

**Midwestern Baptist Theological Seminary and Spurgeon College**

# **Title IX Policy and Procedures**

## **Overview:**

Midwestern Baptist Theological Seminary and Spurgeon College exist for the church by biblically educating God-called men and women to be and make disciples of Jesus Christ.

With that vision in mind, it is vitally important for Midwestern Baptist Theological Seminary and Spurgeon College (hereafter MBTS) to promote righteous living in all areas of life, including in the area of human sexuality. MBTS is guided by the understanding that human sexuality is a gift from God, and that the purpose of this gift includes the procreation of human life and the uniting and strengthening of the marital bond in self-giving love between one man and one woman.

MBTS bases its understanding on human sexuality on biblical principles outlined throughout the Old and New Testament along with the history of Christian church thought, teaching, and practice.

## **Midwestern Baptist Theological Seminary and Spurgeon College Policy on Sex, Sexuality, and Gender Identity:**

### **Southern Baptist Identity and Accountability:**

Midwestern Baptist Theological Seminary and Spurgeon College exist “For the Church.” We are faithful stewards to a great trust granted to us by the Southern Baptist Convention to educate, train, and prepare ministers of the gospel for faithful service in the local church. In keeping with that mission, Midwestern’s policy regarding sex, sexuality, transsexualism, transgenderism, and related gender identity issues is grounded in our confessional identity as expressed in *The Baptist Faith & Message 2000*. *The Baptist Faith & Message 2000* defines the doctrinal consensus of the Southern Baptist Convention. It is the basis upon which Southern Baptist churches have agreed to cooperate for the cause of the Great Commission, and it defines the seminary’s confessional accountability to Southern Baptists. We believe *The Baptist Faith and Message 2000* to be a faithful exposition of scriptural truth. We also believe the spirit of these documents to be the basis for Midwestern’s conduct responsibilities located in the Student Handbook.

The following statements from *The Baptist Faith & Message 2000*, and Midwestern’s Student Handbook are particularly relevant to these matters:

- “Man is the special creation of God, made in His own image. He created them male and female as the crowning work of His creation. The gift of gender is thus part of the goodness of God's creation” (BF&M 2000, III).
- “Salvation involves the redemption of the whole man...” (BF&M 2000, IV).

- “Sanctification is the experience, beginning in regeneration, by which the believer is set apart to God's purposes, and is enabled to progress toward moral and spiritual maturity through the presence and power of the Holy Spirit dwelling in him. Growth in grace should continue throughout the regenerate person's life” (BF&M 2000, IV.C).
- “In the spirit of Christ, Christians should oppose racism, every form of greed, selfishness, and vice, and all forms of sexual immorality, including adultery, homosexuality, and pornography” (BF&M 2000, XV).
- “Sexual impropriety is participation in premarital sex, extramarital sex, homosexual activities or any form of deviant sexual behavior or cohabitation” (Student Handbook).
- “Pornography is also prohibited. Pornography is the possession, purchase, distribution or use of any pornographic materials in any form (magazines, photos, CD ROM, games, computer games, websites, etc.” (Student Handbook).
- “Marriage is the uniting of one man and one woman in covenant commitment for a lifetime. It is God's unique gift to reveal the union between Christ and His church and to provide for the man and the woman in marriage the framework for intimate companionship, the channel of sexual expression according to biblical standards, and the means for procreation of the human race” (BF&M 2000, XVIII).
- “Midwestern considers marriage to be a covenant relationship [between one man and one woman for a lifetime] and a healthy marriage to be crucial to any married student's ministry” (Student Handbook).
- “The husband and wife are of equal worth before God, since both are created in God's image. The marriage relationship models the way God relates to His people. A husband is to love his wife as Christ loved the church. He has the God-given responsibility to provide for, to protect, and to lead his family. A wife is to submit herself graciously to the servant leadership of her husband even as the church willingly submits to the headship of Christ. She, being in the image of God as is her husband and thus equal to him, has the God-given responsibility to respect her husband and to serve as his helper in managing the household and nurturing the next generation” (BF&M 2000, XVIII).

## Biblical and Theological Implications

As an institution, we recognize there are persons whose experiential perception of their gender (gender identity, gender expression, or gender behavior) is at variance with the physical reality of their biological birth sex. Some experience distress at this experience, while others do not or instead embrace it. Our calling as Christians is to respond to such persons, as to all persons, with respect for their moral responsibility and with love informed by the following biblical and theological understandings:

- God made both man and woman equally in His own image. Genesis 1:27 says, “And God created man in His own image, in the image of God He created him, male and female He created them.” God assigns this dignity to all human beings—both male and female irrespective of their sexual difference. God crowns no other creature with image-bearing status. Human beings alone wield this honor, and man and woman share equally in the image of God.
- God’s design for human beings in creation is two distinct and complementary sexes, male and female. The terms *male* and *female* are not cultural constructs. They are not social roles foisted upon mankind by the accretion of culture and tradition. *Male* and *female* designate the fundamental distinction that God has embedded in the very biology of the race. From the very opening pages of the Scripture, therefore, we find that men and women are different from one another. Their differences are rooted in sexual categories that have been ordained and created by God.
- Distinctions in masculine and feminine roles are ordained by God as part of the created order and should find an echo in every human heart (Gen. 2:18, 21-24; 1 Cor. 11:7-9; 1 Tim. 2:12-14).
- God's original and ongoing intent and action was the creation of humanity manifest as two distinct sexes, male and female. Jesus Christ himself affirmed this in his teaching on marriage stating “at the beginning the Creator ‘made them male and female’” (Matt. 19:4; Mark 10:6). Each person was intended to experience congruence between the physical and experiential dimensions of their sexuality. Except in very unusual cases, our sex as male or female is a consistent biological given of the individual human person from conception, made manifest at birth and before, and is not changeable but rather a stable, enduring characteristic of the person determined by God's creative intent.
- As the result of the choices of our first human parents, Adam and Eve, sin and death have entered and permeated the human condition. The Apostle Paul graphically depicts the profound confusion that characterizes human experience as a result of our replacing God's will with our own fallen, finite human will (Rom. 1:18-32). The totality of our experience is distorted by fallenness and brokenness in various forms, including biological, psychological, and spiritual dimensions and their mutual interactions. Our experiential perception of sex and gender is not always as God the Creator originally designed.
- Gender, as the experiential and psychological counterpart of an individual's sex, may be perceived as more fluid and variable than one's fixed, dichotomous biological sex. We, however, draw from the biblical narrative the equal dignity and worth of humanity as male and female (Gal. 3:28), and the importance of not fostering confusion between male and female (Rom. 1:26-27). We further recognize that rigid, stereotyped, and unreasonable standards for gender distinctiveness have at times had a restrictive and negative impact. Today, in contrast, we see the negative impact of the absence of and confusion about gender distinctions and standards, and of a cultural trajectory that denies any God-given boundaries to our created sexual and gender realities, together generating widespread confusion surrounding sexuality and gender.

- Christians believe in a God of redemption, sanctification, and healing, and thus we do not support the resolution of tension between one's biological sex and one's experience of gender by the adoption of a psychological identity that seeks to change one's given biological birth sex in favor of the identity of the opposite sex or of an indeterminate identity. We further cannot support the utilization of surgical or other medical procedures that seek to change facets of one's biological sex as established at conception and during gestation and subsequently manifest at birth; we cannot support such procedures because they inherently flow from the individual's rejection of the gift of his or her biological sex.
- While respecting considerable variance in gender identity perception, expression, and behavior, we must nevertheless regard persistent or exaggerated manifestations of gender atypical behavior as incongruent with Christian maturity and the proper embrace of the gift of one's biological sex. Tension and conflict between one's biological sex and one's experiential perception of gender should be treated with pastoral concern and care based on the shared understanding that one's biological sex is a given of one's gendered embodiment.

## **Resulting Institutional Policy**

The following are the major implications of this theological foundation:

- The aim of Midwestern Baptist Theological Seminary and College is to admit students and to employ faculty that meet the character qualifications for Christian ministers (1 Tim. 3:1-16; Titus 1:5-9). We believe that Christian churches should reach out in love and truth to minister to people who feel a gender identity at variance with their biological sex. Those who contend biblically against their own discordant experience of gender should be patiently assisted in their battle, not ostracized or disdained. However, the more prominent a leadership role or modeling role a person holds in a church or Christian institution, the higher will be the expectations for God's ideal of sexual obedience and wholeness. There are some levels of sexual and gender brokenness that would preclude certain persons from serving in Christian leadership.
- We view growth in godliness to be directed toward alignment or reconciliation of one's gender identity with one's biological birth sex as God's creational intent for those individuals. Midwestern will not support persistent or exaggerated examples of cross-dressing, or other expressions or actions that are deliberately discordant with birth sex, and will deal with such matters within the appropriate pastoral and conduct processes of the Seminary.
- We affirm a normative connection between biological sex and gender identity, and that norm is defined by scriptural revelation not by one's psychological experience. Maleness and femaleness are distinct and fundamental aspects of personhood, and they are given by God before birth for individuals to steward for his glory. They are given from God, not determined by the individual. Therefore, we believe that it is sin to act according to or identify oneself as a

transvestite, transsexual, transgendered, or any other blurring of the boundary between maleness and femaleness. Doing so rejects the good design of God in an individual's life.

- We affirm God's love and concern for all of humanity, including those brothers and sisters who experience discord between their biological sex and psychological gender, and who seek to resolve that discord in ways that are in conflict with the principles outlined here. We commit ourselves to support individuals struggling with confusion about sexual identity, to encourage the resolution of this confusion in alignment with their birth sex, and to engage with respect those who pursue alternate paths. We deeply regret hurt caused by Christian persons or institutions to men and women whose experience of their sexuality is atypical, and seek to be agents of healing and care for such individuals even as we uphold the standards articulated here.
- In employment and in student life, we regard sex at birth as the identification of the given biological sex of each member of our constituency. We will not affirm attempted alterations by medical intervention of one's sex at birth. We must view the actions or intentions of those seeking fundamental changes of any kind from one's sex at birth as a rejection of the biblical and theological understandings to which Midwestern is committed, and hence as grounds for removal from consideration for employment for an employment applicant and/or from consideration for enrollment for a student applicant, and as grounds for immediate termination of employment for a current employee (faculty or staff) and/or termination of enrollment of a current student.
- As a residential community that values modesty and holiness, and that seeks to foster the holistic development of our students, we will make housing decisions and other related decisions of practical life in light of the sex at birth of all individuals who are members of this community. Thus we will not, for example, make housing decisions in accord with the psychological identity choices of the student, but rather in light of a person's sex at birth.
- We reserve the latitude to make reasonable judgments about issues outside the explicit bounds of these specified policies based on the *The Baptist Faith & Message 2000* and the biblical and theological commitments articulated above. The Board of Trustees of Midwestern Seminary reserves the final responsibility for the interpretation and implementation of *The Baptist Faith & Message 2000*, and of the biblical principles that underlie such documents.

## **Community Expectations:**

Faculty, staff, and students at Midwestern Baptist Theological Seminary and Spurgeon College are expected to conduct themselves at all times in accordance with the highest standards of Christian morality. Toward this end, MBTS may subject to disciplinary action any faculty, staff, or student who engages in the following:

1. Sexual activity with another person outside of a monogamous, heterosexual marriage between one biological male and one biological female;

2. Touching, caressing, and other physical conduct of a sexual nature that is inappropriate or contrary to MBTS's Scriptural beliefs about human sexuality;
3. Participation in advocacy groups and/or activities that are contrary to MBTS's Scriptural beliefs about human sexuality;
4. The possession or viewing of pornographic material; or
5. Other expressions or actions that are discordant with MBTS's scriptural beliefs about human sexuality and gender. (See Appendix A)

The actions listed above violate the University's commitment to sexual purity in line with its Scriptural beliefs about human sexuality. These types of violations are covered more fully in the Student Handbook and Employee Handbook, which discuss the disciplinary procedures for such violations. While alleged violations of such institutional offenses would typically be handled under the processes found in the Student Handbook or Employee Handbook, in highly sensitive or complex situations, the President, Provost, Dean of Students or Supervising Vice President can request that potential violations of these types of institutional offenses be adjudicated by a selected committee to serve as a team to pursue investigation, hearing, and appeals procedures as those outlined in this policy. ***All illegal actions or accusations of illegal behavior as defined by Federal or state law will be reported to appropriate civil authorities.***

In addition to those violations, there are certain types of violations that are so serious that they will always require more robust investigation and hearing procedures. This would include the following prohibited conduct:

1. Sexual assault
2. Sexual violence
3. Sexual harassment
4. Sexual discrimination
5. Domestic or dating violence
6. Stalking
7. Sexual exploitation, or

8. Other sexual misconduct outlined in the Definitions section of this policy.

MBTS has a high moral commitment to the worth and dignity of all individuals. Members of the MBTS community, guests, and visitors have the right to be free from all forms of sexual misconduct. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This Sexual Misconduct Policy is meant to promote a safe living and learning environment for all members of the campus community in accordance with MBTS's Scriptural beliefs about human sexuality and in compliance with state and federal laws including, but not limited to, Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013, Title VII of the Civil Rights Act of 1964, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and the Campus Sexual Violence Elimination (SaVE) Act.

## **Scope**

This policy governs the conduct of Midwestern Baptist Theological Seminary and Spurgeon College students, regardless of enrollment status; faculty; staff; and third parties (i.e., non-members of the MBTS community, such as vendors, alumni, visitors, or local residents).

Third parties are both protected by and subject to this policy. A third party may report or file a complaint concerning a violation of this policy committed by a member of the MBTS community. A third party may also be permanently barred from MBTS or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs on campus property, and in certain circumstances, off campus property. This policy applies to conduct that occurs off campus when the conduct is associated with a Seminary or College -sponsored program or activity, such as travel, research, or internship programs; when it utilizes Seminary or College-owned or provided technology resources; or when such conduct may connect to campus, such as a continuing adverse effect or creation of a hostile environment on campus.

Maintaining a safe living and learning environment is the responsibility of the entire campus community. Therefore, all faculty, adjunct faculty, and full-time/part-time staff members must promptly report suspected sexual misconduct to the Title IX Coordinator. Likewise, student workers who learn of violations of this policy in the scope of their employment, including Resident Assistants, must promptly report alleged violations of this policy to the Title IX Coordinator. MBTS strongly urges all other members of the MBTS community, including students and visitors, to promptly report any allegation of sexual misconduct to the Title IX Coordinator or Campus Security.

This policy prohibits any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy.

## Definitions

For purposes of this policy, the following sexual misconduct is considered to be prohibited conduct: 1) Sexual Assault; 2) Sexual Violence; 3) Sexual Harassment; 4) Sexual Discrimination; 5) Domestic or Dating Violence; 6) Stalking; 7) Sexual Exploitation; 8) Sexually Inappropriate Conduct; 9) Retaliation; 10) Inducing Incapacitation for Sexual Purposes; and 11) Other Non-Consensual Sexual Contact. For purposes of this policy, the below definitions apply. However, some of these terms are also defined under federal and/or Missouri or other applicable State law.

*Complainant* - The term complainant refers to the individual(s) who has been the subject of prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.

*Respondent* - The term respondent refers to the individual(s) who has been accused of prohibited conduct.

*Consent* - MBTS upholds a biblical sexual ethic that promotes consenting intimate sexual expression only within a marriage between one biological man and one biological woman. Intimate sexual expression outside the Biblical boundary of marriage will increase the risk of miscommunication about consent.

Consent is voluntary, informed, and mutual. Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in sexual contact despite the fact that such action violates student conduct expectations.

Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. A prior sexual history between the Complainant and Respondent does not constitute consent. Consent may never be obtained through the use of force, coercion (manipulation), or intimidation. Sexual contact with anyone who is incapable of giving consent because he or she is incapacitated due to alcohol and/or drug consumption, because of a mental or physical impairment, or for some other reason is a violation of this policy and MBTS's community guidelines. People who are unconscious, for any reason, or are physically unable to communicate, are assumed to be incapable of giving consent.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including, but not limited to, the extent to which a complainant affirmatively used words or actions indicating a willingness to engage in sexual contact, free from manipulation, intimidation, fear, or coercion; whether a reasonable person in the respondent's position would have understood such

person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the respondent, demonstrating incapacitation or fear.

*Coercion or Force* - Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual contact.

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual contact or using one's strength to impose on someone physically to gain sexual access.

*Incapacitation* - Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason.

It is especially important, therefore, that anyone choosing to engage in sexual activity be aware of the other person's level of intoxication. The relevant standard that will be applied is whether the respondent actually knew, or a sober, reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity. Likewise, inducing incapacitation for sexual purposes is a violation of this policy. Inducing incapacitation for sexual purposes includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as "consent" is defined in this Policy) to sexual contact.

*Sexual Violence* - The following behaviors constitute sexual violence and are prohibited under this policy. All forms of sexual violence are serious offenses and will result in discipline. Sexual violence involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another person's state of incapacitation, will be deemed especially egregious and may result in expulsion or termination of employment. The consumption of alcohol or use of illegal substances will not ordinarily constitute a mitigating factor or circumstance when it contributes to, or is involved in, an alleged act of sexual violence.

- Non-Consensual Sexual Penetration: Any act of vaginal or anal penetration by a person's penis, finger, other body part, or an object, or oral penetration by a penis, without consent.

- Forceful Non-Consensual Sexual Contact: Any sexual touching other than non-consensual sexual penetration that occurs without consent and is the result of coercion, force, or incapacitation. Examples of violent non-consensual sexual contact may include the following when it is a result of coercion, force, or incapacitation: genital or oral-genital contact not involving penetration; contact with breasts, buttocks, or genital area, including over clothing; removing the clothing of another person; and kissing.

*Non-Violent Sexual Contact* - Any sexual touching that occurs without consent and which does not fall within the definition of sexual violence. Examples of other non-consensual sexual contact may include the following: genital or oral-genital contact not involving penetration; contact with breasts, buttocks, or genital area, including over clothing; removing the clothing of another person; and kissing.

*Sex Discrimination* - Sex discrimination is adverse treatment of an individual based on biological sex, rather than individual merit.

*Domestic or Dating Violence* - This policy prohibits acts of violence, threat, or intimidation that harm or injure a partner in a current or former social, dating, or marital relationship. These acts include, but are not limited to, sexual or physical abuse or the threat of such abuse. Dating or marital relationship violence can be a single act or pattern of behavior.

*Stalking* - Stalking under this policy is a course of conduct (i.e., more than one act) directed at a specific person which would cause a reasonable person to feel fear, to experience substantial emotional distress, or to fear for their safety or the safety of a third person. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to, threats of harm to self, others, or property; pursuing or following; non-consensual (unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other related types of observation.

*Sexual Harassment* - Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any school activity or benefit;
- Submission to, or rejection of, these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or
- These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

*Sexual Exploitation* - Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Visual (e.g., video, photograph) or audio-recording of sexual activity;
- Producing, obtaining and/or distributing photos, videos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness;
- Exceeding the boundaries of consent;
- Engaging in non-consensual voyeurism;
- Knowingly transmitting a sexually transmitted infection (STI), such as HIV, to another without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and
- Distributing or forcing others to view pornography.

*Sexually Inappropriate Conduct* - Unwelcome sexual conduct that may not rise to the level of sexual harassment or sexual exploitation, but that is sexual in nature, is also prohibited under this policy. Examples include, but are not limited to, lewdness and obscene or sexually offensive gestures and comments.

*Retaliation* - This policy prohibits any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic, or University-controlled living environment of an individual or if they hinder or prevent the individual from effectively carrying out his/her university responsibilities. All individuals and groups of individuals are prohibited from engaging in retaliation and will be held accountable under this policy.

*Preserving Evidence* - An individual who experiences any form of sexual assault is strongly encouraged to seek immediate medical care. Individuals can undergo a medical exam to properly collect and preserve

physical evidence of the sexual assault with or without the police's involvement. It is important to preserve forensic and other physical evidence that may assist in proving the alleged criminal offense occurred and such evidence may be helpful in obtaining a protection order against the respondent. Therefore, a medical exam should be performed immediately after the event, if possible. With the individual's consent, the physical evidence collected during this medical exam can be used as part of a criminal investigation.

*Preponderance of Evidence Standard* - "Preponderance of Evidence" means the measure or degree of proof that will produce in the mind of the trier of fact a belief or conviction as to the truth of the allegations brought before a committee to evaluate the claims of the complainant.

## Title IX Coordinator

The Title IX Coordinator directs compliance with MBTS's Sexual Misconduct Policy and Title IX. The Title IX Coordinator will be informed of all complaints or reports of violations of this policy and shall oversee MBTS's centralized response to ensure compliance with MBTS's values, Title IX, and other applicable laws. The Title IX Coordinator's activities include, but are not limited to, the following:

- Communicating with all members of the MBTS community regarding this Sexual Misconduct Policy and Title IX and providing information about how individuals may access their rights;
- Overseeing MBTS's administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements relating to this Sexual Misconduct Policy and Title IX;
- Conducting training regarding Sexual Misconduct issues, Title IX, the Violence Against Women Reauthorization Act of 2013 (VAWA), and prohibited conduct defined in this policy; and
- Responding in accordance with the procedures set forth in this policy to any complaint or report regarding conduct that may violate this policy.

These terms and other related terms applicable to this policy are fully defined in this document. If a person would like to press criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in appropriate Missouri Law would apply, not the internal definitions used in this policy.

On all matters relating to this Sexual Misconduct Policy, the Title IX Coordinator is supervised directly by the Provost and the President of Midwestern Baptist Theological Seminary and Spurgeon College.

The Title IX Coordinator's contact information is:

Title IX Coordinator:

Dr. John Mark Yeats  
Dean of Students  
Midwestern Baptist Theological Seminary  
5001 N. Oak Trafficway, Kansas City, MO 64118  
[jmyeats@mbts.edu](mailto:jmyeats@mbts.edu) - 816-414-3826

Title IX Coordinator for Students:

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Title IX Coordinator for Employees:

James Kragenbring  
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5001 N. Oak Trafficway, Kansas City, MO 64118  
[adminvp@mbts.edu](mailto:adminvp@mbts.edu) - 816-414-3890

Reports of alleged sexual misconduct can be made directly to any of MBTS's Title IX administrators by email, phone call, letter, or personal meeting.

Title IX Special Investigators

In situations involving formal complaints, Title IX Investigators, who will be appointed by the President of Midwestern and go through extensive training, will carry out all initial investigations and report their findings to the Dean of Students or the Provost.

Special Adjudicator

For situations involving formal complaints, a Title IX Special Adjudicator can be appointed by the President, the Provost, or the Dean of Students to handle all appeals of rulings by the investigatory committee (as outlined more fully below).

## **Confidentiality, Reporting, and Filing a Claim**

All employees (faculty, staff, administrators) are mandated reporters as defined by Missouri and Federal Law and are expected to immediately report actual or suspected sexual misconduct to appropriate officials, Title IX administrators or campus security.

Complainants and other reporting individuals are encouraged to report any violation as soon as possible in order to maximize MBTS's ability to respond promptly and effectively. Complaints and reports may be made at any time without regard to how much time has elapsed since the incident(s) in question.

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 resolution to be pursued, the complainant may make such a request with MBTS's Title IX Coordinator, who, in accordance with the procedures outlined in this policy, will evaluate that request in light of the duty to ensure the safety of the campus and to comply with federal and state laws.

A complainant has the right, and can expect, to have reports taken seriously by Midwestern when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the complainant, and only a small group of officials who need to know will be told, including but not limited to: the Title IX Coordinator, the Provost, the supervising Vice President (if the allegation involves an employee), the chief of campus security, and the President of Midwestern Baptist Theological Seminary and Spurgeon College.

Information will be shared as necessary with investigators, witnesses, and the respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a complainant's rights and privacy.

At the complainant's request, MBTS will assist the complainant in contacting local law enforcement. Any activity that is illegal will automatically be reported to appropriate law enforcement.

All employees have a duty to report. Complainants may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator. Employees must share all details of the reports they receive. Failure of an employee, as described in this section, to report an incident or incidents of sexual misconduct of which they become aware is a violation of school policy and will be subject to disciplinary action up to, and including, termination for failure to comply with stated policies.

**Amnesty** - In order to encourage reports of conduct prohibited under this policy, a student who, in good faith, reports being the victim of, or witness to sexual harassment, sexual assault, dating violence, or stalking will be entitled to amnesty from disciplinary actions by the school. MBTS reserves the right to

investigate whether a report was made in good faith before granting amnesty. Additionally, amnesty does not apply to the reporting individual's own acts, if any, of sexual misconduct.

*Good Faith* - Allegations must be made in good faith and not made out of malice. It is a violation of MBTS policy to knowingly make a false, malicious, or frivolous accusation of discrimination, harassment, sexual misconduct or retaliation. However, mere failure to prove a complaint is not equivalent to a false, malicious, or frivolous accusation.

## **Procedures for Formal Complaints of Sexual Assault, Sexual Violence, and Other Severe Allegations of Sexual Misconduct**

As outlined more fully above, any allegation of sexual misconduct may be made directly to the Title IX Coordinator or to Campus Security. Midwestern is committed to providing a robust and sound procedure for investigating and ruling on serious allegations of violations of this policy. Thus, the weighty procedures outlined in this Section are specifically meant for cases involving serious issues of sexual assault, sexual violence, and other severe allegations of sexual misconduct.

The procedures outlined in this section will be used in: a) cases where an allegation of sexual assault or sexual violence has been made and b) in other cases where the Title IX Coordinator, in consultation with the Provost or President (if the allegation is against a faculty or staff member), deems the allegation to be severe and more than a minor incident.

Proceedings under this policy are separate and distinct from Missouri's criminal process. These proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

*Initial Actions* - MBTS will conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate. The Seminary will make every effort to complete its investigation within [30] days of a report being filed. The investigator may find it necessary to extend the time period for completing an investigation in some circumstances. If this occurs, the investigator will provide the complainant, the alleged wrongdoer, and the appropriate managers and supervisors with notice of any extension and provide a new timetable for investigation completion.

The investigation will include an interview with the alleged victim, and may include interviews with the person who made the initial report, the complainant (if not the alleged victim), the alleged wrongdoer and/or any other person who may have information regarding the incident, each of whom is encouraged to cooperate with any investigation. The investigator may also review relevant documents. The investigation process is strictly internal to MBTS.

The investigator will report his or her findings to the person who made the initial report, the alleged victim, the alleged wrongdoer, and relevant impartial managers and supervisors. Each complaint will trigger the creation of an investigatory file. This file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, along with any documents created or used during the investigation.

*Corrective Action for Students* - In the event the committee determines a violation of this policy has occurred, the Dean of Students will take prompt and appropriate action, including disciplinary action. Disciplinary action may include (but is not limited to): reprimand/warning, fine, community service, probation, voluntary withdrawal, suspension, and expulsion. If needed, the Dean of Students may convene the Student Advocacy Committee to address instances of student misconduct. The committee will be chaired by the Dean of Students and will include a member of the faculty and may include the student's appropriate Dean, the Registrar, and/or an appointed representative. Appeals to the decisions of the committee will follow the protocols outlined in the current edition of the student handbook.

The investigatory file will be retained by the Dean of Student's Office for 3 years.

*Corrective Action for Employees* - In the event the investigator determines a violation of this policy has occurred, the relevant department and/or manager and/or VP, after consultation with the Office of Human Resources, will take prompt and appropriate action, including disciplinary action. Disciplinary action may include (but is not limited to): reprimand/verbal counseling, training, censure, removal of privileges, letters of warning or suspension, and dismissal. Discipline for a violation of this policy need not be progressive, so a first violation of this policy may warrant suspension or discharge. Management in the appropriate department must ensure the prescribed action, including disciplinary action, is implemented and documented. Managers must provide confirmation to the Office of Human Resources as soon as is practical after the recommended action has occurred. Either party may, within ten (10) working days, choose to appeal the finding of the Office of Human Resources or any disciplinary action proposed by the appropriate MBTS administrator through established grievance procedures. The grievance procedure may be found in the Faculty or Staff Handbook. Management is also responsible for regular monitoring to ensure that all remedial and/or disciplinary steps are completed and no further prohibitive behavior occurs. Corrective action may also be taken with regard to any employee who does not properly carry out his or her responsibilities under this policy. The Office of Human Resources will contact the complaining party 10 days after the remedial and/or disciplinary action has taken place to verify that no further harassment or retaliation by any person has occurred. Upon receipt of this confirmation, the Office of Human Resources will close the investigatory file. The complaining party should be asked to describe in writing with sufficient detail any incidents which the complaining party alleges to have occurred after the original allegations were filed.

The investigatory file will be retained by the Office of Human Resources for 3 years. Measures to correct the effects of harassment may include restoration of leave (annual, sick, etc.), expungement of negative evaluations, reinstatement, apology from harasser, or compensation for losses.

*Confidentiality* - The Seminary will maintain the confidentiality of the complainant and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by law.

*Non-Retaliation* - Any form of retaliation against anyone who has complained of or formally reported discrimination or harassment, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates both this policy and applicable law. Examples of retaliation include termination, demotion, refusal to promote, or any other adverse action that would discourage a reasonable person from opposing perceived discrimination.

Certain institutional administrators are informed of the outcome within the bounds of student/faculty/staff privacy (e.g., Dean of Students, Provost, Chief of Campus Security, and other personnel that have a material need to know about the incident). In some instances, the President also may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the parties. The institution also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an "Annual Security and Fire Safety Report" of campus crime statistics. This statistical report does not include personally identifiable information.

If Campus Security or its administrative supervisor within the MBTS administration becomes aware of a serious and continuing threat to the campus community, a timely notification to protect the health or safety of the community will be issued. MBTS may also be required to disclose a reported incident of sexual misconduct in the daily crime log, annual security and fire safety report, or as otherwise required under state or federal law. In addition, MBTS may also share non-identifying information, including data about outcomes and penalties, in aggregate form. At no time will MBTS release the name or other personally identifiable information of the complainant to the general public without the prior written consent of the complainant or as otherwise permitted or required by law.

## **Prevention and Awareness Program**

One of the central roles of the Title IX Coordinator and the Student Advocacy Committee is educating the campus community on how to prevent sexual misconduct. The following are some of the many activities that happen on campus in this continuing effort to educate faculty, staff, and students on this important issue:

- Required training through Ministry Safe about Sexual Abuse Prevention – Occurrence: Ongoing and a Required component during first year enrollment.
- Presentation at Faculty Council and/or Faculty Workshops about Title IX, sexual assault, and the role of faculty in this process – Occurrence: Annually
- Providing a Title IX Training Video for Faculty, Staff, and Students on MBTS's Title IX Website and in all course shells on Canvas – Occurrence: Annually
- Presentation to all Resident Assistants (RAs) about Title IX and sexual assault reporting and prevention – Occurrence: Annually
- Training at new faculty orientation and new staff orientation on Title IX and sexual assault reporting and prevention – Occurrence: Annually

## **Appendix A: Statement on Marriage from the Baptist Faith and Message 2000, our doctrinal statement:**

### **XVIII. The Family**

God has ordained the family as the foundational institution of human society. It is composed of persons related to one another by marriage, blood, or adoption.

Marriage is the uniting of one man and one woman in covenant commitment for a lifetime. It is God's unique gift to reveal the union between Christ and His church, and to provide for the man and the woman in marriage the framework for intimate companionship, the channel of sexual expression according to biblical standards, and the means for procreation of the human race.

The husband and wife are of equal worth before God, since both are created in God's image. The marriage relationship models the way God relates to His people. A husband is to love his wife as Christ loved the church. He has the God-given responsibility to provide for, to protect, and to lead his family. A wife is to submit herself graciously to the servant leadership of her husband even as the church willingly submits to the headship of Christ. She, being in the image of God as is her husband and thus equal to him, has the God-given responsibility to respect her husband and to serve as his helper in managing the household and nurturing the next generation.

Children, from the moment of conception, are a blessing and heritage from the Lord. Parents are to demonstrate to their children God's pattern for marriage. Parents are to teach their children spiritual and moral values and to lead them, through consistent lifestyle example and loving discipline, to make choices based on biblical truth. Children are to honor and obey their parents.

## **Appendix B:**

# **Nashville Statement on Biblical Sexuality**

(affirmed by faculty and instructors)

### Preamble

Evangelical Christians at the dawn of the twenty-first century find themselves living in a period of historic transition. As Western culture has become increasingly post-Christian, it has embarked upon a massive revision of what it means to be a human being. By and large the spirit of our age no longer discerns or delights in the beauty of God's design for human life. Many deny that God created human beings for his glory, and that his good purposes for us include our personal and physical design as male and female. It is common to think that human identity as male and female is not part of God's beautiful plan, but is, rather, an expression of an individual's autonomous preferences. The pathway to full and lasting joy through God's good design for his creatures is thus replaced by the path of shortsighted alternatives that, sooner or later, ruin human life and dishonor God.

This secular spirit of our age presents a great challenge to the Christian church. Will the church of the Lord Jesus Christ lose her biblical conviction, clarity, and courage, and blend into the spirit of the age? Or will she hold fast to the word of life, draw courage from Jesus, and unashamedly proclaim his way as the way of life? Will she maintain her clear, counter-cultural witness to a world that seems bent on ruin? We are persuaded that faithfulness in our generation means declaring once again the true story of the world and of our place in it—particularly as male and female. Christian Scripture teaches that there is but one God who alone is Creator and Lord of all. To him alone, every person owes glad-hearted thanksgiving, heart-felt praise, and total allegiance. This is the path not only of glorifying God, but of knowing ourselves. To forget our Creator is to forget who we are, for he made us for himself. And we cannot know ourselves truly without truly knowing him who made us. We did not make ourselves. We are not our own. Our true identity, as male and female persons, is given by God. It is not only foolish, but hopeless, to try to make ourselves what God did not create us to be.

We believe that God's design for his creation and his way of salvation serve to bring him the greatest glory and bring us the greatest good. God's good plan provides us with the greatest freedom. Jesus said he came that we might have life and have it in overflowing measure. He is for us and not against us. Therefore, in the hope of serving Christ's church and witnessing publicly to the good purposes of God for human sexuality revealed in Christian Scripture, we offer the following affirmations and denials.

### Article 1

WE AFFIRM that God has designed marriage to be a covenantal, sexual, procreative, lifelong union of one man and one woman, as husband and wife, and is meant to signify the covenant love between

Christ and his bride the church.

WE DENY that God has designed marriage to be a homosexual, polygamous, or polyamorous relationship. We also deny that marriage is a mere human contract rather than a covenant made before God.

#### Article 2

WE AFFIRM that God's revealed will for all people is chastity outside of marriage and fidelity within marriage.

WE DENY that any affections, desires, or commitments ever justify sexual intercourse before or outside marriage; nor do they justify any form of sexual immorality.

#### Article 3

WE AFFIRM that God created Adam and Eve, the first human beings, in his own image, equal before God as persons, and distinct as male and female.

WE DENY that the divinely ordained differences between male and female render them unequal in dignity or worth.

#### Article 4

WE AFFIRM that divinely ordained differences between male and female reflect God's original creation design and are meant for human good and human flourishing.

WE DENY that such differences are a result of the Fall or are a tragedy to be overcome.

#### Article 5

WE AFFIRM that the differences between male and female reproductive structures are integral to God's design for self-conception as male or female.

WE DENY that physical anomalies or psychological conditions nullify the God-appointed link between biological sex and self-conception as male or female.

#### Article 6

WE AFFIRM that those born with a physical disorder of sex development are created in the image of God and have dignity and worth equal to all other image-bearers. They are acknowledged by our Lord Jesus in his words about "eunuchs who were born that way from their mother's womb." With all others they are welcome as faithful followers of Jesus Christ and should embrace their biological sex insofar as it may be known.

WE DENY that ambiguities related to a person's biological sex render one incapable of living a fruitful life in joyful obedience to Christ.

#### Article 7

WE AFFIRM that self-conception as male or female should be defined by God's holy purposes in creation and redemption as revealed in Scripture.

WE DENY that adopting a homosexual or transgender self-conception is consistent with God's holy purposes in creation and redemption.

#### Article 8

WE AFFIRM that people who experience sexual attraction for the same sex may live a rich and fruitful life pleasing to God through faith in Jesus Christ, as they, like all Christians, walk in purity of life.

WE DENY that sexual attraction for the same sex is part of the natural goodness of God's original creation, or that it puts a person outside the hope of the gospel.

#### Article 9

WE AFFIRM that sin distorts sexual desires by directing them away from the marriage covenant and toward sexual immorality— a distortion that includes both heterosexual and homosexual immorality.

WE DENY that an enduring pattern of desire for sexual immorality justifies sexually immoral behavior.

#### Article 10

WE AFFIRM that it is sinful to approve of homosexual immorality or transgenderism and that such approval constitutes an essential departure from Christian faithfulness and witness.

WE DENY that the approval of homosexual immorality or transgenderism is a matter of moral indifference about which otherwise faithful Christians should agree to disagree.

#### Article 11

WE AFFIRM our duty to speak the truth in love at all times, including when we speak to or about one another as male or female.

WE DENY any obligation to speak in such ways that dishonor God's design of his image-bearers as male and female.

#### Article 12

WE AFFIRM that the grace of God in Christ gives both merciful pardon and transforming power, and that this pardon and power enable a follower of Jesus to put to death sinful desires and to walk in a manner worthy of the Lord.

WE DENY that the grace of God in Christ is insufficient to forgive all sexual sins and to give power for holiness to every believer who feels drawn into sexual sin.

#### Article 13

WE AFFIRM that the grace of God in Christ enables sinners to forsake transgender self-conceptions and by divine forbearance to accept the God-ordained link between one's biological sex and one's self-conception as male or female.

WE DENY that the grace of God in Christ sanctions self-conceptions that are at odds with God's revealed will.

#### Article 14

WE AFFIRM that Christ Jesus has come into the world to save sinners and that through Christ's death and resurrection forgiveness of sins and eternal life are available to every person who repents of sin and trusts in Christ alone as Savior, Lord, and supreme treasure.

WE DENY that the Lord's arm is too short to save or that any sinner is beyond his reach.