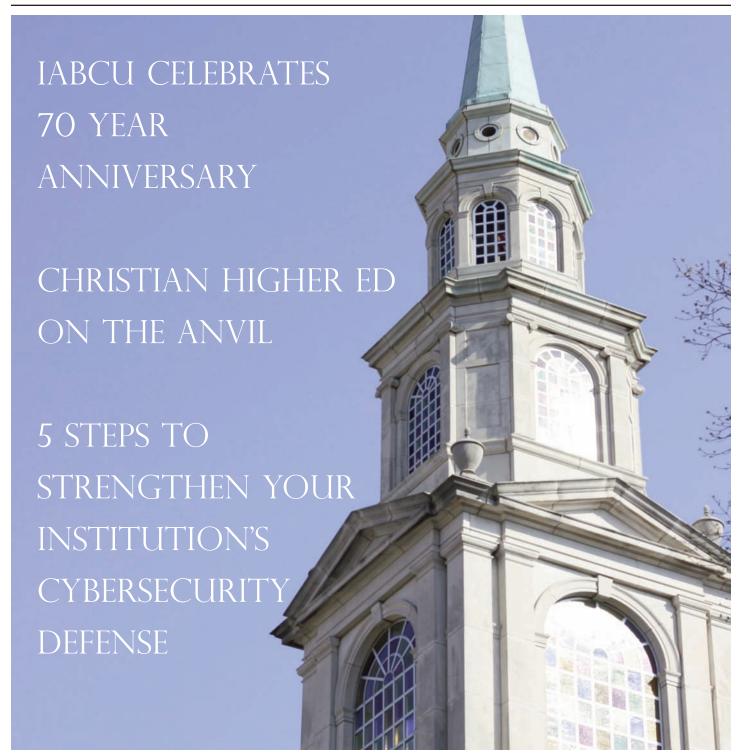
# THE BAPTIST DUCATOR

News Journal of the International Association of Baptist Colleges and Universities

Volume LXXXI, No. 2 • 2nd Trimester 2017



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"Legal Notes" is designed to provide accurate and authoritative information on legal issues facing Baptist-related higher education. It is provided with the understanding that the publisher and editors are not engaged in rendering legal counsel. "Legal Notes" is not intended as a substitute for the services of a legal professional. If your institution needs legal counsel, a competent attorney should be consulted.

### IABCU SCHOOLS RELEASE 2016 FALL ENROLLMENT STATISTICS

		G 1 .	
College/University:	Undergrad Enrollment:	Graduate Enrollment:	Total:
Anderson University	2,939	492	3,431
Baptist College of Florida	625	8	633
Baptist College of Health Sciences	1,078	0	1,078
Baptist University of the Americas	205	0	205
Baylor University	14,348	2,611	16,959
Blue Mountain College	540	26	566
Bluefield College	883	13	896
California Baptist University	6,936	2,221	9,157
Campbell University	3,225	601	3,826
Campbellsville University	3,062	644	3,706
Carson-Newman University	1,812	847	2,659
Charleston Southern University	3,209	410	3,619
Chowan University	1,173	32	1,205
Clear Creek Baptists Bible College	140	0	140
Dallas Baptist University	3,223	1,933	5,156
East Texas Baptist University	1,339	122	1,461
Fruitland Baptist Bible College	226	0	226
Georgetown College	986	540	1,526
Gateway Seminary	0	900	900
Hannibal-LaGrange University	1,046	51	1,097
Hardin-Simmons University	1,878	435	2,313
Houston Baptist University	2,188	399	2,587
Howard Payne University	1,098	91	1,189
Judson College	366	0	366
Louisiana College	1,028	839	1,867
Mississippi College	3,155	1,925	5,080
Missouri Baptist University	1,868	1,101	2,969
North Greenville University	2,345	192	2,537
Oklahoma Baptist University	1,498	60	1,558
Ouchita Baptist University	1,517	0	1,517
Samford University	3,341	2,130	5,471
Shorter University	1,477	13	1,490
Southwest Baptist University	2,973	699	3,672
The Baptist College of Florida	440	16	456
Union University	2,285	1,179	3,464
University of Mary Hardin-Baylor	3,278	628	3,906
University of the Cumberlands	3,063	4,422	7,485
Wayland Baptist University	4,540	1524	6,064
William Carey University	2,817	1,815	4,632
Williams Baptist College	563	0	563
Yellowstone Christian College	120	0	120
Totals	88,833	28919	117,752

# Comment From The President: FINAL WORDS

Dub Oliver, IABCU President and Board Chair and President, Union University

I am already looking forward to our annual meeting to be held the first week of June in Memphis. If you haven't already registered, would you consider, one more time, the opportunity to join us, learn from Russell Moore and the other presenters, collaborate with colleagues in Christ-centered higher education, and enjoy fellowship in a great location? I hope you will make the commitment to be with us in Memphis.

Over the past couple of years, my thoughts in this column have been focused a good deal on religious liberty. No doubt, this first and foundational freedom, cherished by Baptists during our 400+ year history, deserves our attention, our constant vigilance, and our effective advocacy in the public square (both in our own country and around the world). Societies with religious liberty flourish. Our own institutions are but a demonstration of this thesis.

Even still, religious liberty is not the only thing cherished by Baptists. We also, in our confessional statement communicate the importance of education. The 1925, 1963 and 2000 Baptist Faith and Message statements include articles related to education. The current BF&M states,

Christianity is the faith of enlightenment and intelligence. In Jesus Christ abide all the treasures of wisdom and knowledge. All sound learning is, therefore, a part of our Christian heritage. The new birth opens all human faculties and creates a thirst for knowledge. Moreover, the cause of education in the Kingdom of Christ is co-ordinate with the causes of missions and general benevolence, and should receive along with these the liberal support of the churches. An adequate system of Christian education is necessary to a complete spiritual program for Christ's people.

In Christian education there should be a proper balance between academic freedom and academic responsibility. Freedom in any orderly relationship of human life is always limited and never absolute. The freedom of a teacher in a Christian school, college, or seminary is limited by the preeminence of Jesus Christ, by the authoritative nature of the Scriptures, and by the distinct purpose for which the school exists.

Deuteronomy 4:1,5,9,14; 6:1-10; 31:12-13; Nehemiah 8:1-8; Job 28:28; Psalms 19:7ff.; 119:11; Proverbs 3:13ff.; 4:1-10; 8:1-7,11; 15:14; Ecclesiastes 7:19; Matthew 5:2; 7:24ff.; 28:19-20; Luke 2:40; 1 Corinthians 1:18-31; Ephesians 4:11-16;

Philippians 4:8; Colossians 2:3,8-9; 1 Timothy 1:3-7; 2 Timothy 2:15; 3:14-17; Hebrews 5:12-6:3; James 1:5; 3:17.

As leaders, we are deeply grateful for state conventions, local churches, and faithful Baptists who have lived the truth of our confession "the cause of education in the Kingdom of Christ is co-ordinate with the causes of missions and general benevolence, and should receive along with these the liberal support of the churches." None of our institutions would exist without them.

And, we should remember that the IABCU and our member institutions seek to help achieve "[a]n adequate system of Christian education." As we work together and as we pursue our individual missions, I pray that we will ever be united in our love for Christ and our commitment to God's Word.

It has been my great joy to serve as the President of the IABCU over the past two years.

Thank you for the privilege of doing so!

Dub

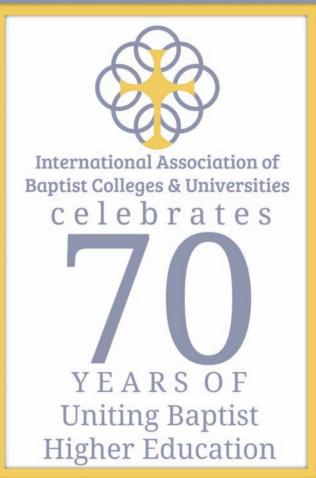


Dub Oliver

The year was 1947. For two decades the United States had struggled - first through the Great Depression, and then through World War II. At our nation's universities, enrollment numbers dropped so drastically that many institutions had closed. Our male students had gone off to war, and our female students had filled in with civilian jobs. It had been a bleak time for colleges and universities. But times were changing.

As the war ended and students returned to college - many with the GI Bill to pay for it - enrollment numbers and operating budgets began to rise. After a dark time for our higher education institutions, university presidents once again found themselves operating from a place of abundance rather than scarcity. Once again, they could dream of what their colleges and universities could become.

As they stepped into this newfound prosperity, they realized that they had lost touch with many of their colleagues on other campuses, many of whom shared their same belief system. As Baptist college leadership began to make plans to move into the future of higher education, they

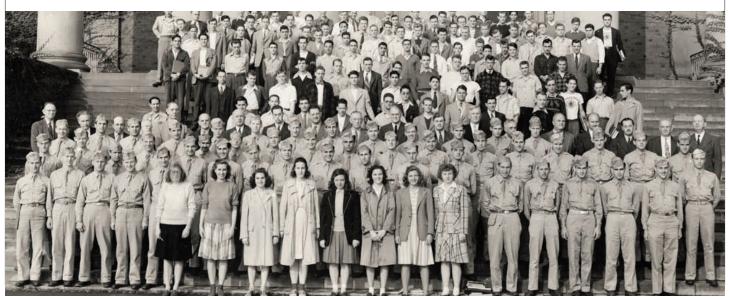


wished for the community of fellow Baptist leaders. According to Dr. H. I. Hester, long time executive secretary of the IABCU, in his book *Southern Baptists in Christian* "There was a need for an organization where all college matters could be discussed freely. Such things as finances, accreditation, curricula, public rela-

tions, securing and maintaining good faculties, student solicitation, relation to state schools, and many other problems could be considered. All these college officials felt the need of getting better acquainted with each other. They felt that they were missing much in not having fellowship with their brethren in the same field. Finally, they were convinced that there was a need for such a body to speak officially on higher education, both to the Southern Baptist Convention and to the general public."

Indeed, that organization was formed in 1947 as the Association of Southern Baptist Colleges and Schools, with a later name change to the International Association of Baptist Colleges and Universities, and the first annual meeting was held the following year.

For seventy years, the IABCU has been carrying out the mission of those early pioneers in Baptist higher education. Whether through the annual meeting, our IABCU website, social media channels, or through *The Baptist Educator*, the mission of *Uniting Baptist Higher Education* is still the same.





of King George VI, married Philip Mountbatten, Duke of Edinburgh. In less than five years, the Princess would become Elizabeth II, Queen of the United Kingdon.



Capt. Charles E. "Chuck" Yeager pilots the rocket-powered Bell X-1 to a speed of Mach 1.07, becoming the first person to fly faster than the speed of sound. In breaking the sound barrier, Yeager becomes the fastest man alive.

# Also in

Jackie Robinson becomes the first African-American in the major leagues when he plays his first game with the Brooklyn Dodgers. During his first season in the majors, Robinson encountered racism from opposing teams and fans, as well as some of his own teammates. However, the abuse didn't affect his performance on the baseball field. Additionally, Jim Crow laws prevented Robinson from using the same hotels and restaurants as his teammates while playing in the South. After retiring from baseball in 1957, Robinson became a businessman and civil rights activist.





## 8 Great Days Of REVIVAL

with Students of Wheaton College

Choruses! Instrumental Numbers!



Dynamic Preaching! Solos!

Y GRAHAM Southern Evangelist With A Burning u Will Never Forget!

**APRIL 13 = 20** 

The Church With The Sign "JESUS SAVES"

MOLINE, MICH.

Tune in Mel Trotter's Morning Mission Brondenst,
Tuesday - Thursday, 7 - 7:30 A.M.

Great YOUTH RALLY, Sunday, April 20, at 3 P. M.

At the age 30, Billy Graham was hired as president of Northwestern Bible College in Minneapolis—at the time, the youngest person to serve as a sitting president of any U.S. college or university.

#### Schedule for the

## 2017 IABCU ANNUAL MEETING

#### Saturday, June 3

5:00 Dinner at Charlie Vergos' Rendezvous

6:35 Memphis Redbirds Baseball Game

#### Sunday, June 4

9:20 Church at Bellevue Baptist Church with Pastor Steve Gaines

3:00-5:00 Registration

3:00-4:30 IABCU Board Meeting

5:00 Peabody Duck March

6:30-8:00 First Plenary Session: A History of the IABCU and Its Schools by Dr. Gary Cook, Dr. Bob Agee, and Dr. Paul Corts

8:00-9:00 Dessert Reception

#### Monday, June 5

8:30-9:45 Breakfast Program: Legal Update by Guenther and Jordan

10:00-11:30 Second Plenary Session with Dr. Russell Moore, President and CEP of Ethics and Religions Liberties Commission of the Southern Baptist Convention

10:00 Spouse Tour: Graceland with Lunch at Paulette's Restaurant

11:45-12:45 Lunch in the Forest Room with Presentation from BCU Scholars

1:00-2:30 Q&A Session with Dr. Russell Moore

2:45-3:00 Break

3:00-4:00 Breakout Sessions:

- Legal Q&A Jim Guenther and Jaime Jordan of the law firm Guenther and Jordan
- Response and Recovery Lessons Learned from an EF3 – Dr. Scott Hummel, Executive Vice President and Provost of William Carey University

4:15-5:15 Breakout Sessions:

• Unrelated Business Income Tax: How to

Leverage it for Your Benefit – Dan Campbell and Dave Moja, Capin Crouse

• Planned Giving – Warren Peek, President of Southern Baptist Foundation and John Kea, Vice President and General Counsel of Southern Baptist Foundation

6:00 pm Reception and Banquet in the Forest Room

#### Tuesday, June 6

8:00 Breakfast and Roundtable Discussions

8:45-9:30 Devotional with Dr. Steve Gaines, pastor of Bellevue Baptist Church and Worship with Travis Cottrell.

9:30-10:00 CGE Update

10:00-10:15 Break

10:15-11:45 Annual IABCU Business Meeting

11:45-12:00 Closing Remarks

12:00 Adjourn

## Meet Our Breakout Speakers

#### DAN CAMPBELL AND DAVE MOJA

Both partners at CapinCrouse LLC, Dan Campbell is the Higher Education Services Director and Dave Moja is the Professional Practice Leader in Tax. Dan and Dave will present "Unrelated Business Income Tax: How to Leverage it for Your Benefit."

#### Jim Guenther and Jaime Jordan

Partners at Guenther, Jordan & Price, which serves as outside counsel to two national religious denominations and has represented colleges, universities, and seminaries in a dozen states across the South and Southwest. Jim and Jaime will be holding a Q&A session as a follow-up to their legal update.

#### Warren Peek and John Kea

Warren Peek serves as President of the Southern Baptist Foundation, while John Kea serves as its Vice President and General Counsel. Warren and John will present a breakout session on planned giving.

#### SCOTT HUMMEL

Dr. Scott Hummel serves as Executive Vice President and Provost at William Carey University in Hattiesburg, Mississippi. On January 21 of this year, the campus of William Carey was significantly damaged by a tornado. Dr. Hummel will present "Response and Recovery Lessons Learned from an EF3." Please Join Us For The

2017

IABCU Annual Meeting

June 4-6

Memphis, Tennessee

The Peabody Hotel

Discounted Hotel Rate Expires May 2







Our Hester Lecturer will be

Dr. Russell Moore
President and CEO
of the Ethics and
Religious Liberties
Commission of the
Southern Baptist
Convention

# Rental of Arena to Concert Promoter = UBIT

Contributed by Dave Moja, Partner and Professional Practice Leader - Tax *CapinCrouse, LLP* 

#### **Issue**

The rules regarding the identification of "dual-use" property rentals are murky and can be difficult to navigate. We've talked about these rules previously – in a different context. How about a refresher course on facility rentals?

#### Situation

Denali Christian College (DCC) is a private college exempt under Internal Revenue Code section 501(c)(3). DCC leases its basketball arena to a forprofit entertainment business for a concert sponsored by a for-profit promotional company. In addition to use of the arena, the DCC agrees to provide utilities and security services and will operate the concession stands for the event. The concert does not contribute to the educational activities of the College. Due to the substantial services provides by the College, the rental income from this arrangement results in unrelated business income for the College.

#### Rules

From IRS Publication 598, Tax on Unrelated

Business Income of Exempt Organizations:

"If an asset or facility necessary to the conduct of exempt functions is also used in commercial activities, its use for exempt functions does not, by itself, make the commercial activities a related trade or business. The test, as discussed earlier, is whether the activities contribute importantly to the accomplishment of exempt purposes."

From the 2014 ACT Report:

#### Facility Rental; Dual Use Property

Under Section 1.512(c)(2)(ii) of the Income Tax Regulations, all rents from real property are excluded from the calculation of taxable unrelated business income and all rents from personal property leased with real property are excluded from an organization's unrelated business income if the rents attributed to the personal property are incidental to the total rents received or accrued under the lease. For this purpose, the personal property rents are "incidental" to the total rents if the rents do not exceed 10 percent of the total rents. If more than 50 percent of the total rents are attributable to the personal property or the determination of rents depend in whole or in part on the income or profits derived by any person from the property leased, other than an amount based on a fixed percentage or percentage of the gross receipts or sales. then no portion of the rental income is excluded from unrelated business income.

Rev. Rul. 80-297, 1980-2 CB 196, situation 1, provides that a school operating a tennis club through its own employees, who performed substantial services for the participants in the club, could not exclude the income received as rent from real property.

Situation 2 of Rev. Rul. 80-297 describes a school that provides its tennis facilities available to an unrelated individual for ten weeks at a fixed fee which does not depend, in whole or in part, on the income or profits from the leased property. In situation 2, the school provided the leased facilities without the provision of any services. Situation 2 provides that, unlike Situation 1, the income received from the leased property was treated as

rents from real property under Section 512(b)(3) of the Code and was excludable from unrelated business income.

Rev. Rul. 80-298, 1980-2 CB 197, provides that a university leasing its stadium to a professional football team and furnishing grounds and playing field maintenance, dressing room linens, and stadium dressing rooms was furnishing substantial services for the convenience of the lessee. The provision of such substantial services for the convenience of the lessee go beyond those usually rendered in connection with the rental of space for occupancy only. Rev. 80-298 concludes that the income derived from the university's leasing of its stadium is not excluded from unrelated business taxable income as rent from real property under Section 512(b)(3) of the Code.

Rev. Rul. 78-98, 1978-1 C.B. 167, describes an exempt school which operates a ski facility for use in its physical education program and also for use, to a substantial degree, for recreational purposes by students attending the school and members of the public who are required to pay slope and ski lift fees comparable to nearby commercial facilities. The recreational use of the facility by students is substantially related to the school's exempt purposes and the income derived from the student's use of the facility is not from unrelated trade or business under I.R.C. § 513. However, the income from use of the facility by the public is from an unrelated trade or business.

Section 1.512(a)-1(c) of the Income Tax Regulations provides that where facilities are used both to carry on exempt activities and to conduct unrelated trade or business activities, expenses, depreciation and similar items attributable to such facilities . . . shall be allocated between the two uses on a reasonable basis. It further provides that the portion of any such item so allocated to the unrelated trade or business is proximately and primarily related to that business activity, and shall be allowable as a deduction in computing unrelated business taxable income in the manner and to the extent permitted by Section 162, Section 167, or other relevant provisions of the Code.

Section 1.513-1(d)(4)(iii) of the Income Tax

Regulations provides that certain dual use assets and facilities may be employed in both related and unrelated businesses. The gross income from the use of the asset in an unrelated business is unrelated business income.

\*\*Note that the IRS has included the following in its 2016-2017 Priority Guidance Plan (Exempt Organizations):

8. Guidance under §512 regarding methods of allocating expenses relating to dual use facilities.

#### **Bottom Line**

We continually receive questions about "dual-use" rentals of college facilities. The identification of these activities can be difficult – and the allocation of dual-use expenses is another story! Applying these rules to your specific situations can be daunting. It makes sense to touch base with a qualified tax advisor on these items. He or she will be able to help you navigate which ones may affect your school.



Dave is dedicated to meeting client needs in the exempt organization tax arena through review of client returns, consulting engagements, training, and the compilation of the annual CapinCrouse Higher Education Tax Reporting Trends Project. He has 29 years of accounting experience and serves several industry committees, including the AICPA Not For Profit Advisory Council. Dave has also served on the IRS Advisory Committee on Tax Exempt and Government Entities (ACT).



The following transcript comes to The Baptist Educator courtesy of WORLD News Group.
Originally aired on July 26, 2016, Warren Smith interviewed Dr. Dub Oliver for his podcast, Listening In.It has been condensed for space limitations.

Samuel W. Oliver, known to friends and colleagues as Dub Oliver, has been in Christian higher ed for the past 20 years. He became president of Union University in Jackson, Tennessee, in 2014.

Union University has been around since the 1840s, but is probably best known to 21st century Americans as a school that was devastated by a tornado in 2008. The storm virtually wiped out the campus but resulted almost miraculously in no loss of life, and, as we'll hear in this program, allowed Union University to build a modern campus in ways that would likely have not been possible other-

wise. Union also became nationally known for a tough decision Dub Oliver had to make soon after becoming president. That decision was to lead Union to resign from the Coalition of Christian Colleges and Universities because the CCCU would not sanction or terminate the membership of 2 colleges that condoned same sex marriage.

You're part of kind of a series that I've done with Christian colleges and university presidents. One of the reasons I wanted to do that is that Christian colleges and universities are super important to the Christian culture, and I think it's important that we highlight your work, but also, you're facing some unique challenges as well. From where you sit as now the president of Union what are some of the challenges that you're facing that maybe you didn't see 5 or 10 years ago?

I think there are some really clear things that we didn't expect 5 or 10 years ago, and most of those relate to religious liberty concerns. The culture has moved so rapidly away from God's word and from God's way.

#### Can you talk specifically about that? As a college president, what are you feeling pressure about today?

I think one of those things and was an early indicator of what was to come was the Affordable Care Act, commonly called Obama Care, but the Affordable Care Act and its Health and Human Services mandate that began the infringement on religious liberty. There were a number of us at that point who felt that the government had stepped over a line in terms of encroaching on religious liberty.

What did you do? As president, at that time of East Texas Baptist University, were there things that you had to do specif-

#### ically to respond to that?

Sure there were. Immediately, one of the things that I relate about that time was just a stirring in the spirit that something wasn't right about what was happening. Pretty quickly, there were others who felt that way, so there were conference calls organized by Alliance Defending Freedom and the Becket Fund for Religious Liberty and Christian Legal Society through organizations like the CCCU and others, and having conversations about what it meant. What a lot of people did at that point was they went back and looked at what their health plans were actually providing.

Being at East Texas Baptist University, we had been an institution that did not provide the abortifacients in our coverage, so we started to express our concerns about this first through the rule-making process, submitting comments to the HHS, writing letters to the White House, those kind of things, expressing concerns. Then, over time, when it was clear that that wasn't going to do anything to change the government's position, ultimately at ETBU we filed suit. A lot of people know that case as the Little Sisters of the Poor case, but it's actual name is Zubik versus Burwell, and it was just recently resolved.

#### Yeah, in favor of the Little Sisters. Was ETBU a litigant in that case?

Yes, ETBU was the litigant. We were with Houston Baptist originally and we filed in the

Southern District of Texas. We won in the Southern District of Texas. Westminster Theological Seminary also joined in that case, and then it went to the Fifth Circuit. ETBU and HBU and Westminster lost, and it was appealed to the Supreme Court, and, of course, as you say, that case was just decided in favor of the plaintiffs.

That was a Becket Fund case. They incurred a lot of the expenses for that, but, those were paid by donors to the Becket Fund. There's time that you and others in the leadership team had to expend there. Is this going to be death by a thousand cuts or are we just going to continue to have to fight these hattles?

I think in some ways, yes, and I think we need to be willing to go through that. I was reading Bonhoeffer's biography about that same time, and it seems like - I'm not trying to draw parallels or conflate Hitler and our current president or government, so, please. I want to be clear about that - but what it did speak to me was that people of faith and conscience had to speak up, had to say, "I'm not comfortable with this." Of course, religious liberty is a cherished Baptist ideal, and we disagree with the Little Sisters on a number of things, including contraceptives.

Our plan covered most contraceptives. What we didn't cover was abortifacients. Their plan, of course, is different than ours, but what we do cherish is their opportunity to live out and to practice their faith according to

the dictates of their conscience. That's why we are saying, "No, the Little Sisters should not have to have contraceptives, period, in their health plan if they think that that's a violation of their conscience, and we, as an organization, shouldn't have to provide abortifacients, because, obviously, that's part of our care for human life."

It sounds like what you're also saying is not only do we have to stand up, but that, unfortunately, not as many people are standing up as should. I'm going to explore that a little bit, Dub. You're at Union University, which was formerly a member of the Coalition of Christian Colleges and Universities. Historically, the CCCU has been an organization that, I think, touted itself as the authentic Christian colleges, that there are lots of colleges in America that have religious roots and specifically Christian roots, including Harvard, Yale, a lot of the Ivies, but there's a very small number that really maintain their Christian distinctives and their fidelity to scripture. CCCU was supposed to be that group. Y'all withdrew. Why?

We withdrew because we were concerned about the fact that there was not clarity about the mission. In my expressions, I want to be clear about this. We had numerous discussions over a long period of time about these particular issues within the CCCU. People criticized Union and me for being reactionary and responding to something quickly, but it really had been a pro-

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cess over a year and a half. Specifically, that issue was that 2 member institutions. Eastern Mennonite and Goshen, endorsed same sex partner benefits for their employees and wanted to maintain full membership within the CCCU. Our expression of that all along was that's not acceptable in terms of orthodox Christian faith to have a member organization to be linked with folks who have abandoned not only the scripture but have also abandoned Christian teaching and solidarity.

When that happened, our expectation was that the CCCU would be ready to act, and the CCCU wasn't ready to act. What we asked for was for an immediate call of the membership to come together and resolve this issue. and the response was, "We're going to take 6 or 8 months and study it and decide." Our point was we don't need to study it. We know what the Bible savs about these issues and we should have a clarity about these issues so as not to be confusing in the culture.

The response from the CCCU board and the CCCU leadership was, "We're going to take the time to study it." The fact that that's still not resolved within the CCCU I think is an example of why we can't be unclear about these things, because people don't know where we stand. We made the decision to leave because we wanted to be clear that Union is a place that's going to uphold the authority of scripture. Our policies are going to be consistent with scripture and Christian teaching, and we're

going to live out those beliefs according to our conscience and we're not going to change, we're not going to shift. We want to be standing with people who have a similar view.

Dub. vou've been at Union University for about 2 years. You were president at East Texas Baptist University before that. When you came to Union a couple of years ago, Union was toward the end of a transition. David Dockery, well respected in the Christian world, had been a president there for many years. He had moved on to Trinity. Gregory Thornbury, who had been another senior guy there, had moved on to The King's College in New York. Great guvs. There was also sort of at the end of a transition in which Union University achieved national attention about a decade ago because a tornado went through Jackson, Tennessee, where your campus is, and basically completely leveled the place. Talk about that story and what happened since then.

It's an amazing story of God's protection and grace and mercy and provision for Union. A powerful tornado, a EF5 tornado came through Union's campus in February of 2008 and literally eliminated 80% of the student housing and damaged every structure on campus. The spring semester had just started. Again, by God's grace, no one was killed in that. I wasn't there, but I remember seeing pictures of it. as most of the listeners probably did. But the community -Jackson - really rallied. And the larger Southern Baptist community really rallied, and frankly, the larger Christian community rallied around Union and said what I think maybe is a precursor of what we'll need to say about these institutions going forward in terms of some other issues. What those folks said was, "Union's too important to us to lose." Whether that was gifts or assistance, people came to help. People found out about Union. People prayed for Union. Just incredible stories.

Actually, my first contact with Union and with David Dockery. was through the tornado. I was at Baylor at the time and was serving as the vice president for student life and was the point person at Baylor for the Union response. We collected gift cards for students so they could replace their belongings and had different activities to support Union during that time. Baylor wasn't the only place. Really, there were hundreds, if not thousands, of institutions and churches and organizations doing that same thing.

What resulted from that is such an incredible testimony of what God can do in the midst of a storm, through a storm, and even after a storm, because all of those residential facilities were replaced. We went from being a place that was not an attractive part of the campus to being ranked the number-3 college in the country for residential life facilities.

I invite anyone to our campus in Jackson. As they see it, it's just a marvel, and people come and they marvel at how beautiful it is and how modern it is. The other thing is that ... you mention a national stage ... is that it really did elevate Union to a national university. In fact, the story is told at Union that before the tornado, they had been praying that God would give Union a national platform, that it would be seen as a national university. Now nobody prayed for a tornado, but in God's providence...

#### With all due respect to everybody that came before, that was a pretty audacious prayer.

Absolutely, and one I'm thankful that those folks prayed. Again, we would say over and over again, "Not to us, oh, Lord, but to your name be the glory." That was the point at that period then. It's the point of our prayer now. Just the literally thousands and I imagine tens of thousands of people that turned their prayer focus to Union, even during that time, changed the course of the institution. I'm confident that there are still people praying who never knew Union before then, who came to know Union through the tornado, who are still praying for us. We are thankful when people see what Union is doing and applaud. Again, we want to give glory to God, but Union was just moved from a regional university to a national university this year. This year, and if anybody does follow the rankings, when our rankings drop, it's because we've moved from a regional university to a national university. Again. David Dockery's leadership was so critically important for Union. He served there for 18 years so

faithfully and so well, from 1996 to 2014. You mentioned Greg Thornbury, who was also their gifted leader, and there are literally hundreds more at Union like that who are faithfully serving. Indeed, as you say, this is one of the things that I hope people will realize is how important Union and institutions like Union are to our culture.

We've mentioned the religious liberty challenges that you and other Christian colleges have faced. We've mentioned specifically the challenges that that tornado brought to Union. There are some other challenges that Christian colleges and universities are facing, but also all colleges. The demographics are changing a lot. The funding models are changing. A lot of people are talking about this massive student loan bubble that could be bursting. Can you talk specifically about how many of the kids at Union are on student loans? Are you concerned that the strings that may be attached to that government funding are going to be pulling at you in the years ahead and what are you doing to prevent that?

The first thing, in terms of the student loan market, unfortunately, a lot of the press has shown these stories that are not typical stories. You hear a lot about people who have over \$100,000 in student loan debt. The percentage of that is so small. In fact, the number is so small as to be really outliers. At Union specifically, now this is a private Christian institution, it's

expensive. I'll admit that. The whole enterprise is expensive because of how we do it, small classes taught by highly credentialed people who are mentoring and discipling. At Union, about 60% of our students have debt when they graduate, so 40% have no debt. About 60% have debt, and those who do, the average is right at the national average - about \$25,000. Just for comparison, we compared to the public universities because we want to see how we're doing compared to UT Martin, which is a UT system school, or University of Memphis, which is also nearby, which is a Tennessee Board of Regents school. Our average is actually lower than the Board of Regents schools, and it's just a little above the Tennessee schools.

What I want families to understand is that probably wherever you're going to go, you're going to have some student debt, or at least a lot of the families will, just because of how expensive the whole enterprise is. At Union, that debt's maybe not going to be even as much as it is at a public institution.

Good for y'all in that, but let's keep talking. There's going to be fewer kids in the college age cohort, and that's going to put pressure on colleges. That's going to even add to the pressure to take government money. There are a lot of Christian colleges that are kind of addicted to government money right now.

What we've said is that we're not

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going to give up our beliefs for the government money. We don't care what the government says or who says it or how strongly they say it or how much money they have when they do say it. We are not going to abandon God's word. We're thinking about that. What would it look like to get off of government money? Now the student loan market is a little bit easier because it used to be private. The federal government didn't always have the student loan market. In fact, that's a very recent thing. In 2010 was when the federal government took the student loan market over. In my better days, I say that the government did that to help more people. Basically, the proceeds are plowed back into the program. Actually, that's not what's happening. A bunch of it's used to pay for the Affordable Care Act. The idea was that more money would be available to help people. If the government says no, then the private banks would probably be glad to set up something that would be a parallel market like they had before.

My concern about that is that the government exerts quite a bit of authority and control over the banks. They may say, "Look, you're not going to be able to give loans to students who go to Christian colleges" or go to Union, in which case we need to have another funding mechanism. Not exactly sure what that looks like. We've been talking about some things, some private funding where people who have wealth could manage that or we create a student loan market for Christians. By the way, Christian

college students have the lowest default rates of anybody in the student loan market. Now we'd expect that, right? At Union, again, our default rates are low, but the government, you're right, the government's going to come at some point and say to us, "Your students can't access the student loan market." I think there are private ways to do that, because there have been private ways to do that. The tougher thing are things like Pell Grants, which are for the neediest students. A place like Union, a huge portion of our budget is in Pell Grants - we probably get about \$4-4.5 million a year. That's really critical for those students, and that's really where the church is going to have to say, "Hey, this is important, and we want to make sure that young people have access to this, even young people who don't have means have access to excellent Christian higher education. Again, coming back to the storm from 2008, that's really the model. I like to think of ... I think it was 2012 when Chick-fil-A was under a lot of pressure and there was a ... You remember that day where everybody lined up around Chickfil-A? That's the kind of model we're going to need for the Christian colleges that remain faithful.

That's what it's going to have to look like, that good people who love Christ, who cling to God's word, are going to say, "No, Union is too important. Institutions like Union are too important for us to let them go away, and we're going to support them." What does that look like?

I don't know. I really like Marvin Olasky, good colleague of yours, but I like his model. He says. "Tithe 10% to your church and then give the next 1% of income to your favorite Christian college." I love that model. If we did that, the problem would be solved. Now, of course, there's a challenge that most people don't tithe to begin with, but the bottom line of it is that if we'll be faithful, which I think that's what we're called to do, if we'll be faithful, then I'm confident that God will provide a way for us to carry on our mission.

Dub, as a president yourself, you mentioned that Union had about a \$90 million budget, about \$4 million of it comes from Pell Grants. I imagine most of the rest of it is tuition. As a college president, the old joke is that at night you sleep in a mansion and by day, you beg for money. How much money do you have to raise every year? How much money does your organization have to raise over and above tuition?

I like to say that at my funeral, the scripture is going to be, "Behold the beggar died. It came to pass, the beggar died." It's a joy both to ask people to support our mission and to see so many people do. This last year, we raised a little over \$10.5 million. We had a building campaign going on. Really, you think about raising money, some of that is for the operational budget. We rely on a little over \$3 million for operations each year. Now we also have endowment spending that comes off of that. We have

auxiliary enterprises, those kind of things that generate a lot of revenue as well. You're right, we're heavily tuition-dependent, which is why enrollment is so important and why you hear a lot of the folks here talking about enrollment in addition to raising funds. We are always trying to increase the endowment, too. Most of that is for student scholarships at Union, as it is at most of our IABCU schools.

Most people know exactly what they want their money to do, what they want it to benefit, what they want it to help. A lot of donors want to see the difference it makes now. They don't want that to be delayed long term.

Again, I think that's why it's really important as leaders that we be clear today about our institutions and what we're going to stand for. It's why I think boards of trustees have to be really clear and strong about the mission of the institution and maintain that mission. As you read about those drifts, it happens at the board and at the senior leadership level, so it's really critical for those men and women who are in those positions to have the fidelity to the mission.

Because of your position of leadership, because you're still a fairly young man to be a college president. You probably got 10, 20 or more years ahead of you in this field. You've got to be thinking about what that looks like. What do you think the future looks like for Christian colleges and universities? Is it going to be a time of sifting and

winnowing? Are we going to see Christian colleges go out of business in the years ahead? Is the golden age of Christian colleges, is it in front of us or is it behind us?

I think there is going to be a winnowing. What that looks like, I'm not exactly sure. What I hope and pray for, for myself, for Union, and for others is that we'll be faithful to God's word, we'll be faithful to the faith that has been imparted to us once and for all. I know that I have a stewardship responsibility at Union, and I'm going at it with all I've got, and we pray for our brothers and sisters. Frankly, we talked about a couple of institutions before. I just want to say. we have been praying for the CCCU. We've been praying for Eastern Mennonite. We've been praying for Goshen. We've been praying for other institutions to return.

Again, only God's going to be able to do that. Because of the situation that we've talked about with the federal financial dollars. Warren, I'm confident there were men sitting in boardrooms and around tables like we do 50 years ago, saying, "We shouldn't take this federal money because one day they're going to tell us how to operate," and there were people that, "Oh, no, they'll never do that." That day has come. What I hope is that there will be ... I hope it will be a large number, but I know it will be a number, there will be a number who say. "We're not giving up. We're not giving up God's word. We're not giving up our faith for any kind

of student loan dollars or Pell Grant or anything else. We're going to be faithful."

I think what that's going to do is that's going to provide some real clarity. It's going to be some real clarity for families who are trying to decide where to send their young people for college, for higher education, and there's going to be a lot of clarity for donors who say, "I want to support something that's going to be faithful," because that's going to hold. It's going to hold for a long, long time. Now, again, we're constantly being reformed. We constantly have to be vigilant. Institutions don't drift to the right. They drift away from orthodoxy.

I think that that point is coming, and I think it's ... I regret. I used to say it was probably 10 to 15 years. I think it's probably faster now. I think we're probably going to see it within the next 5 to 7 years. One of the things that we're trying to do at Union and IABCU is to try to figure out models that other institutions could implement and could say. "Okay, we'll try that," because if we don't have something in place when the government calls and says, "Dear Colleague, here's how you're going to operate from this point forward if your institution is going to get federal dollars," if we don't have something in place, there are a bunch that would just give in.

This transcript of Listening In has been generously provided by WORLD News Group, and it can be found online at wng.org.

#### Legal Notes by James D. Jordan

# Student Transcripts: Beyond Grades



Clients have asked recently about the practice of including non-academic matters on student transcripts. In some cases a Registrar, viewing the transcript as a purely academic record, opposed including any

information other than grades. At the same time Admissions or Student Affairs administrators wondered whether they should give the student's next school the same type of warning they would like to

have if an applicant with a similar record were to come knocking on their institutional door.

The tide is definitely flowing in favor of adopting a policy calling for certain disciplinary infractions to be recorded on a student's transcript. A few states have enacted legislation requiring schools to include such notations. At this writing, there is a bill (The Safe Transfer Act, H.R. 6523) pending in the House Committee on Education which would deny federal funds to universities which fail to note certain sex offenses on a student's transcript or fail to warn other schools where the student tries to enroll. Both the Association for Student Conduct Administration (ASCA) and the

Association of Title IX Administrators (ATIXA) have adopted statements calling for schools to make clear notations on a student's transcript if the student is disciplined for certain serious offenses. compelling. "The academic transcript is generally the only document that a student is asked to present when transferring to another institution," notes ASCA. "As past behavior can be considered a determinant for

future behavior, it is possible that proper transcript notation, under the correct circumstances, can aid in creating a safe environment."

The tide is definitely flowing in favor of adopting a policy calling for certain disciplinary infractions to be recorded on a student's transcript.

In a 2014 article, the American Association of Collegiate Registrars and Admissions Officers (AACRAO) noted increased interest in this subject, but declined to take a position. AACROA's 2011 Guide stated that disciplinary notations in transcripts "are not always recommended" because the inability to provide details and context could result in notations being punitive. Still, AACRAO concluded, "ultimately it is up to the institution to set its own policy and to follow it." (AACRAO indicated that it intended to survey its members regarding this practice and revisit the issue.)

The argument for including some disciplinary actions on a student's transcript is simple and There are several issues to consider when constructing a policy to report disciplinary matters on a transcript. First, only report matters which have been properly and finally adjudicated (including any appeals) under the school's disciplinary policy. If the accused student withdraws before a final adjudication can be made, that fact can be reported. Decide what types of infractions will be reported. Currently most commentators are talking about sexual offenses, but any offense involving violence or other serious criminal conduct could be reported. Academic crimes (cheating, plagiarism, etc.) if serious or serial are legitimate subjects to report. Some schools report any infraction which was so serious that the student was

suspended or expelled.

A policy should determine how long a disciplinary notation will remain on a transcript. Some schools recognize that many of their students are far from being mature decision makers and do not allow some mistakes to follow a student forever. The proposed Safe Transfer Act would allow a school to remove the notation and cease to notify future schools five (5) years after the disciplinary proceeding was completed.

Finally, give some thought to how any notations will be worded. Some schools have adopted a practice of placing a code phrase such "Administratively Withdrawn" on a student's transcript with the expectation that it will raise a red flag sufficient to warn any future school. Other schools include notations that convey more information about the underlying offense, particularly if a sexual assault was involved.

No matter how much or little is said on the transcript, be prepared for a call from another school requesting more information about the student. Fortunately, FERPA (the Family Educational Rights and Privacy Act ) does not prevent your institution from sharing this type of information. Your institution can release student records without the student's consent to officials of another school where the student seeks or intends to enroll as long as the disclosure is for purposes related to the student's enrollment or transfer. Of course, it is still essential to provide only true information in order to avoid liability for

defamation or similar torts.

When a policy is adopted, students and applicants need to be put on notice that disciplinary infractions may go on the student's permanent transcript. The notice could appear in the school's annual notification to students of their FERPA rights, as a part of its disciplinary process, or in some other logical place.

Every school should have a conversation about disclosing serious disciplinary infractions on

student transcripts. A policy discussion can begin in the Registrar's office, in Student Affairs, in the President's office, or even the Board Room. Get the right people in the conversation including, of course, the institution's legal counsel. When you have a policy, train the people who will have to apply it. Think about the Golden Rule: the goal should be to have a policy to disclose to other schools that which you would have them disclose unto you.



Jaime Jordan is a partner with the law firm Guenther, Jordan, and Price in Nashville, Tennessee.



By Lisa Traina, Partner, Traina & Associates

Russia, China, the CIA, and the FBI. Hacking has been receiving a great deal of attention lately in the political arena, but many higher education leaders may not realize the severity and scope of the threat to their very own institution.

The reality is that colleges and universities face unique cybersecurity challenges, so it's critical that administrators devote adequate resources and take proactive steps to maintain a secure environment.

The five steps below will help you understand the key issues and risks and how your institution can strengthen its cybersecurity defenses.

#### 1. Acknowledge the Risk

The first step in improving your institution's cybersecurity is acknowledging the risk and understanding what opens the

door for hackers to target your school. In fact, several factors make higher education institutions particularly vulnerable, regardless of their size. These include:

- multiple departments with diverse data, including academic, financial affairs, facilities management, athletics, and health services departments;
- potential academic misconduct;

The first step in improving your institution's cybersecurity is acknowledging the risk and understanding what opens the door for hackers to target your school. In fact, several factors make higher education institutions particularly vulnerable, regardless of their size.

- a large group of network users: faculty, staff, students, and visitors with their own devices;
- highly desirable data, including personally identifiable information (Social Security numbers, addresses, dates and places of birth, etc.), financial data, medical information, and intellectual property; and
- the growing threat of hacktivism, a form of hacking that occurs for politically or socially motivated purposes.

#### 2. Understand the Threat

Cyber breaches typically occur when hackers target common technical weaknesses. Here are three of the most prevalent threats, with considerations for addressing them:

• Phishing: Phishing emails can take many forms, including package shipment notifications and credit card fraud alerts from what look like legitimate sources as well as fraudulent leadership emails. The objective of these emails is to entice the recipient to click on a link or attachment that opens the door for hackers to

steal data or infect systems with malware. Although your institution probably uses filtering to stop many of these emails, some slip through in even the best systems.

It only takes one employee or student to make one mistake that can compromise an entire network and cause a data breach. Repetitive testing and training for network users is the best way to minimize the chances of someone falling victim to a phishing email.

• Malware: All systems are vulnerable to malware, which is malicious software installed without a user's knowledge. This typically occurs when a user clicks on a link in a phishing email or visits an infected website. It's imperative to have appropriate controls in place to protect all your systems, including servers, workstations, networking equipment, networked printers, laptops, and mobile devices. This includes the growing number of Internet of Things (IoT) devices like thermostats, alarms, cameras, and appliances that can connect to the Internet.

Colleges and universities face unique cybersecurity challenges. Capin Crouse LLP | 2

• Technical Vulnerabilities:

Vulnerabilities are holes in software code that can allow cyber criminals to gain unauthorized access to a system.

thorized access to a system. These can exist in all software, including applications and operating systems. The holes can be closed by applying patches and updates.

However, an astounding num-



ber of vulnerabilities are discovered every day. These are known as zero-day vulnerabilities because a patch or update is not available at the time of discovery. This is one reason

why it's imperative to have multiple controls in place.

# 3. Establish a Culture of Security

It's crucial to create a culture

where the importance of cybersecurity is recognized and appreciated. This includes ongoing training and communication to help faculty, staff, and students understand the following doors to security breaches:

- The dangers of visiting unsafe websites
- How phishing emails work and how to detect them
- The latest cybersecurity threats
- Why they need to use, and regularly change, complex passwords and should not use the same password for multiple sites
- The risks of using public WiFi networks

## 4. Implement Strong Information Systems Controls

Your institution's IT department should develop and maintain a comprehensive list of network and data security

controls. Although this is the responsibility of the IT department, it's helpful for administrators to understand the issues enough to ask relevant questions and ensure the

It's crucial to create a culture where the importance of cyber-security is recognized and appreciated.

appropriate steps are being taken.

Here are some basics to be aware of:

- Perimeter Security: This includes firewall and intrusion detection systems, as well as intrusion prevention systems. These should be set with appropriate restrictions to filter and block any harmful incoming and outgoing Internet traffic.
- Endpoint Security: This protects servers and workstations by requiring each device on the network to comply with set standards before being granted network access. These measures include administrative access limitations and anti-virus protection.
- Authentication Controls: Authentication controls should require complex passwords that expire on a set frequency

and restrictions (such as lockout) after a set number of invalid login attempts. Ideally, systems will also have multifactor authentication requiring an identifying factor, such as

device authentication, in addition to the password. These controls should be applied to the network and all critical systems, especially cloud-based systems

that can be accessed from anywhere.

Administration Controls: User administration also requires strong controls ensuring that only appropriate individuals have login credentials.

Updates and Patches: Your IT department should establish an inventory reconciliation, which will help ensure that all systems are protected. There should be a procedure in place



for keeping all operating systems and applications up to date at all times. In addition, anti-virus protection is needed for desktops, laptops, IoT devices, and mobile devices, including devices that employees own but use to connect to your network.

- Network Security: Frequent, ongoing monitoring for all IT systems, including network traffic and system resource monitoring.
- Incident Response Plans: Your institution should have appropriate plans that include detailed response procedures for

responding to a cyberattack.

#### 5. Identify Existing **Risks and Test Your Controls**

The steps above are essential to maintaining cybersecurity, but it's also important to periodically identify and address any existing risks through independent testing.

There are two components to this testing:

 Vulnerability testing, in which various systems are automatically scanned to identity whether any known weaknesses

exist. The results are then analyzed to determine critical gaps in security.

 Information security controls testing, which helps to determine whether you have the appropriate protection, processes, and procedures in place; and if so, whether they are functioning properly.

Don't be misled into thinking that any single "magic" control exists that will protect your institution. The key to adequate protection is to implement several controls in a layered fashion so that if a

control fails, one or more secondary controls exist to protect the asset.

Traina & Associates, a CapinCrouse company,\* offers a comprehensive Cybersecurity Assessment to help higher education institutions and other nonprofit organizations assess their information security controls and identify and address any risks and vulnerabilities. More information is available at capincrouse.com/cybersecurity.

This article first appeared in Christian Academia Magazine.



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The University of Mobile Board of Trustees has selected Dr. Timothy L. Smith as the fourth president in the Christian university's 54-year history.

Smith has extensive experience in Christian higher education and the field of healthcare education. Smith holds a Ph.D. in in leadership and a Master of Arts in Theological Studies, both from The Southern Baptist Theological Seminary; a PhD. in nursing (anesthesia) from the University of Tennessee Health Science Center, Graduate College; a Master of Science in Nursing from the University of Tennessee Health Science Center, College of Nursing; a diploma in nurse anesthesia from the University of Tennessee Graduate School of Medicine; a Bachelor of Science in Nursing from Memphis State University, and a diploma in nursing from Baptist Memorial Hospital School of Nursing.

"The University of Mobile has a great foundation, with many building blocks already above the foundation. I believe there are huge opportunities to serve the community and partner with so many organizations. My methodology in leading as president will be a very collaborative approach. I want people inside the institution and externally to know that I'm coming in to listen; I'm coming in to collaborate; and I'm coming in to partner," said the president-elect.

Smith succeeded Dr. Mark Foley as leader of the Baptist-affiliated liberal arts university.

Smith was provost of Anderson University in South Carolina. Previously, he was dean of the School of Nursing at Union University in Tennessee, where he oversaw a 79 percent expansion in enrollment and founded the Center for Excellence in Healthcare Practice that included a nurse residency program for five hospitals.

Search committee chair Terry Harbin said the search committee recommended Smith for three primary reasons.

"He is unbelievably well-qualified through his academic preparation.

Secondly, he has practical experience. He has done in other places what we need done at the University of Mobile. And thirdly, he has demonstrated humility. A man who has accomplished what he has accomplished in life to come in and be a down-to-earth, Christcentered servant is amazing," said Harbin

Smith said he and his wife, Penney, are excited about the opportunity. She is a healthcare administrator consultant, serving as chief quality officer and helping hospitals with healthcare regulatory compliance. The couple has two children: daughter Ashley Wainscott, 24, who lives in Jackson, Tennessee with her husband, Alex; and son Blake Smith, 21, a junior at Clemson University studying engineering.

"Marilyn and I are delighted to welcome Tim and Penney to the University of Mobile family," said Foley. "We have invested 18 years of our lives into this special place, and I can think of no better person to lead the university to even greater things than Dr. Tim Smith."





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2nd Trimester 2017



# Fant Selected Next President of North Greenville University

The Board of Trustees of North Greenville University has elected Dr. Gene C. Fant, Jr., to serve as its next president. Fant, 53, has a long record of leadership in Christian higher education, most recently at Palm Beach Atlantic University in West Palm Beach, Fla.

"Lisa and I are profoundly humbled," Fant said, "to be invited by the Board of Trustees to serve alongside this marvelous faculty and staff in this Kingdom work. North Greenville's Christ-honoring heritage has impacted our region and indeed the world since its beginning, and I look forward to leading the university as we follow God's calling on our shared lives."

Fant noted that he was attracted to the

position by NGU's history of producing transformational leaders for church and society.

"Throughout my career, everywhere I go, I run into people whose lives have been touched by NGU and its alumni, students, faculty, coaches, and staff. I hope to build on that solid foundation of influence and extend it into new areas," Fant said.

Fant will complete the spring semester in his current role as the Provost and Chief Academic Officer at Palm Beach Atlantic University, assuming his duties at NGU on June 1.

Deeply committed to the Christian intellectual tradition, Fant holds five earned academic degrees, including the Ph.D. in

English and the M. Div. in biblical languages; he also completed the Institute for Educational Management at Harvard's Graduate School of Education. He was the third generation of his family to graduate from the New Orleans Baptist Theological Seminary. A prolific author and speaker, Fant's book The Liberal Arts: A Student's Guide (Reclaiming the Christian Intellectual Tradition) (Crossway 2012) is used as a text for both university courses and faculty development. With his wife Lisa, he co-authored Expectant Moments: **Devotions for Expectant Couples** (Zondervan 1999), a best-selling devotional memoir. His essays have appeared in Baptist Press and many newspapers; he was a contributing blogger at both The Chronicle of Higher Education and First Things.