appropriate administrators of Lancaster Theological Seminary will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **31. Deliberation, Decision-making, and Standard of Proof**

Following the hearing, the Decision-makers deliberate in closed session to determine, using the preponderance of the evidence standard, whether the Respondent is responsible or not responsible for violating the policy(ies) in question. While consensus is preferable, a majority vote will determine the finding. The hearing facilitator may be invited into the deliberation to clarify policy or procedures, but may not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-makers may then consider the previously submitted party impact statements in determining appropriate sanction(s)/corrective action(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-makers may consider the statements, but they are not binding.

The Decision-makers will review any pertinent conduct history provided by the Title IX Coordinator in consultation with Student Development, Human Resources, and/or the Provost and will determine the appropriate sanction(s)/corrective action(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanction(s)/corrective action(s). This report is typically several pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **32. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will prepare a Notice of Outcome, which may be reviewed by general counsel. In as timely a manner as possible, the Title IX Coordinator will then share their letter, including the final determination, rationale, and any applicable sanction(s) simultaneously with the parties and their Advisors. Notification will be made in writing and will typically be emailed to the parties' Lancaster Theological Seminary-issued email or otherwise approved account. Once sent, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the Lancaster

Theological Seminary from receipt of notice to the determination. The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent Lancaster Theological Seminary is permitted to share such information under state or federal law; any sanction(s)/corrective action(s) issued which Lancaster Theological Seminary is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the Lancaster Theological Seminary's educational or employment program or activity, to the extent Lancaster Theological Seminary is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent). The Notice of Outcome will also include information on when the results are considered to be final, any changes that occur prior to finalization, and the relevant procedures and bases for an appeal.

### **33. Rights of the Parties- See Appendix A**

### **34. Sanctions/Corrective Actions**

Factors considered when determining sanction(s)/corrective action(s) may include, but are not limited

to: ● The nature, severity of, and circumstances surrounding the violation(s)

- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/corrective actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/corrective actions to prevent future recurrence
- The need to remedy effects of discrimination, harassment, and/or retaliation on Complainant and/or community
- The impact on the parties
- Any other information deemed relevant by the Decision-makers

The sanctions/corrective actions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions/corrective actions described in this policy are not exclusive of, and may be in addition to other actions taken or sanctions imposed by external authorities.

#### **Student Sanctions**

The sanctioning philosophy and menu of sanctions applicable to students for violation(s) of this Policy is detailed in the institution's Student Code of Conduct.

#### **Employee Sanctions/Corrective Actions**

The corrective actions applicable to employees (faculty, staff, administrators) for violation(s) of this Policy is detailed in the institution's Employee Handbook (Section 10.9).

### **35. Withdrawal or Resignation While Charges Pending**

#### **Students**

Should a student Respondent permanently withdraw from Lancaster Theological Seminary, the resolution process ends, as the institution no longer has disciplinary jurisdiction over the withdrawn student. However, Lancaster Theological Seminary will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws while the process is pending may not return to Lancaster Theological Seminary as a student in any capacity, and Admission will be notified that they cannot be readmitted. They may also be barred from Lancaster Theological Seminary property, events, future employment and/or volunteer opportunities.

If a student Respondent takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student may not be permitted to return to Lancaster Theological Seminary unless and until all sanctions have been satisfied. Should a student maintain enrollment but decide not to participate in the resolution process, the process proceeds to a reasonable resolution without their participation.

### **Employees**

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Lancaster Theological Seminary no longer has disciplinary jurisdiction over the resigned employee. However, Lancaster Theological Seminary will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with Lancaster Theological Seminary in any capacity, and the records retained by the Title IX Coordinator will reflect that status. They may also be barred from Lancaster Theological Seminary property, events, volunteer opportunities, and/or the ability to complete coursework and/or enroll as a student in the future. All Lancaster Theological Seminary responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter related to this policy.

### **36. Appeals**

A single level of appeal is offered in Process A. Any party may file a request for appeal (“Request for Appeal”) in writing to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome. The Request For Appeal must include the ground(s) for appeal (see below), information that supports the stated ground(s), and the requested outcome.

Any Request(s) for Appeal will be forwarded to an Appellate Officer, not previously involved in the resolution process in any capacity, to determine if the request(s) meets the grounds for appeal (a Review for Standing). The Review for Standing does not assess the merits of the appeal, but determines whether the request(s) meet the grounds and is timely filed. In doing so, the Appellate Officer may consult with any parties involved in the original resolution process as necessary to understand the ground(s) for appeal and the supporting information.

### **Grounds for Appeal**

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination was made, that could affect the outcome of the matter;

- The sanction(s)/corrective action(s) are substantially disproportionate to the severity of the violation(s) and/or cumulative conduct record of the Respondent.
- The Title IX Coordinator, Investigator(s), or Decision-makers had a clear conflict of interest or substantiated bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request(s) for Appeal do not meet any of the grounds above, the request will be denied by the Appellate Officer and the parties will be notified in writing of the denial and rationale. This decision is final and ends the resolution process. If any of the grounds in the Request(s) for Appeal meet the grounds above, then the Appellate Officer will notify the other party(ies), and they will be given five (5) business days to review and respond before a decision is made. Neither party may submit any new Request(s) for Appeal after this time period.

Appeals may be resolved directly by the Appellate Officer or referred to a three-member Appeal Board appointed by the Title IX Coordinator from the Pool. The Appeal Board members will not have been previously involved in the resolution process in any capacity. The Appellate Officer/Appeal Board will collect any additional information needed, as well as all documentation regarding the approved grounds and any subsequent responses. This information will be shared with the Title IX Coordinator, as well as with the Investigators as appropriate.

Upon review of all relevant information, the Appellate Officer/Appeal Board can choose

- to:
- Uphold the original outcome;
  - Modify the original outcome; or
  - Remand the case to the original hearing panel with clear instructions for reconsideration, in light of the granted appeal grounds only.

As in the original process, the preponderance of the evidence standard is applied and while consensus is preferable, a majority vote will determine the outcome. All decisions rendered through the process appeal are final and end the resolution process.

In rare cases where a procedural error cannot be addressed by the original Decision-makers (as in cases of bias), the Appellate Officer/Appeal Board may order a new hearing with new Decision-makers. Unlike the other three options above, the results of a new hearing can be appealed, once, on any of the available appeal grounds, and the appeal process begins again.

Once any appeal decision is finalized, a Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each. The Notice of Appeal Outcome will also specify any specific instructions for remand or reconsideration, any sanction(s)/corrective action(s) that may result which the institution is permitted to share under state or federal law, and the rationale supporting the each finding to the extent the institution is permitted to share under state or federal law. Notification will be made in writing and typically emailed to the parties' Lancaster Theological Seminary-issued email or otherwise approved account. Once sent, notice will be presumptively delivered.

### **Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

The Title IX Coordinator may initiate a new Violence Risk Assessment to determine if it is necessary for an

emergency removal to take place pending the outcome of the appeal. This process would be subject to the same emergency appeal procedures detailed above.

If the original sanctions include separation from the institution, Lancaster Theological Seminary may place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal. The Respondent may request a stay of these holds from the Title IX Coordinator within two (2) business days of the notice of the sanctions. The request will be evaluated by the Title IX Coordinator or designee, whose determination is final.

### **Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/corrective action(s) only when there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for the Appellate Officer/Appeal Board to substitute their judgment for that of the original Decision-makers merely because they disagree with the finding and/or sanction(s)/corrective action(s).
- The Appellate Officer/Appeal Board may consult with the Title IX Coordinator for clarification of procedure or rationale. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand (except in the rare case of a new hearing as described above).
- In cases in which the appeal results in reinstatement to Lancaster Theological Seminary or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### **37. Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions/corrective actions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or campus community to stop harassment, discrimination, and/or retaliation; remedy the effects; and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community

- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the institution to the Respondent to ensure no effective denial of educational access. At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. The institution will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the ability to provide these services.

### **38. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Corrective Actions**

All Respondents are expected to comply with the assigned sanction(s)/corrective action(s) within the timeframe specified by the final Decision-makers. Failure to abide by the sanction(s)/corrective action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/corrective action(s), including suspension, expulsion, and/or termination from Lancaster Theological Seminary and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### **39. Process A Recordkeeping**

Lancaster Theological Seminary will maintain any and all records in accordance with state and federal laws and will maintain, for a period of at least seven years, records of:

- Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the Respondent;
- Any remedies provided to the Complainant designed to restore or preserve equal access to Lancaster Theological Seminary's education program or activity;
- Any appeal and its outcome;
- Any Informal Resolution and its outcome;
- All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Lancaster Theological Seminary will make these training materials publicly available on the institutional website; and



- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
- The basis for all conclusions that the response was not deliberately indifferent;
- Any measures designed to restore or preserve equal access to Lancaster Theological Seminary's education program or activity; and
- If no supportive measures were provided to the Complainant, the reasons why such a response was not clearly unreasonable in light of the known circumstances.

#### **40. Disabilities Accommodations in the Resolution Process**

Lancaster Theological Seminary is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the institutional resolution process. Anyone needing such accommodations or support should contact the Title IX Coordinator, who will consult with the Accessibility Support Center and/or Human Resources, to determine reasonable accommodation(s) for equitable participation in the process.

#### **41. Revision of this Policy and Procedures**

These policies and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. Lancaster Theological Seminary reserves the right to make changes to this document at any time, as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedures. If government laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and its procedures were adopted and published by Lancaster Theological Seminary on November 12, 2021.

#### **APPENDIX A: RIGHTS OF THE PARTIES**

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to Lancaster Theological Seminary officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any resultant

adjustments to clarify potential policy violations.

- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Lancaster Theological Seminary officials. ● The right to have every effort made to keep the process free from intimidation or harassment.
- The right to have Lancaster Theological Seminary policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
  - The right not to be discouraged by Lancaster Theological Seminary officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by Lancaster Theological Seminary officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Lancaster Theological Seminary authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Lancaster Theological Seminary law enforcement and/or other Lancaster Theological Seminary officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; or other services on campus and locally.
- The right to a Lancaster Theological Seminary-implemented no-contact order or no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, harassing, or other inappropriate conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available.
- The right to have Lancaster Theological Seminary maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the institution's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-makers to identify and question relevant witnesses, including expert witnesses.

- The right to provide the Investigator(s)/Decision-makers with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right to have inadmissible prior sexual history or irrelevant character evidence excluded by the Decision-makers.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report at least ten (10) business days in advance of any hearing, including all analyses performed and all relevant and directly related evidence, subject to privacy limitations imposed by state and federal law.
- The right to respond to the investigation report, including comments providing any additional relevant evidence, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
  - The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-makers who have received relevant annual training.
  - The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are private in nature.
- The right to petition that any Lancaster Theological Seminary representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to have the Lancaster Theological Seminary compel the participation of faculty and staff witnesses.
- The right to the use of the preponderance of the evidence standard to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including via remote technology, during all testimony given and evidence presented during any live hearing.
- The right to have an impact statement considered by the Decision-makers following a determination of responsibility for any allegation, but prior to sanctioning.
- The right for parties to be promptly and simultaneously informed in a written Notice of Outcome letter of the finding(s) and sanction(s)/corrective action(s), including a detailed rationale of the

decision and explanation of how credibility was assessed.

- The right to be informed in writing of when a decision by Lancaster Theological Seminary is considered final and any changes to the sanction(s)/corrective action(s) before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s)/corrective action(s) of the resolution process, and the procedures for doing so in accordance with Lancaster Theological Seminary policy.
- The right to a fundamentally fair resolution as defined in these procedures.

## **APPENDIX B: PROCESS B**

### **RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NON-DISCRIMINATION OUTSIDE OF THE SCOPE OF TITLE IX (KNOWN AS “PROCESS B”)**

Process B is applicable when the Title IX Coordinator determines Process A is inapplicable or offenses subject to Process A have been dismissed. Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, the 2001 Revised Guidance, etc.) may also be applicable to Process B. VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA, including but not limited to non-sex-based stalking. Lancaster Theological Seminary can substitute any alternative process instead of Process B, if desired.

#### **1. Overview**

Lancaster Theological Seminary will act on any formal or informal allegation or notice of violation of the Equal Opportunity, Harassment, and Non-Discrimination Policy received by the Title IX Coordinator or any institutional employee, with the exception of personnel deemed confidential by licensure, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, employees, or third parties, and applies to sexual harassment allegations that do not fall under the jurisdiction of Title IX/Process A as determined by the Title IX Coordinator.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the procedures described in the Student or Employee Handbooks.

#### **2. Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of the Policy, the Title IX Coordinator (or designee herewithin) engages in an initial assessment, which is typically several days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, informal resolution, or an administrative resolution

process.

If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their request(s), assesses the request(s), and implements accordingly. No alternative resolution or administrative resolution process is initiated, though the Complainant can elect to initiate one later, if desired.

If alternative resolution is preferred, the Title IX Coordinator assesses whether the complaint is suitable for alternative resolution, which modality may serve the situation best, and may seek to determine if the Respondent is also willing to engage in alternative resolution.

If an administrative resolution process is preferred, the Title IX Coordinator initiates the investigation and determines whether the scope of the investigation will address:

- Incident, and/or
- A pattern of alleged misconduct, and/or
- A culture/climate issue.

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Threat Assessment Team (TAT) as part of the initial assessment.

Based on the initial assessment, Lancaster Theological Seminary will initiate one of two responses:

**Alternative Resolution** – typically used for less serious offenses and only when all parties agree to alternative resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response. Alternative Resolution is described in detail in the Policy above.

**Administrative Resolution** – investigation of policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator or Decision-maker and the opportunity to appeal to an Appeal Panel/Appeal Decision-maker. Described in additional detail below.

The investigation and the subsequent Administrative Resolution determine whether the Policy has been violated. If so, Lancaster Theological Seminary will promptly implement effective remedies designed to end the discrimination, prevent its recurrence, and address its effects. The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator.

At any point during an initial assessment or an investigation, if the Title IX Coordinator determines that reasonable cause does not exist to support a conclusion that policy has been violated, the process will end, and the parties will be notified. The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision is at the discretion of the Title IX Coordinator, and the request may be granted only in extraordinary circumstances.

### **3. Resolution Process Pool**

The resolution processes rely on a pool of officials (the “Pool”) to carry out the process. The Pool is described above in Process A (#7).

### **4. Counterclaims**

Lancaster Theological Seminary is obligated to ensure that the grievance process is not abused for retaliatory purposes. The institution permits the filing of counterclaims but uses an initial assessment to determine whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be

made in good faith, but are, on occasion, made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted and may constitute a violation of this policy.

Counterclaims determined to be reported in good faith will be processed using the grievance procedures below. Investigation of such claims may either take place after resolution of the underlying initial allegation or may be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator.

## **5. Advisors**

### **Expectations of an Advisor**

Lancaster Theological Seminary generally expects an Advisor to adjust their schedule to allow them to attend meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. The institution may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies.

Advisors are expected to consult with their party without disrupting necessary meetings and/or interviews. Advisors do not represent parties or speak for them in the process; their role is only to advise. Parties whose Advisors are disruptive or who do not abide by Lancaster Theological Seminary policies and procedures may face the loss of that Advisor.

### **Expectations of the Parties with Respect to Advisors**

Each party may choose an Advisor who is eligible and available to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. Lancaster Theological Seminary also permits the parties to include one additional support person to accompany them, as needed throughout the process.

The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s), or as soon as possible if a more expeditious meeting is necessary or desired. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time.

Upon a party's written request to the Title IX Coordinator, Lancaster Theological Seminary will copy the Advisor on all communications between the institution and the party. The Advisor may be asked to sign a non disclosure agreement (NDA) regarding private, sensitive records.

### **Assistance in Securing an Advisor**

These resources are described in detail in Process A above (#5).

## **6. Resolution Options**

Lancaster Theological Seminary operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by a preponderance of the evidence. It is also presumed that a report is made in good faith until evidence demonstrates otherwise.

All Lancaster Theological Seminary proceedings, whether alternative or administrative resolution, are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with this policy. Although there is an expectation of privacy around what is

discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, with the exception of information the parties agree not to disclose through an alternative resolution process as described below. The institution encourages parties to discuss any sharing of information with their Advisors before doing so.

### **Alternative Resolution**

Alternative Resolution is applicable when:

- The parties voluntarily agree to resolve the matter through an alternate resolution mechanism;
- When the Respondent accepts responsibility for violating Policy; or
- When the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue alternative resolution first in order to pursue administrative resolution, and any party participating in alternative resolution can stop the process at any time and request the administrative resolution process. Further, if alternative resolution fails after the fact, administrative resolution may be pursued.

### **Alternate Resolution Mechanisms**

Alternate resolution mechanisms are described in detail in Process A above (#6).

### **Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual is in violation of Lancaster Theological Seminary Policy.

The Title IX Coordinator then determines appropriate sanction(s)/corrective action(s), which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy its effects on the Complainant and campus community. If this takes place for all alleged violations, the process is over, and the Complainant will be informed of this outcome.

If the Respondent accepts responsibility for only some of the alleged policy violations, then the remaining allegations will continue to be investigated and resolved, and the Complainant will be informed of this outcome. The parties are still able to seek alternate resolution on the remaining allegations, subject to the stipulations above.

### **Negotiated Resolution**

At any time throughout Process B, the Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and Lancaster Theological Seminary. Negotiated resolutions are not appealable.

### **Administrative Resolution**

Administrative resolution can be pursued for any behavior under this Policy for which the Respondent has not accepted responsibility at any time during the process. Administrative resolution starts with a thorough, reliable, and impartial investigation.

Administrative resolution is initiated, the Title IX Coordinator will provide timely written notification of the

investigation to the parties. Typically, notice is given at least two (2) business days in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview. Notification will include a meaningful summary of the allegations, will be made in writing, and is typically emailed to the parties' Lancaster Theological Seminary-issued or designated email account. Once sent, notice will be presumptively delivered. The notification includes the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Lancaster Theological Seminary strives to resolve complaints in a timely manner, and where possible, to contain proceedings to a single semester. The investigation and resolution process may be extended by the Title IX Coordinator for appropriate cause, with notice to the parties as appropriate. Once the decision is made to commence an investigation, the Title IX Coordinator appoints Pool members to conduct the investigation, typically using a team of two Investigators, and usually within two (2) business days of determining that an investigation should proceed.

The Title IX Coordinator will vet the assigned Investigator(s) for impartiality by ensuring there are no conflicts of interest or disqualifying bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the Vice President for Human Resources (VPHR) at Moravian University.

Investigations are completed expeditiously, often within a few weeks, though some investigations may take months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, and other factors. The institution will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress of the investigation.

Lancaster Theological Seminary may undertake a short delay in its investigation (several days to weeks) when simultaneous criminal behavior is being investigated by law enforcement. The institution will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete. Lancaster Theological Seminary action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

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, throughout the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

## **7. Investigation**

The Investigators typically take the following steps, if not already completed (not necessarily in this

order): ● Determine the identity and contact information of the Complainant

- Initiate or assist the Title IX Coordinator with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is



reasonable cause to believe the Respondent has violated policy. If there is insufficient evidence to support reasonable cause, the process is closed with no further action

- Commence the investigation by identifying issues and developing an investigative strategic plan
- Meet with the Complainant to finalize their interview/statement
- Assist the Title IX Coordinator with preparing the initial Notice of Investigation and Allegation (NOIA)
- Notice should inform the parties of their right to have the assistance of an Advisor of their choosing present for all meetings attended by the party
- Notice should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/corrective actions that could result
  - Give instruction to the parties to preserve any evidence that is directly related to the allegations
  - Provide each party/witness an opportunity to review and verify summary notes of relevant evidence/testimony from their respective interviews
- Make good faith efforts to notify the parties in advance of any meeting or interview involving the other party
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and provide regular status updates throughout the investigation
  - Summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report summarizing the investigation and all relevant evidence
- Provide parties with a copy of the draft investigation report, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within three (3) business days and incorporate that response into the report
- Investigators may elect to respond in writing in the report to the parties' responses and/or to share the responses between the parties for additional comment
- The Investigator(s) share the report with the Title IX Coordinator and/or legal counsel for review and feedback
- Provide the final report to the Title IX Coordinator, recommending a finding based on a preponderance of the evidence

## **8. Determination**

Within three (3) business days of receiving the Investigator's recommendation, either the Title IX Coordinator/designee or a panel of three Decision-makers from the Pool reviews the report and all responses. If the record is incomplete, the Title IX Coordinator/Decision-makers may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses as needed.

The recommendation of the Investigators should be strongly considered but is not binding on the Title IX Coordinator/Decision-makers, who make the final determination based on a preponderance of the evidence. The Title IX Coordinator/Decision-makers may invite and consider impact statements from the parties if and when determining appropriate sanction(s) or corrective measure(s), if any. The Title IX Coordinator/ Decision makers then provide the parties with a written Notice of Outcome to include findings, any sanction(s)/corrective action(s), and a detailed rationale, delivered simultaneously and without undue delay to the parties.

## **9. Additional Details of the Investigation Process**

### **Witness Responsibilities**

Witnesses (as distinguished from the parties) who are employees of Lancaster Theological Seminary are expected to cooperate with and participate in the institutional investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may result in disciplinary action.

Although in-person interviews are ideal, circumstances may require individuals to be interviewed remotely. Videoconferencing (or similar technologies) may be used for interviews if the Investigator(s) determine a need for remote interviewing. The institution will take appropriate steps to reasonably ensure the ability of parties and witnesses to participate and the security/privacy of remote interviews. Though not preferred, if deemed appropriate by the Investigator(s), witnesses may provide written statements in lieu of interviews or choose to respond to written questions. If a witness submits a written statement but does not submit to cross examination at a hearing, their written statement may not be used as evidence.

### **Recording**

Lancaster Theological Seminary typically audio and/or video record interviews to ensure that testimony is captured accurately and can be made easily available for review. In accordance with dual-party state requirements, all involved parties must be made aware of and consent to the audio and/or video recording by the Investigators. No unauthorized audio or video recording of any kind is permitted during investigative interviews or other meetings in this process.

### **Evidentiary Considerations**

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history, as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the irrelevant character of the parties.

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Title IX Coordinator/Decision-maker may consider information about previous good

faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct. Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s)/corrective action(s).

Character witnesses or evidence may be offered, although the investigation and hearing will determine its relevancy and ability to be considered in decision making and/or sanctioning.

### **Notification of Outcome**

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator/Decision-maker determines sanction(s)/corrective action(s), which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy its effects on the Complainant and campus community.

The Title IX Coordinator simultaneously informs the parties of the determination in as timely a manner as possible. Notifications are made in writing and typically emailed to the parties' Lancaster Theological Seminary-issued or designated email account. Once sent, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s)/corrective action(s) issued which Lancaster Theological Seminary is permitted to share under state or federal law, and the rationale for each finding to the extent the Lancaster Theological Seminary is permitted to share under state or federal law. The notice will also detail when the determination is considered final and any changes that occur prior to finalization. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures for Process B can be found below.

### **10. Sanctions/Corrective Actions**

Factors considered when determining any sanction(s)/corrective action(s) may include, but are not limited

to: ● The nature, severity of, and circumstances surrounding the violation(s)

- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/corrective actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/corrective actions to prevent future recurrence
- The need to remedy the effects of discrimination, harassment, and/or retaliation on the Complainant and/or community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator/Decision-makers

The sanction(s)/corrective action(s) will be implemented immediately. The sanctions/corrective actions described in this policy are not exclusive of, and may be in addition to other actions taken or sanctions imposed by outside authorities.

### **Student Sanctions**

The sanctioning philosophy and menu of sanctions applicable to students for violation(s) of this Policy is detailed in the institutional Student Code of Conduct.

### **Employee Sanctions/Corrective Actions**

The corrective actions applicable to employees (faculty, staff, administrators) for violation(s) of this Policy is detailed in the institutional Employee Handbook (Section 10.9).

## **11. Withdrawal or Resignation While Charges are Pending**

### **Students**

If a student has an allegation pending for violation of this Policy under Process B, Lancaster Theological Seminary may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student Respondent permanently withdraw from Lancaster Theological Seminary, the resolution process ends, as the institution no longer has disciplinary jurisdiction over the withdrawn student. However, Lancaster Theological Seminary will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws while the process is pending may not return to Lancaster Theological Seminary as a student in any capacity. A hold will be placed on their ability to be readmitted. They may also be barred from Lancaster Theological Seminary property, events, future employment and/or volunteer opportunities.

If a student Respondent takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student may not be permitted to return to Lancaster Theological Seminary unless and until all sanctions have been satisfied. Should a student maintain enrollment but decide not to participate in the resolution process, the process proceeds to a reasonable resolution without their participation.

### **Employees**

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Lancaster Theological Seminary no longer has disciplinary jurisdiction over the resigned employee. However, Lancaster Theological Seminary will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with Lancaster Theological Seminary in any capacity, and the records retained by the Title IX Coordinator will reflect that status. They may also be barred from Lancaster Theological Seminary property, events, volunteer opportunities, and/or the ability to complete coursework and/or enroll as a student in the future. All Lancaster Theological Seminary responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter related to this policy.

## **12. Appeals**

A single level of appeal is offered in Process B. All requests for appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the written finding of the Title IX Coordinator/Decision-makers. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error that could have affected the outcome of the hearing;

- New evidence that was not reasonably available at the time the determination was made that could have affected the outcome of the hearing (a summary of this new evidence and its potential impact must be included);
- The sanction(s)/corrective action(s) are substantially disproportionate to the severity of the violation(s) and/or cumulative conduct record of the Respondent.

When any party requests an appeal, the Title IX Coordinator will designate an Appellate Officer from the Pool and not previously involved in the resolution process. If any of the grounds in the appeal(s) do not meet any of the grounds above, the request will be denied by the Appellate Officer and the parties will be notified in writing of the denial and rationale. This decision is final and ends the resolution process.

If any of the grounds are met by the appeal(s), then the Appellate Officer will notify the other party(ies), and they will be given three (3) business days to review and respond before a decision is made.

Appeals may be resolved directly by the Appellate Officer or referred to a three-member Appeal Board appointed by the Title IX Coordinator from the Pool and not previously involved in the resolution process. The Appellate Officer/Appeal Board will collect any additional information needed, as well as all documentation regarding the approved grounds and any subsequent responses. This information will be shared with the Title IX Coordinator, as well as with the Investigators as appropriate.

Upon review of all relevant information, the Appellate Officer/Appeal Board can choose

- to:
- Uphold the original outcome;
  - Modify the original outcome; or
  - Remand the case to the original hearing panel with clear instructions for reconsideration, in light of the granted appeal grounds only;

As in the original process, the preponderance of the evidence standard is applied and while consensus is preferable, a majority vote will determine the outcome. The Appellate Officer/Appeal Board may consult with the Title IX Coordinator for clarification of policy or procedure. All decisions rendered through the process appeal are final and end the resolution process.

For any appeal, the following principles are applied:

- Decisions by the Appellate Officer/Appeal Board are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/correction action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appellate Officer/Appeal Board to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator/Decision-makers merely because they disagree with the finding and/or sanction(s)/corrective action(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appellate Officer/Appeal Board.

- In rare cases when a procedural error cannot be corrected by the original Investigator(s) and/or Title IX Coordinator/Decision-makers (as in cases of bias), the Appellate Officer/Appeal Board may recommend a new investigation and/or administrative resolution process.
- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction/corrective action is changed on remand (except in the rare case described above).
- The Title IX Coordinator in extraordinary circumstances, may stay the implementation of sanctions/corrective actions pending the outcome of any appeal. For student Respondents, graduation, study abroad, internships/ externships, etc., do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during appeal.
- In cases in which the appeal results in reinstatement to Lancaster Theological Seminary or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### **13. Long-Term Remedies/Actions**

Following the conclusion of the resolution process, and in addition to any sanctions/corrective actions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or campus community to stop the harassment, discrimination, and/or retaliation: remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the Lancaster Theological Seminary to the Respondent.

#### **14. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

All Respondents are expected to comply with the assigned sanction(s)/corrective action(s) within the timeframe specified by the final Decision-maker(s). Failure to abide by the sanction(s)/corrective action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/corrective action(s), including suspension, expulsion, and/or termination from Lancaster Theological Seminary and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

#### **15. Process B Recordkeeping**

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept a minimum of seven (7) years in accordance with institutional policy. The institution will also maintain any and all records in accordance with state and federal laws.

#### **16. Statement of the Rights of the Parties- See Appendix A**

#### **17. Disabilities Accommodation in the Resolution Process**

Lancaster Theological Seminary is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the institutional resolution process. Anyone needing such accommodations or support should contact the Title IX Coordinator, who will consult with the Accessibility Support Center and/or Human Resources, in order to determine reasonable accommodation(s) for equitable participation in the process.

#### **18. Revision Of Process B Procedures**

These policies and procedures supersede any previous policy(ies) addressing harassment and discrimination at Lancaster Theological Seminary and will be reviewed and updated annually by the Title IX Coordinator. Lancaster Theological Seminary reserves the right to make changes to this document at any time, as necessary, and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedures.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

If government laws or regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and its procedures were updated to reflect the name change to Lancaster Theological Seminary July 1, 2021 and to reflect a change in evidentiary considerations under Process A on August 16, 2021. It was approved and first became effective August 14, 2020.

It has been updated to reflect:

- Name change to Moravian University, July 1, 2021
- Change in evidentiary considerations under Process A, August 16, 2021
- Addition of caste to the non-discrimination statement, October 15, 2021 (approved by Board of Trustees, effective August 14, 2020)
- Clarification of Process B jurisdiction for non-sex based stalking and severe or pervasive, and objectively offensive sexual harassment, July 12, 2022

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL

USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED

THROUGH A LIMITED LICENSE TO LANCASTER THEOLOGICAL SEMINARY (THROUGH MORAVIAN UNIVERSITY) ALL OTHER RIGHTS RESERVED. ©2020. ATIXA