

## NOTICE OF NONDISCRIMINATION

Missouri Baptist University does not discriminate or permit discrimination by any member of its community on the basis of race, color, sex, national origin, age or disability with respect to admissions, housing, employment, services, financial aid, or any other educational programs or activities it operates. Inquiries regarding compliance related to students should be addressed to the Senior Vice President for Student Development/Associate Provost, Missouri Baptist University, One College Park Drive, St. Louis, Missouri 63141, 314-392-2211. Inquiries regarding compliance related to employees should be addressed to the Provost/Senior Vice President for Academic Affairs, Missouri Baptist University, One College Park Drive, St. Louis, Missouri 63141, 314-392-2201.

Inquiries concerning Title IX should be addressed to the University's Title IX Coordinator:

Senior Vice President for Student Development/Associate Provost  
Missouri Baptist University  
One College Park Drive  
St. Louis, Missouri 63141  
(314) 392-2211.

## NONDISCRIMINATION POLICY AND COMPLAINT PROCEDURE

Missouri Baptist University is committed to excellence in education that is based on Christian values and standards. The University believes this goal can be achieved only in an environment free of discrimination and harassment. Discrimination and harassment undermine the mission of the University, are prohibited by state and federal law, and will not be tolerated or condoned.

This policy is intended to address complaints of discrimination and harassment on the basis of sex, race, national origin, disability, age, or any other characteristics protected by law. It applies to all members of the University community, including faculty, staff, volunteers, and students. It is intended to comply with federal and state law, and to complement other University policies, including but not limited to the Notice of Nondiscrimination and the Sexual Assault and Relationship Violence Policy. In the event that a complaint involves allegations of sexual assault or relationship violence in which the accused is a student, the procedures set forth in the Sexual Assault and Relationship Violence Policy will apply.

### Definitions

For purposes of this Policy, the following definitions apply:

“Harassment” is defined as any unwelcome, unsolicited, and offensive conduct that is severe, pervasive, and tends to injure, degrade, or show hostility toward a person because of his or her sex, race, religion, national origin, disability, age, or other characteristic protected by law. Whether particular conduct constitutes harassment often depends on context, including the participants’ reasonable understanding of the situation, their past interactions with each other, the nature of their professional relationship, and the setting in which the conduct occurs.

“Sexual harassment” is the use of personal power or authority to intimidate or attempt to intimidate or coerce a person of the opposite sex (or same sex) into unwanted sexual activity or to create a hostile or offensive academic or work environment. Sexual harassment is distinguished from consensual relationships by the introduction of the element of coercion; threat; unwelcome sexual advances; requests for sexual favors; sexually explicit or suggestive material in written, verbal or visual form; or other unwelcome verbal or physical conduct of a sexual nature where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition or an individual’s employment or academic performance.
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
3. Such conduct has the purpose or effect of substantially interfering with a student’s or employee’s academic or work performance, or creating an intimidating, hostile, or offensive academic or work environment.

“Sexual Assault” is a severe form of sexual harassment, and is defined in detail in the University’s Sexual Assault and Relationship Violence Policy. It refers to engaging in any form of sexual contact or conduct with another without that person’s clear, knowing, and voluntary consent. It is the responsibility of the person seeking to initiate sexual contact or conduct to

affirmatively obtain such consent. It is not the responsibility of the intended recipient of such sexual contact to affirmatively deny such consent.

#### Examples of Sexually Harassing Behavior:

Prohibited behavior may take various forms. Examples of conduct that may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual advances or requests for sexual favors.
2. Sexually explicit language, jokes, and/or innuendo.
3. Repeated sexual propositions, date invitations, solicitations, and flirtations known to be unwelcome.
4. Inappropriate and/or offensive touching, fondling, or bodily contact.
5. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature presented or displayed in the classroom, faculty office, staff office, athletic area, or other common areas.
6. Threats or insinuations that may affect a person's employment, wages, promotional opportunities, grades, evaluations, and other academic or employment performance.
7. Sexual assault or attempted sexual assault.

“Stalking” occurs when a person purposely and repeatedly engages in an unwelcome course of conduct that would cause a reasonable person to fear for his, her or others' safety, or to suffer emotional distress. Stalking can occur via written, telephonic or electronic means.

#### COMPLAINT PROCEDURES

Anyone who believes that he or she has been subjected to conduct that violates this policy may elect to pursue an informal or a formal complaint. An informal complaint will primarily involve discussion and counseling to resolve the matter, while a formal complaint may result in the University taking disciplinary action against the accused party. All complaints will be promptly, thoroughly, and impartially investigated, and brought to a resolution within a reasonable time frame at each step of the process. In the event that a determination is made that an act of discrimination has occurred, appropriate corrective and remedial actions will be promptly taken.

Complaints regarding students should be addressed to:

Senior Vice President for Student Development/Associate Provost  
Missouri Baptist University  
One College Park Drive  
St. Louis, Missouri 63141  
(314) 392-2211.

Complaints related to employees should be addressed to:

Provost/Senior Vice President for Academic Affairs  
Missouri Baptist University  
One College Park Drive  
St. Louis, Missouri 63141  
(314) 392-2201.

#### Confidentiality and Protection of Both Parties

The University will protect, to the extent permitted by law, the confidentiality and identity of both those individuals filing complaints under this policy, and those accused of violations. Because the University has an obligation to address discrimination, however, the University cannot guarantee complete confidentiality where it would conflict with the University's legal obligation to conduct a thorough investigation or take appropriate corrective action. However, in the event that disclosure of the University's information or sources is required by law, it will be limited to the extent possible. The University will, to the extent permitted by law, keep confidential all records of complaints, responses and investigations. The records maintained by the investigator will be available only those to administrators and other supervisors charged with responding to allegations of discrimination, or those individuals responsible for overseeing the process.

The complainant will be kept reasonably apprised of the status of the investigation, and shall be provided with written notice of the disposition of the complaint at each stage of the process. All reasonable actions will be taken to insure that the complainant and those testifying on behalf of the complainant will suffer no retaliation as the result of their participation in the complaint, investigation, or hearing process.

In extraordinary circumstances, the Provost/Senior Vice President for Academic Affairs may, at any time during the investigation of a discrimination complaint, suspend from teaching responsibilities any faculty member or instructional person accused of discrimination pending a final hearing, if after the allegations and interviewing of the accused, the complainant, and if appropriate, other persons having knowledge of the matter, the Provost/Senior Vice President for Academic Affairs finds that it is reasonable certain that the alleged discrimination has occurred and serious immediate irreparable harm will occur if the person continues to teach the class. In the same manner, the Senior Vice President for Student Development/Associate Provost may temporarily suspend any student alleged to have violated the policy from attending classes and/or otherwise enjoin from attending classes on campus pending a formal hearing on the charges.

At the time the investigation commences, the accused will be informed of the nature of the allegations and the facts surrounding those allegations. A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to disciplinary action. False charges or complaints of discrimination will be treated as a serious offense, which is damaging to the total campus community.

### Informal Complaint

1. At the complainant's option, an informal complaint that one or more provisions of this policy have been violated shall be raised with the Senior Vice President for Student Development/Associate Provost in the case of an alleged student violator, or with the Provost/Senior Vice President for Academic Affairs in the event of an alleged staff or faculty violator.
2. The administrator to whom the complaint is made will counsel the complainant as to the options available under this policy and, at the complainant's request, may intervene on the complainant's behalf to attempt to resolve the complaint informally through discussions with the person alleged to have violated the policy.
3. The person to whom the informal complaint is made will not inform the accused of the complaint without the consent of the complainant.
4. The submission of an informal complaint does not preclude an individual from subsequently pursuing a formal complaint, if a satisfactory resolution is not achieved informally.

### Formal Complaint

A complainant wishing to make a formal complaint should file a written statement with the Senior Vice President for Student Development/Associate Provost (for alleged student violations) or the Provost/Senior Vice President for Academic Affairs (for employee violations). The statement should include a detailed description of the conduct which the complainant believes violates this policy.

1. Upon receipt of a formal complaint under this policy, the Senior Vice President to whom it has been reported (or his/her designee) will commence a prompt, thorough, and impartial investigation into the allegations raised therein. In conducting the investigation, the appropriate administrator and his/her designee shall interview the complainant, the accused, and other persons believed to have pertinent factual knowledge. At all times the administrator responsible for the investigation will take appropriate steps to insure the confidentiality of the investigation.
2. The investigation will afford the accused a full opportunity to respond to the complainant's allegation(s).
3. All complaints will be adjudicated as expeditiously as possible, and generally within sixty (60) days after the filing of the complaint. At the conclusion of the investigation, the administrator's conclusion will be promptly and simultaneously communicated in writing to both the complainant and the accused. Possible outcomes of the investigation are:
  - a. A judgment that the allegations do not warrant discipline.
  - b. Mutually acceptable resolution of the complaint.
  - c. Issuance of a disciplinary sanction.

When the investigation is complete, the responsible administrator to whom the complaint is made will determine whether it is more likely than not that an alleged violation of this policy has occurred. If a mutually acceptable resolution of the matter cannot be achieved, a formal sanction shall be issued. The decision regarding sanctions will be made by the Provost/Senior Vice President for Academic Affairs when a faculty member, other instructional personnel, or staff member has been charged. The Senior Vice President for Student Development/Associate Provost will make the decision in the case of a student having been charged.

Except as specifically modified by other provisions of this policy, procedures and sanctions for violations of this policy by faculty and staff will be governed by the grievance policy and procedure outlined in the personnel procedures handbook, and sanctions for violations of this policy by students will be governed by the procedures outline herein (with the exception that, as previously noted herein, incidents of sexual assault or relationship violence involving students shall be governed by the University's specialized Policy on Sexual Assault and Relationship Violence).

#### Permissible Sanctions for Violations of the Policy

The sanctions for violation of this policy include, but are not limited to, censure, suspension, or termination or employees, faculty and staff of the University, and censure, probation, suspension, or expulsion of students.

#### Request for Clarification of Sanctions

If the respondent student objects to the sanctions or to how the investigation was handled, she or he may request an initial review and clarification of sanctions with the Senior Vice President for Student Development/Associate Provost.

1. Within three (3) business days of the decision regarding the investigation, the respondent may request an initial review and clarification of sanctions with the Senior Vice President for Student Development/Associate Provost. The request must be made in writing and must detail the reasons why, in light of established criteria for an appeal below (a-d), the person objects to the sanctions and desires an initial review and clarification. The Senior Vice President for Student Development/Associate Provost will evaluate the student's request and other documentation relevant to the violation based on the following criteria:
  - a. Irregularities in fairness that influenced the outcome of the disciplinary action. It is the burden of the student making the appeal to demonstrate the original decision would more likely than not have been different if the irregularity or error had not occurred.
  - b. Demonstrated prejudice against any party involved on the part of the investigator, or any other personnel who participated in the disciplinary action. The prejudice must be more than simple opposition to the appealing party's point of view; instead, evidence must show a significant conflict of interest, bias, pressure or influence that prevented a fair and objective hearing.
  - c. Discovery of new and significant evidence not available at the time of the original hearing/investigation.

- d. A sanction that is extraordinarily disproportionate to the violation.
2. Upon receipt of notification of the respondent's request for an initial review and clarification of sanctions, the Senior Vice President for Student Development/Associate Provost shall schedule a meeting with the student to further discuss the basis for the charges and sanctions, to be held within three (3) business days of the receipt of such request, and shall notify the student of the time and place of the meeting. Appeal of Sanctions to the University Conduct Committee If the respondent still objects to the sanctions following the meeting with the Senior Vice President for Student Development/ Associate Provost, she or he may appeal the decision to the University Conduct Committee.

#### Appeal to the University Conduct Committee

If the respondent student still objects to the sanctions following the meeting with the Senior Vice President for Student Development/ Associate Provost, she or he may appeal the decision to the University Conduct Committee. To appeal a sanction the respondent must, within three (3) business days, formally appeal to the University Conduct Committee by written notice delivered to the Senior Vice President for Student Development/ Associate Provost. Upon receipt of such appeal notice, the Senior Vice President for Student Development/Associate Provost shall promptly deliver the notice to the Chair of the University Conduct Committee. The President of the University shall appoint the Chair, as well as the members of the Committee. The student may request a stay of sanctions during the appeal process. The Senior Vice President for Student Development/Associate Provost will determine the stay of sanctions. This decision cannot be appealed. The student is automatically placed on probation throughout the entire appeal process. Any further violations of the Student Conduct Code may result in the denial of the current appeal and immediate suspension or expulsion.

1. Within three (3) business days of the filing of the notice of appeal, the Chair of the University Conduct Committee shall assign a subcommittee consisting of three Committee members from the faculty or staff the task of evaluating the merit of the appeal. The student making the appeal must submit a written defense of his/her appeal detailing why he/she objects to the sanctions. The subcommittee should evaluate the student's appeal and other documentation relevant to the violation based on the criteria under Clarification of Sanctions Procedures 1. a-d above.
2. Requests for appeal will not automatically be granted and may be denied by the subcommittee if one (or more) of the appeal criteria is not demonstrated. Within five (5) business days the subcommittee will report its decision to the Chair of the University Conduct Committee. Notification will be given to the student by the Chair of the Conduct Committee within two (2) business days of receiving the subcommittee's decision. If the subcommittee denies the appeal, there is no further appeal.
3. If the subcommittee decides that the appeal should be heard by the full Conduct Committee, the Chair, within seven (7) days of receiving the subcommittee's decision, will establish the date, time, and place of a hearing of the charges against the student, and shall send written notice of such to the student, the Senior Vice President for Student Development/ Associate Provost, and all of the members of the Committee. The date of the hearing shall be not less than seven (7) days and not more than twenty-one (21) days

after the giving of the notice of the hearing. The University shall make arrangements for the making of a record of the hearing, either by a stenographer or other appropriate means, and shall bear the expense of making such record. The student shall have the following rights at the hearing:

- a. To be present at the hearing;
  - b. To cross-examine any witnesses presented by the administration;
  - c. To present witnesses and other appropriate documentary evidence; and
  - d. To remain silent or to testify in defense.
  - e. The student may be accompanied at the hearing by an advisor of their choosing. If the student engages an attorney, the attorney may serve as an advisor, but not in an advocacy role.
4. Following the conclusion of the hearing, the Committee shall deliberate in closed session and within reasonable time shall render a decision by a majority vote. The Chair of the Committee shall deliver the written findings and the decision of the Committee to the Senior Vice President for Student Development/Associate Provost as soon as is practical after the decision is rendered. The student shall be notified of the Committee recommendation and the final decision concerning the disciplinary actions in a joint meeting with the Senior Vice President for Student Development/Associate Provost and the Committee Chair. Once the process is completed, there is no further appeal.
  5. The complainant shall be apprised in writing of the disposition of the grievance at each stage of the process. Any notice to the respondent student under this discipline policy will be delivered to the student in a manner agreed to in advance by both the student and the Senior Vice President for Student Development/Associate Provost. If the student desires to pick up a notice subsequent to an appeal, the student shall make an appointment between two (2) and seven (7) working days with the Senior Vice President for Student Development/ Associate Provost to receive and sign for the written result of the appeal. If the student prefers notice to be mailed, it shall be sent by certified mail to the most recent address shown in the official student file maintained by the University, and shall be deemed received when deposited in the U.S. Mail with postage pre-paid. If, at any time during the appeal process, the student desires to designate a different address for notice, the student shall so advise the Senior Vice President for Student Development/Associate Provost, and such address, along with designated telephone number, shall be forwarded to the Chair of the Conduct Committee by the Senior Vice President for Student Development/Associate Provost.

## Retaliation

Retaliation against anyone reporting or thought to have reported discriminatory behavior, or against anyone who cooperates in an investigation of such behavior, is prohibited by law and by University policy. Such retaliation shall be considered as a serious violation of the policy and shall be considered independent of whether informal or formal complaint of harassment is substantiated. Encouraging others to retaliate shall constitute a violation of the policy. Examples of conduct that may constitute retaliation include, but are not limited to:

1. Unfair grading.
2. Unfair evaluation.
3. Unfair assignments.
4. Having information withheld or made difficult to obtain in a timely manner, such as class information, recommendations, or grades.
5. Not being informed about important events, such as meetings or changes in policy.
6. Ridicule (public or private).
7. Verbal or written threats or bribes.
8. Refusal to meet with the person even though that person has a right to do so.
9. Name-calling.
10. Further harassment or other discriminatory actions.

Steps to prevent retaliation may include, but are not limited to:

1. Lateral transfer of one or more of the parties to a different employment setting or a comparable move to a different classroom setting.
2. Arrangements that academic and/or employment evaluations concerning the complainant or others be made by an appropriate individual other than the accused.

## Education as a Key Element of the Policy

Educational efforts are essential to the establishment of a campus environment that is as free as possible of discrimination. There are at least four (4) goals to be achieved through education:

1. Ensuring that all faculty members, students, and employees are aware of their right to be free from discrimination and harassment;
2. Reasonably informing individuals of conduct that is proscribed by the policy;
3. Ensuring that administrators properly respond to complaints of violations of this policy; and
4. Helping to sensitize students, employees, faculty members, and administrators to the issue of discrimination and harassment on campus.

To support this policy, Missouri Baptist University will conduct periodic orientation and educational programs for faculty, students, and staff concerning discrimination. This orientation and educational process will be administered by the Senior Vice President for Student Development/Associate Provost.

### Preparation and Dissemination of Information

The office of the Provost/Senior Vice President for Academic Affairs is charged with distributing copies of this policy and procedures to all current members of the University community and to all those who join the community in the future. An annual letter from the office of the Provost/Senior Vice President for Academic Affairs will be sent to all faculty and staff to remind them of the contents of this Policy. Copies of this policy and procedures will be continuously available at appropriate University centers and offices. The office of the Provost/Senior Vice President for Academic Affairs will develop a series of training sessions for those persons who are likely to receive complaints that the policy has been violated, including but not limited to such persons as residence hall assistants, academic advisors, division chairs/deans, and faculty. The Senior Vice President for Student Development/Associate Provost will develop a program designed to inform and educate students to the issue discrimination and harassment, the conduct prohibited on campus by this policy and the appropriateness of sanctions for violations of this policy. A mandated program for those students determined to have violated the policy and will be imposed as a component of any complaint resolved through conciliation.

### The Office of Civil Rights

A complainant who is not satisfied with the resolution offered by this Policy may file a complaint with the United States Department of Education, Office for Civil Rights. The contact information for that agency is as follows:

U.S. Department of Education, Office for Civil Rights  
One Petticoat Lane, 1010 Walnut, Suite 320  
Kansas City, Missouri 64106  
Telephone: (816) 268-0550  
Facsimile: (816) 268-0599  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)