

APPENDIX D

GRIEVANCE/DISCIPLINARY PROCEDURES

The purpose of exercising discipline in the community is to nurture and support the goal of individual reform and reconciliation, to maintain community life together and otherwise to honor God and build up the body of Christ. The goal is the reform of behavior and/or the reconciliation of the aggrieved party or parties.

I. USE OF SANCTIONS

Disciplinary sanctions are dispensed for the purposes of restoration, not punishment, and are guided by mercy, not anger.

A. Intervention

Intervention is conducted according to Baptist Theological Seminary at Richmond's standards of justice, timeliness, and due process.

1. Expectations

Baptist Theological Seminary at Richmond anticipates and expects that the majority of problems will be resolved through informal processes. When such processes fail to resolve the problem, the next step, ordinarily, should be to seek mediation/intervention. Formal charges are extraordinarily time-consuming and disruptive, and should be filed only as a measure of last resort.

2. Confidentiality

Confidentiality is expected to be observed by all parties during the investigation and adjudication stages of mediation/intervention and the formal complaint process.

a. Informal Procedure

At the outset of any disagreement or conflict, members of the community are expected to explore and pursue efforts to resolve their differences through creative application of measures such as improved communications, compromise, understanding, mediation, and of course, prayer.

Baptist Theological Seminary at Richmond anticipates and expects that these informal processes will resolve the majority of problems, so that people will very rarely resort to the more disruptive and time consuming mediation, intervention, and grievance/disciplinary procedures described below.

b. Investigation, Mediation and /or Intervention

This process is intended to provide an opportunity for an informal resolution of a complaint by a member of Baptist Theological Seminary at Richmond community against another member of the community. The administrator receiving the request for mediation or intervention serves as a neutral mediator to resolve the complaint, and is authorized to propose outcomes including, but not limited to, those outlined above. If

an administrator is the subject of a complaint, the request for mediation/intervention is made to the president. All disputes brought to an administrator will initially be handled by attempts at mediation or intervention. If the administrator determines that resolution is not possible through intervention, the administrator refers the matter to the appropriate body as a formal complaint.

II. MAKING A REQUEST FOR MEDIATION AND/OR INTERVENTION

A. PROCESS

The administrator receiving the request for mediation and/or intervention conducts a confidential investigation by meeting with all relevant parties. The administrator may, while maintaining confidentiality to the maximum extent practicable, call upon other persons to assist him or her in the investigation. If the administrator concludes that the situation warrants it, he or she may act to suspend further participation of the person bringing the complaint in the course or other context in which the complaint arose until such time as the grievance is settled.

1. Issues related to the president are addressed to the executive committee of the Board of Trustees.
2. Issues related to a faculty member are addressed to the academic dean.
3. Issues related to academic misconduct by a student are directed to the academic dean.
4. Non-academic issues related to students are directed to the President.
5. Issues related to hourly employees are addressed to the Vice President of Administration.
6. Issues related to a member of the executive staff of the President or administrators are addressed to the President.
7. Issues related to online course delivery are addressed to the Dean, but also are under the oversight of the State Council of Higher Education for Virginia (SCHEV).

B. MEDIATION AND/OR INTERVENTION

1. As soon as reasonably possible following the conclusion of the investigation, the administrator brings the relevant parties together to attempt resolution or intervenes to resolve the situation.
2. If the suggested resolution or outcome is not acceptable to any of the relevant parties, an appeal may be made through the Formal Complaint procedure.

III. MAKING A REQUEST FOR A FORMAL COMPLAINT

Formal complaints are adjudicated by more than one person, involve additional steps to ensure due process, and may result in more serious consequences for the subject of the complaint. As a result, formal complaints are considered a measure of last resort, to be filed only when all other options have been exhausted. The formal complaint process is always preceded by attempts at mediation and/or intervention.

A. FILING A FORMAL COMPLAINT

Filing a formal complaint follows the steps outlined in Section I, Part A.

B. INVESTIGATION OF FORMAL COMPLAINT

Ordinarily investigation of a formal complaint will have been carried out during the investigation, mediation and/or intervention process in Section I, Part A.

C. DETERMINATION OF SUBSTANCE TO THE FORMAL COMPLAINTS

When the investigation is complete, the administrator with whom the complaint is filed refers the matter, including his or her assessment of the evidence and any recommendation regarding the disposition of the complaint, to one of the following:

1. In cases where the subject of the complaint is a faculty member, to an executive session of the review committee.
2. In cases where the subject of the complaint is a student, to the full review committee.
3. In cases where the subject of the complaint is a student, to the full review committee.
4. In cases where the subject of the complaint is an administrator without faculty rank, to the executive staff of the president.
5. Once this referral to the appropriate entity is made, the administrator who has investigated this complaint is excused from further formal participation.
6. Promptly after receiving the report, the appropriate entity considers the formal complaint. The entity reviews the material brought before it by the administrator, and may request that witnesses identified in the administrator's report or other persons who may have pertinent information appears before the entity to be interviewed.
7. The entity decides among the following:
 - a. Whether the evidence brought before it is sufficient to sustain the complaint(s).

- b. In light of its decision in (1), the appropriate outcome to be recommended.
- c. If the entity determines that the evidence does not support the complaint(s), it prepares a memorandum exonerating the subject of the complaint to be given to the various parties involved.

- d. If the entity determines that the evidence supports the complaint[s] alleged it may order an outcome including, but not limited to, those outlined in Part III: Outcomes.

D. APPEALS FROM ADJUDICATION OF FORMAL COMPLAINTS

Persons who are involved in the formal complaint process and are dissatisfied with the outcome are entitled, under certain circumstances, to appeal the entity's findings.

1. Persons wishing to appeal must, within 14 days of being notified of the outcome, file a Appeals of the outcome of formal complaints over issues in relation to a faculty member or a student are directed to the faculty convened in executive session. The appeal is considered before any penalty (except for interim suspension as provided in Part V) takes effect. When such an appeal is filed, the faculty promptly assembles to review records kept by the review committee and the text of the written appeal filed by the appellant

2. Appeals of the outcome of formal complaints over issues in relation to an administrator without faculty rank are directed to the president. The appeal is considered before any penalty (except for interim suspension as provided in Part V) takes effect. When such an appeal is filed, the President promptly reviews records kept by his or her executive staff and the text of the written appeal files by the appellant.

3. Three options are open in considering such appeals:
 - a. The decision of the review committee or executive staff may be upheld in full.

 - b. The decision of the review committee or executive staff may be upheld but the sanction may be modified.

 - c. The decision of the review committee or executive staff may be overturned, in which case all complaints are dismissed and all consequences are abrogated.

 - d. The parties involved are promptly notified in writing of the results of the appeal. If the subject of the complaint is a student or faculty member, this notice comes from the clerk of the faculty; if the subject is an

administrator without faculty rank, the notice comes from the president.

e. Persons who are involved in the formal complaint process and are dissatisfied with the outcome of this appeal have a right to appeal further to the Board of Trustees. Within 10 days of the decision on the appeal, the person must submit a written appeal to the chairperson of the board.

E. INTERIM SUSPENSION AND REINSTATEMENT

1. If the president of Baptist Theological Seminary at Richmond (or, if the subject of the complaint is the president, the chairperson of the Board of Trustees) determines that the presence of a person who is the subject of the complaint presents a threat to the institution or the community, he or she may immediately suspend that person (with pay if the person is an employee) and without prejudice pending the investigation of the matter and/or a grievance proceeding. The notice of suspension, which must be made in written form, is handed to the person directly by the president (or chairperson of the Board of Trustees), or, in his or her absence, by one of the officers of Baptist Theological Seminary at Richmond designated by the president (or chairperson of the Board of Trustees).

2. If the suspended person objects to the president's decision to suspend him or her on an interim basis, he or she may request that the decision be reviewed as follows:

a. If the person suspended is the president or a senior administrator, by the executive committee of the Board of Trustees.

b. If the person suspended is a faculty member, by the faculty meeting in executive session.

c. If the person suspended is a student, by the review committee. Any such request for review is to be granted.

3. These entities, promptly and normally within 10 days of receiving notice of the request for review, meet to consider the matter. If the decision of the president (or chairperson of the Board of Trustees) is sustained by the entity, notice is sent to the subject of the complaint informing him or her that the interim suspension stands. If the decision of the president (or chairperson of the Board of Trustees) is not sustained by the appropriate entity, it asks the president (or chairperson of the Board of Trustees) to revoke the suspension and to notify the subject of the complaint that the interim suspension has been lifted.

4. There is no further appeal of an interim suspension.

5. Persons facing formal complaints who have been suspended with pay and without prejudice pending disposition of the case may, upon receipt of formal notice that they have been exonerated, be reinstated to their former status.

6. Persons found guilty of formal complaints and suspended for a defined period of time may, upon the expiration of that period of time, request that the president reinstate them to their former status within the community.

7. Persons found guilty of formal complaints and suspended for an indefinite period in order that they might engage in remedial training or undergo professional counseling may, upon certification of their having completed the required training or counseling, apply to the appropriate office of the school for reinstatement to their former status within the community.

- a. For students, to the office of Vice President of Academic Affairs and Dean.
- b. For faculty, to the office of the Vice President of Academic Affairs and Dean.
- c. For senior administrators, to the office of the President.

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