APPENDIX B

Student Complaint Advisory Committee
Policy & Procedure

PURPOSE

Although it is hoped that misunderstandings, disputes, disagreements, and other matters can be handled informally between the parties involved, there may be times when the institution must become involved in the resolution, either informally or formally. The Seminary has established specific policies and procedures to deal with student complaints including grade appeals, appeals of disciplinary actions, denial of admission or readmission, discrimination based on gender or gender identity, civil rights violations, discrimination based on disability, complaints of sexual misconduct/sexual harassment and Violence against Women Act (VAWA) violations. A summary of policies and procedures for filing and handling these complaints can be found in the Student Handbook, 3.1.2.

The purpose of the Student Complaint Advisory Committee is threefold:

- To provide advice and procedural guidance to any student wishing assistance in filing any form of complaint;
- To investigate matters involving student vs. student complaints for which there is no other formal Seminary policy or procedure such as incidents of micro aggressions and to refer their findings and recommendations to the appropriate Seminary authority for disposition;
- To investigate student complaints involving perceived inequities in an academic process and to refer their findings and recommendations to the appropriate Seminary authority for disposition.

DEFINITIONS

Microaggression: For the purposes of this policy a microaggression is a subtle expression of bigotry such as verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative prejudicial slights and insults toward any individual or group.

Procedural Inequity: For the purposes of this policy, procedural inequity is the perception of unfairness felt by an individual about a procedure or process and/or its execution within the Seminary.

Student Complaint: For the purposes of this policy, a student complaint is any claim of interference with a student's education process. "Complaint" and "Grievance" are used interchangeably in this policy.

Student Complaint Advisory Committee: The Student Complaint Advisory Committee (henceforth referred to as "the Committee") is that group of persons appointed by the Vice President for Academic Affairs and Dean to investigate and make recommendations involving student complaints which do not fall within other Seminary policies and procedures such as claims of microaggressions by other students or perceived inequities in an academic process. The Committee shall be comprised of seven (7) members. The members shall include three student representatives, two faculty members and two staff members. To the extent possible, the makeup of the Committee shall be representative of all genders and different age groups, races and sexual orientation. The names of those serving on the Committee will be published on the LTS website, *LTS Student Complaint Advisory Committee*, at the beginning of each year and will remain posted throughout the year. Members of the Committee shall be selected to serve as members of investigation teams and hearing panels as described within this policy. Members of the Seminary community who participate as members of the Student Complaint Advisory Committee shall receive annual training on topics related to victim care including Trauma-Informed techniques; identification of the type of complaint and corresponding Seminary policy; procedures to initiate a complaint by type; and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The Chairperson of the Committee and the Vice President for Academic Affairs and Dean shall be responsible for annual training content.

NON-RETALIATION

Retaliation is action taken against a complainant or participant in the complaint process that adversely affects the individual's safety, employment or academic status and is motivated by the individual's participation in the complaint process. For related Seminary policy see the Student Handbook, Appendix G.

No individual who makes a complaint or who participates in the investigation or resolution of such complaint shall be subject to retaliation as a result of such activity or participation. Any acts of retaliation shall be grounds

for discipline and corrective measures. The Seminary will not retaliate against any person filing a grievance or tolerate retaliation by any member of the Seminary community. Retaliation should be reported immediately to any member of the administration.

Both the complainant and the alleged offender are to be treated with respect. All grievances will be taken seriously. The Seminary encourages prompt reporting and resolution of any and all issues.

COMPLAINANT'S WRITTEN RECORD

An accurate recollection of events and report of the complaint situation assists in resolving (whether formally or informally) any type of grievance but especially those involving the behavior of another party. Persons being subject to such behavior are encouraged to keep a written record of such incidents detailing the facts, dates, and place of such occurrences.

INFORMAL PROCEDURE

Persons with grievances may seek to resolve their complaints informally. Informal resolution may include clearly and promptly notifying the other party that there is a dispute or that there is behavior which is unwelcome. However, this is not a required first step for pursuing either an informal or a formal complaint.

If, for any reason, a person does not wish to confront the other party directly or if such a confrontation does not successfully resolve the dispute or end the unwanted behavior, the individual may choose to notify a member of the Student Complaint Advisory Committee. The member of the Committee may talk to the other party on the complainant's behalf or arrange for mediation between the two individuals, with a third person acceptable to both.

In some instances, a person with a complaint may simply wish to discuss a matter with the Vice President for Academic Affairs and Dean or a member of the Committee, and such discussion should be encouraged. However, all persons complaining should be aware that the Seminary may decide that it is necessary to address the matter beyond an informal discussion especially if the matter involves an activity which is illegal, such as sexual harassment or racial discrimination.

FORMAL PROCEDURE

Initiation of a Complaint

A student wishing to file a complaint may contact any member of the Student Complaint Advisory Committee for direction and advice.

- The Committee member will listen to the student's concerns and decide which authority should be contacted, either the Vice President for Academic Affairs and Dean or the Chief Financial Officer and Director of Human Resources.
- The Committee member will assist the student in preparing a brief, written description of the problem and request for interview and may advise the student as to Seminary policy and procedures which might apply.

If the student does not wish to contact a Student Complaint Advisory Committee member, she/he may contact the appropriate authority directly, in writing, and request an interview to discuss the complaint. All such requests should be directed to the Vice President for Academic Affairs and Dean unless the complaint involves the Dean as a respondent. In such case the Chief Financial Officer and Director of Human Resources should be contacted.

Complainant Interview

The Vice President for Academic Affairs and Dean and/or Chief Financial Officer and Director of Human Resources will interview the student. During the interview with the student, the nature of the complaint will be determined, and details of the situation will be discussed (see also Student Handbook, Appendix C).

The Vice President for Academic Affairs and Dean will determine which Seminary policy and procedure applies and will initiate a formal or informal investigation, as appropriate. If it is determined that the matter is one of interference with a student's education process by another student and such interference is not covered by any other Seminary policy, or, if the complaint involves perceived inequities in an academic process, the matter will be referred to the Student Complaint Advisory Committee for investigation.

Student Advisory Committee Acknowledgement

When formal notice of a student complaint of microaggressions by other students or perceived inequities in an academic process is received by the Student Complaint Advisory Committee from the Vice President for Academic Affairs and Dean or Chief Financial Officer and Director of Human Resources, the Committee shall send both the complainant and alleged offender (if any) a written acknowledgment of the complaint along with a copy of this and other appropriate policies.

Situations involving both a complainant and a respondent which warrant the filing of a formal complaint create a heavy burden for all those involved. The Committee acknowledgement letter shall provide a list of individuals who are willing to serve as pastoral support persons for complainants and alleged offenders. Pastoral support persons shall be members of the clergy and others who receive confidences in their capacity as spiritual advisors, counselors or other position. These persons shall be available to provide pastoral support to the complainant, respondent and members of the Committee throughout the pendency of the proceedings but shall not take part in the proceedings themselves.

Committee Investigation

Any grievance brought to the attention of the Committee will be promptly investigated. The Committee shall appoint two of its members to begin conducting an investigation of the complaint as soon as it is practicable with the goal being within three workdays.

If the investigation involves a complaint of inequities in an academic process rather than behavior on the part of another student, the Vice President for Academic Affairs and Dean or a designee will act as "respondent."

All persons contacted by the investigation team shall be reminded of the seriousness of such allegations and the need for confidentiality to protect the privacy of the individuals involved. They shall also be reminded that their statements will be reviewed by the parties and Committee.

During the investigation phase, both the complainant and the respondent will be allowed to submit written statements on their own behalf and to submit written statements from any witnesses.

The investigation team shall keep an ongoing written record of all activities and findings. These statements shall be provided to both parties prior to the hearing (if any).

Receipt of a formal complaint against another student shall be cause for a file review to determine whether prior complaints have been made against the respondent. The investigation team shall determine whether the complainant knows or suspects that the respondent has been involved in similar situations. The team shall interview all persons it deems necessary in conducting a thorough investigation of the matter.

Once it has completed the investigation, the team will prepare a report which shall include the names and statements of all persons who provided statements during the investigation. The team will then notify the Committee of the completion of the investigation.

The full Committee will meet to discuss the results of the investigation and will prepare recommendations for resolution or further action. The investigation findings and Committee recommendation will be sent to the initiator of the Student Complaint Form, either the Vice President for academic Affairs and Dean or the Chief Financial Officer and Director of Human Resources, who will determine whether to conduct a hearing on the complaint within 30 days of the completion of the investigation. The Committee, the complainant and the respondent will be provided with copies of the investigation team's report and recommendation.

Committee Hearing

Should it be determined that a hearing is not necessary, subsequent actions will be conducted according to the procedures outlined under Disciplinary or Corrective Actions below. If it is determined a hearing should be conducted, both the complainant and the respondent shall be entitled to appear at the hearing, and each shall have the right to representation by an advocate who may speak and question witnesses in the party's behalf.

At the hearing (if conducted), no one other than the Committee, the complainant, the respondent, the advocates, the witnesses, the Seminary's legal counsel (if required), and professional recorder shall be present. Witnesses other than the parties shall only be present during the course of their testimony. Each person testifying at the hearing shall be reminded of the confidentiality of the proceedings.

In consultation with the complainant and respondent and/or their respective advocates, the Committee Chairperson will ask questions to clarify witnesses' and documentary evidence. The complainant may then introduce additional evidence, but only to rebut evidence introduced on behalf of the respondent.

During the hearing, the Committee may ask additional questions of any witness including the parties. Each party may make closing arguments.

The Committee will conduct its deliberations in private and will decide the case based on evidence presented at the hearing and in the investigation team's report. The Committee will communicate its findings and recommended action in writing to the initiator of the Student Complaint Form, either the Vice President for Academic Affairs and Dean or the Chief Financial Officer and Director of Human Resources, who will make the final decision regarding disciplinary/corrective action within five workdays subsequent to the hearing.

The office of the Vice President for Academic Affairs and Dean is responsible for ensuring implementation of any actions recommended. However, should the initiator of the Student Complaint Form find that there was insufficient evidence to support the Committee's decision or that the proceedings were not conducted according to this policy, they may remand the matter to the Committee for reconsideration.

Disciplinary or Corrective Actions

In matters involving interference with a student's education process by another student, depending on the nature of the dispute/complaint, the respondent will be subject to the corrective and/or disciplinary procedures prescribed by the Vice President for Academic Affairs and Dean. Both parties will be notified of the outcome of the deliberations. However, due to confidentiality laws, should the respondent be subject to disciplinary action, only the respondent and those responsible for implementation will be notified of the action.

In matters involving perceived inequities in an academic process, depending upon the final decision, appropriate changes to policy and procedure will be made and published in appropriate documents. Related academic appeals, if any, will be considered by the Vice President for Academic Affairs and Dean. The complainant will be notified of the outcome of the deliberations.

Appeals

If either a complainant or a respondent is dissatisfied with the outcome of the formal complaint process, that individual has the right to appeal the decision in writing to the President of the Seminary.

If the President determines that there was sufficient evidence and the proceedings were conducted according to the policy, then the President shall approve implementation of the recommendation of the Dean and Committee immediately. The President shall have ten workdays to render a decision.

If, upon review of the hearing record and the investigative team's report, the President finds that there was insufficient evidence to support the Committee's recommendation and/or the Dean's decision or that the proceedings were not conducted according to this policy, the President may remand the matter to Vice President for Academic Affairs and Dean for consideration. The Dean and/or the Committee, shall have ten workdays to review the matter in light of the President's comments and provide a recommendation. If the President again finds that there was insufficient evidence to support the Committee's decisions or that the proceedings were not conducted according to this policy, the President shall have final authority to make a decision and take appropriate action.

Rights of the Parties Involved

The standard of evidence used to determine responsibility is a "preponderance" of evidence. This determination is based on the greater weight of the evidence and does not require a standard beyond a reasonable doubt.

Confidential medical/counseling records and information regarding the complainant's sexual history will not be provided to the accused and is not admissible at any disciplinary proceeding.

Both the complainant and the respondent will be simultaneously informed in writing of the outcome of each stage of the proceedings.

Both the complainant and the respondent are entitled to the same opportunity to:

- access information that will be used at the hearing;

- present relevant witnesses and other evidence
- have others present during the hearing and related meetings or proceedings.
- protection under applicable privacy laws (e.g. FERPA);
- be informed in writing of the Seminary's student complaint process;
- the presence of an advocate/advisor of their choice who may advise the party and may speak and question witnesses on the party's behalf during the process.
- to be informed in writing of any change in the results of the process that occurs prior to the time the results become final as well as the final outcome of the formal complaint process

Disciplinary Action

Penalties may include, but will not be limited to those listed below:

- referral to counseling,
- clinical supervision by a licensed psychotherapist to reflect on one's ministry,
- additional curricular or extra-curricular requirements.
- educational intervention
- suspension
- expulsion

All penalties include a written record which shall be placed in the student's permanent file.

If an investigation results in the finding that the complainant falsely and maliciously accused another person, the complainant will be subject to appropriate disciplinary sanctions, as described earlier, including the possibility of suspension or dismissal. However, the fact that no action is taken against a respondent does not automatically mean that the complaint was false or malicious.

Written Record of Complaints

Where appropriate and practical, the Seminary will maintain a complete and confidential written record of each complaint and how the complaint was investigated and resolved. To the extent practical, complete records of

the proceedings will be kept in a secure file on campus. Student and faculty matters will be stored with the Vice President for Academic Affairs and Dean. Proceedings involving employees will be stored with the Chief Financial Officer and Director of Human Resources. The file will be cross-referenced in each party's academic/personnel record. For more information regarding confidentiality and the release of information, refer to the Student Handbook, Appendix A.

How to File a Consumer Complaint

Lexington Theological Seminary is a SARA-participating institution. For information on SARA complaint policies and procedures, please visit https://cpe.ky.gov/campuses/consumer_complaint.html.