

STATEMENT OF NONDISCRIMINATION POLICY

MBU prohibits unlawful discrimination and harassment against any member of its community based on an individual's race, color, national origin, sex, age, disability, citizenship, veteran status, or genetic information with respect to matters of admissions, employment, housing, or regarding any part of its educational activities. This prohibition is essential to the University's commitment to the value of every person. As a religious institution, MBU explicitly retains the right to make employment, admission, athletics and educational decisions on the basis of an individual's religious beliefs and conduct consistent with biblical teachings, MBU's Code of Conduct, the Baptist Faith and Message 2000 (or latest edition), MBU's Bylaws, and other policies and procedures as interpreted and applied by MBU based upon its deeply held religious convictions.

The Nondiscrimination Policy applies to registered or enrolled students, University employees, contractors, vendors, visitors, guests, or other third parties.

Inquiries related to compliance should be referred to the Vice President for Student Development at deanofstudents@mobap.edu or 314-392-2212.

Any reports related to sexual harassment should be submitted to the Title IX Coordinator in accordance with the University's Title IX Sexual Harassment Policy.

Any reports of other discrimination or harassment that involve another student should be submitted to the Vice President for Student Development.

Any reports of other discrimination or harassment that involve a University employee should be submitted to the Provost/Senior Vice President for Academic Affairs at Andy.Chambers@mobap.edu and 314.392-2201 to be addressed in accordance with Section 4.6 of the Personnel Handbook

Definitions

For purposes of this Policy, the following definitions apply:

"Harassment" for purposes of this policy is defined as a form of discrimination that manifests as unwelcome conduct, on or off campus, based on an individual's membership in one of the protected classes named herein. Harassment becomes unlawful when it (1) is subjectively and objectively offensive; (2) is severe or pervasive; and (3) has the purpose or effect of interfering with an individual's work or creating an intimidating, hostile, or offensive learning environment. Whether certain conduct meets the definition of harassment will depend on the totality of the circumstances. Conduct that may not meet this definition of "harassment" may still be in violation of the University's Spartan Virtues of conduct and expectations for students

Complaint Procedures

Informal Complaint:

1. At the complainant's option only, a complaint that one or more provisions of this policy have been violated may be resolved through an informal, mutually agreeable resolution

process without a formal investigation. A complainant should still report the complaint for students to the Vice President for Student Development (VPSD) and complaint(s) for employees to the Provost/Senior Vice President for Academic Affairs but should indicate that the complainant is interested in seeking an informal resolution. The complaint procedure set forth in Section 3.1 will be used for complaints of harassment involving University employees, whether based upon race, gender, color, national or ethnic origin, age, disability, genetic information, or military service, or any other legally protected status. The appropriate administrator may then delegate facilitation of the informal resolution process to an administrator, where appropriate.

2. The VPSD or designee 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 complainant is not required to confront the alleged harasser directly. The VPSD or designee may, with the complainant's consent, facilitate a conversation between the two parties as a means to mutually resolve the complaint, if doing so is appropriate for the circumstances.

4. The results of an informal resolution will be documented VPSD or designee, and such writing shall be signed by the complainant and the accused. A copy of the resolution will be placed in the student's conduct file.

Investigation Procedure

1. A complainant wishing to make a formal complaint should file a written complaint with the VPSD, who will determine the method by which the investigation will be conducted and may designate another employee to conduct the investigation.

2. A written complaint should include: (a) the name and position of the accused student; (b) the nature of the alleged harassment; (c) the date(s) when the alleged harassment occurred; (d) the details of the alleged harassment, including any information that corroborates or supports the complainant's report; and (e) what outcome the complainant is seeking. A complaint that is not in writing or does not include all of the above information will still be accepted and investigated by the University.

3. The VPSD or designee will promptly begin an investigation after receipt of the written complaint. The purpose of the investigation is to establish whether there is a reasonable basis for believing that the alleged violation of this policy has occurred. In conducting the investigation, the VPSD or designee may interview the complainant, the respondent, and other persons believed to have pertinent factual knowledge. The VPSD or designee may also request documentation or evidence from either the complainant or the respondent to support the party's position.

4. The VPSD or designee will strive to maintain, to the greatest extent possible, the confidentiality of complainants, witnesses, or other individuals involved in the complaint or investigation process. However, the VPSD or designee cannot guarantee absolute confidentiality when it would conflict with the University's obligation to thoroughly investigate

a matter or take corrective action. The University will keep confidential all records of complaints, documentation, responses, and investigations to the extent permitted by law.

5. The investigation will afford the accused a full opportunity to respond to the complainant's allegation(s).

6. Within thirty (30) working days after receipt of the written complaint, the VPSD or designee will prepare an investigation report reviewing the findings of the investigation. The report will determine whether it is more likely than not that the alleged harasser engaged in the conduct alleged by the complainant.

Possible outcomes of the investigation are:

- a. A judgment that the allegations are not warranted.
- b. Mutually acceptable resolution of the complaint.
- c. Commencement of formal disciplinary action described in succeeding sections.

7. Within five (5) working days of the completion of the VPSD or designee's investigation report, a letter summarizing the outcome of the investigation will be provided to the complainant and to the accused.

8. Any deadlines described in this section may be extended due to extenuating circumstances as determined by the University. The VPSD or designee should notify the complainant and the accused when a deadline will need to be extended.

Formal Accountability Action

If, after the investigation is complete, the VPSD or designee concludes that there is a reasonable basis for believing that it is more likely than not an alleged violation of this policy has occurred, then formal disciplinary action may be taken.

Violations of this policy by a student may result in censure, suspension, expulsion, or any of the other sanctions described in the "Accountability Process for Violations of Spartan Commitments" section found in The Spartan Virtues (Student Handbook).

Appeal Procedures

Within five (5) working days of receipt of the outcome letter from the VPSD, a party not satisfied with the action taken by the VPSD may appeal the outcome of the investigation to an Appellate Officer. Upon notice of the appeal, the VPSD will provide a copy of his/her report to the Appellate Officer for review. The Appellate Officer will provide a decision within ten (10) working days, or as soon as reasonably possible, after receipt of the investigation report. A copy of the Appellate Officer's decision will be sent to the parties and to the VPSD.

The decision of the Appellate Officer will be final.

Additional Prohibited Behavior

Behavior that does not rise to the level of illegal harassment or retaliation might still be deemed inappropriate, unacceptable, and/or in contravention of the Spartan Virtues. Accordingly, accountability action may still be taken even if the conduct is deemed to not be in violation of this policy.

Protection of Rights

Missouri Baptist University seeks to protect the rights of both the complainant and the accused to the fair application of procedures. Both parties will be kept informed regarding the investigation process, as appropriate given the circumstances. Additionally, the University may take various measures to ensure the safety and/or wellness of one or both parties involved in the investigation. For instance, the University may choose to issue Mutual No Contact Orders for parties. The University may offer counseling to one or both parties. The University may take other action as deemed appropriate given the circumstances. However, accountability action will not be taken until after the investigation is completed.

False Charges

Because of the serious nature of accusations of harassment, such allegations must be made in good faith and not with malicious intent. False complaints of harassment will be treated as serious offenses, which are damaging to the total campus community. If an individual has reason to believe that a complaint against him/her was not made in good faith, the individual may report such concerns and use the procedures herein to seek redress.

Preparation and Dissemination of Information

The office of the VPSD is charged with making this policy available to all students of the University and to all those who join the community in the future. The policy will be available in the Spartan Virtues (Student Handbook) online.