

Columbia Theological Seminary

Equal Opportunity, Harassment and Nondiscrimination Policy

As used in this policy, the term “reporting party” refers to the person impacted by alleged discrimination. The term “responding party” refers to the person who has allegedly engaged in discrimination.

Policy Scope

Columbia Theological Seminary (“Seminary” or “CTS”) affirms its commitment to promote the goals of fairness and equity in all aspects of its theological and educational enterprise. All policies below are subject to resolution using the Seminary’s Equity Resolution Process (ERP) as detailed below. When the responding party is a member of the Seminary community, the ERP is applicable regardless of the status of the reporting party who may be a member or non-member of the campus community, including students, student organizations, faculty, administrators, staff, board members, guests, and visitors.

Equity, Diversity, & Inclusion Response Team

The Equity, Diversity, & Inclusion Response Team (EDIRT) oversees implementation of the Seminary’s Affirmative Action and Equal Opportunity efforts, the Seminary’s policy on equal opportunity, harassment and nondiscrimination. The EDIRT acts with independence and authority free of conflicts of interest. The members of the EDIRT are the Vice President for Academic Affairs, the Vice President for Student Affairs & Community Life, the Director of Human Resources and the Title IX Coordinator. The EDIRT may from time to time - as needed to equitably and impartially fulfill its responsibilities - designate additional members to serve on the EDIRT. To raise any concern, including a potential conflict of interest, of a member of the EDIRT, contact any member of the EDIRT or the Seminary President (VanDykL@ctsnet.edu). To raise concerns regarding a potential conflict of interest with any other administrator involved in the ERP, please contact the Vice President for Student Affairs & Community Life (MaxwellB@ctsnet.edu or 404.687.4523).

Title IX Coordinator

The Seminary Title IX Coordinator is Ms. Jody Sauls, Director of Human Resources. (SaulsJ@ctsnet.edu) The Title IX Coordinator oversees Seminary compliance with all aspects of this policy related to Title IX and additionally serves as a member of the EDIRT. The Title IX Coordinator acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the Seminary President (VanDykL@ctsnet.edu).

Inquiries about and reports regarding this policy and procedure may be made internally to:

Rev. Brandon T. Maxwell, MDiv
Vice President for Student Affairs & Community Life
Special Advisor to the President for Equity, Diversity, and Inclusion
Deputy Title IX Coordinator
Broyles Leadership Center – E101
404-687-4523
MaxwellB@ctsnet.edu

Dr. Love Sechrest, PhD
Dean of Faculty
Vice President for Academic Affairs
Campbell Hall 114
404-687-4520
SechrestL@ctsnet.edu

Ms. Jody D. Sauls
Director of Human Resources
Title IX Coordinator
Campbell Hall 112
404-687-4654
SaulsJ@ctsnet.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

If this is an employment discrimination matter, your inquiry also may be made here:

Equal Employment Opportunity Commission (EEOC)
Contact: <http://www.eeoc.gov/contact/>

Reporting Discrimination

Reports of discrimination, harassment and/or retaliation based upon race, religion, nationality, hearing status, personal appearance, color, sex, pregnancy, political affiliation, source of income, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, may be made using any of the following options:

- 1) Report directly to the EDIRT by emailing EDIconcern@ctsnet.edu. In cases involving sex or gender-based, discrimination, harassment or violence, this report additionally results in notice to the Title IX Coordinator;
- 2) Report online, using the [Anonymous Reporting Tool](#).¹ In cases involving sex or gender-based, discrimination, harassment or violence, this report additionally results in notice to the Title IX Coordinator; and/or
- 3) Request a conflict resolution process to be led by the Seminary Ombudsperson or trained facilitator. Any request for the Ombudsperson conflict resolution process will also be reported to the EDIRT or Title IX Coordinator for two reasons: (1) for Seminary notice and recordkeeping purposes, and (2) for the EDIRT or Title IX Coordinator to determine if the matter is appropriate for the informal conflict resolution process. As more fully described below, the Ombudsperson conflict resolution process is intended to be a facilitated resolution without further institutional involvement unless invoked by the parties or for purposes of effecting remedies or actions agreed upon. All involved parties must consent to this conflict resolution process for this avenue of resolution to proceed.

The Ombudsperson is:

Dr. Marcia Riggs
Ombudsperson
J. Erskine Love Professor of Christian Ethics
404.687.4537
RiggsM@ctsnet.edu

There is no time limitation on the filing of allegations or grievances. However, if there is a considerable passage of time, and/or if the responding party is no longer subject to the Seminary's jurisdiction, the ability to investigate, respond and provide remedies may be more limited.

¹ Anonymous Reporting Tool can be accessed by copying and pasting the following link in your web browser:
<https://www.ctsnet.edu/community-life/campus-safety/equal-opportunity-harassment-nondiscrimination/>

All reports are acted upon promptly while every effort is made by the Seminary to preserve the privacy of reports. Such reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided.

Additionally, all employees of the Seminary are designated as mandated reporters of sex-based discrimination, harassment and violence, and will share a report with the Title IX Coordinator promptly. Confidentiality and mandated reporting is addressed more specifically below. Reports of misconduct or discrimination committed by a member(s) of the EDIRT should be reported to the Seminary President at VanDyckL@ctsnet.edu.

Oversight of Policy Processes

For reports of sex or gender-based discrimination, harassment or violence, the Seminary Title IX Coordinator will have responsibility to oversee the process, investigation, accommodations and remedies, if any, in response to such report. This oversight responsibility applies regardless of the faculty, staff, student, visitor or third-party (if jurisdiction applies) status of the involved parties.

For reports of all other forms of discrimination or harassment, the Vice President for Student Affairs and Community Life will have oversight responsibility for all matters related to staff, students, visitors and third-parties (if jurisdiction applies).

For reports of all other forms of discrimination or harassment involving faculty, the Vice President for Academic Affairs will have oversight responsibility.

Jurisdiction

This policy applies to behaviors that take place on the campus, at Seminary-sponsored events and may also apply off-campus and to actions online when the EDIRT or Title IX Coordinator determines that the off-campus conduct affects a substantial Seminary interest. A substantial Seminary interest is defined to include:

- a) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- b) Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder. This provision is not intended to apply to peaceful social protest that does not interfere with access to facilities or educational classes/programming and/or
- d) Any situation that is detrimental to the educational interests of the Seminary.

Off-campus discriminatory or harassing speech or conduct by employees may be regulated by the Seminary only when such speech is made in an employee's official or work-related capacity.

Third Parties and Contractors

All individuals who work at the Seminary through a third-party contract are required to adhere to this policy. Should a third-party contractor engage in harassment, discrimination or bias influenced behavior, the Seminary will report this to the third-party organization for review and discipline in conformance with their organizational employment policies. The Seminary may additionally remove the individual from campus and require them to be removed from their Seminary work assignment. Third-party contractors are not eligible to participate in judicial processes outlined for students, faculty, and staff.

1. Seminary Policy on Nondiscrimination

The Seminary adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. The Seminary will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, nationality, hearing status, personal appearance, color, sex, pregnancy, political affiliation, source of income, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community, guest or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of the Seminary policy on nondiscrimination. When brought to the attention of the Seminary, any such discrimination will be appropriately addressed and remedied by the Seminary according to the Equity Resolution Process described below. Non-members of the campus community who engage in discriminatory actions within Seminary programs or on Seminary property are not under the jurisdiction of this policy but can be subject to actions that limit their access and/or involvement with Seminary programs as the result of their misconduct. All vendors serving the Seminary through third-party contracts are subject by those contracts to the policies and procedures of their employers and/or

Seminary policy provisions, guidelines or addendums to which their employer has agreed to be bound.

2. Seminary Policy on Accommodation of Disabilities

Seminary is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

The Academic Administrator and Director of Human Resources have been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance.

Inquiries about matters related to ADA/504 should be referred to the following employees:

Rev. Dr. Ann Clay Adams
Academic Administrator
Campbell Hall 114
404-687-4524
AdamsA@ctsnet.edu

Ms. Jody Sauls
Director of Human Resources
Campbell Hall 112
404-687-4654
SaulsJ@ctsnet.edu

a. Students with Disabilities

The Seminary is committed to providing equal access to its academic and social activities to all students with documented disabilities. The Seminary is and is committed to providing students with documented disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the Seminary.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Academic Administrator who coordinates services for students with disabilities. The Academic Administrator reviews documentation

provided by the student and, in consultation with the student through an interactive process, determines whether the student has a qualifying disability, and if so, which accommodations are appropriate to the student's particular needs and academic programs.

b. Employees with Disabilities

Pursuant to the ADA, the Seminary will provide reasonable accommodation(s) to all qualified employees with documented disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to the Director of Human Resources and providing appropriate documentation. The Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

3. Seminary Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. The Seminary's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Seminary policy.

a. Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by Seminary policy as well as the law. The Seminary condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by policy or law. The Seminary will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, Seminary may also impose sanctions on the harasser through application of the Equity Resolution Process. The Seminary's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent/pervasive, and objectively offensive such that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

The Seminary reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not on the basis of a protected status. Addressing such behaviors may not result in the imposition of discipline

under Seminary policy, but will be addressed through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Director of Human Resources and students should contact the Vice President for Student Affairs and Community Life. All members of the community may also contact the Ombudsperson.

b. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of Georgia regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. The Seminary has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based,
- verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any Seminary program is encouraged to report it immediately to the Title IX Coordinator (SaulsJ@ctsnet.edu) or Deputy Title IX Coordinator (MaxwellB@ctsnet.edu). Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- Sufficiently severe, or
- pervasive, and
- objectively offensive, such that it:
 - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the Seminary's theological, educational, employment, social and/or residential program.

Quid Pro Quo Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her/them in exchange for a good grade. This is harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends sexually oriented jokes around on an email list s/he/they created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door.
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- Male students or employees take to calling a particular brunette student or employee, "Monica," because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

c. Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, the Seminary has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, the Seminary considers Non-Consensual Sexual Intercourse violations, and any misconduct with a minor, to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, the Seminary reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved. Violations include:

i. Sexual Harassment (as defined in section b above)

ii. Non-Consensual Sexual Intercourse

Defined as:

- any sexual intercourse
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual intercourse includes:

- Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

iii. Non-Consensual Sexual Contact

Defined as:

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual touching includes:

- Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other bodily contact in a sexual manner.

iv. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.

- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity or disseminating sexual pictures without the photographed person's consent).
- Prostitution.
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed).
- Exposing one's genitals in non-consensual circumstances.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

v. Force and Consent

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want.").

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Consent: Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

In Georgia, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act.

- Bullying, defined as
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - That is not speech or conduct otherwise protected by the 1st Amendment.
- Intimate Partner Violence, defined as violence or abuse between those in an intimate interaction and/or relationship to each other;
 - Examples:
 - A boyfriend shoves his girlfriend into a wall upon seeing her talking with another male. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
 - An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.

- A student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
- Married employees are witnessed in the parking lot, with one partner slapping and scratching the other in the midst of an argument.
- Stalking
 - Stalking 1:
 - A course of conduct
 - Directed at a specific person
 - On the basis of actual or perceived membership in a protected class
 - That is unwelcome, AND
 - Would cause a reasonable person to feel fear
 - Stalking 2:
 - Repetitive and Menacing
 - Pursuit, following, harassing and/or interfering with the peace and/or safety of another
- Examples of Stalking
 - A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together (Stalking 1).
 - An employee receives flowers and gifts delivered to their office. After learning the gifts were from a student they recently counseled, the staff member thanked the student and stated that it was not necessary and would appreciate if the gift deliveries stop. The student then starts leaving notes of love and gratitude on the employee's car, both on-campus and at home. Asked again to stop, the student states by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the employee does not respond, the student emails again, "You cannot escape me. I will track you to the ends of the earth. We are meant to be together" (Stalking 2).
- Any other Seminary policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

Other Civil Rights Offenses

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the reporting party's actual or perceived membership in a protected class:

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Acts likely or intended to cause physical or psychological harm or social ostracism to any person within the Seminary community
- Discrimination, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

The protected classes pursuant to this policy include race, religion, nationality, hearing status, personal appearance, color, sex, pregnancy, political affiliation, source of income, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law.

Sanctions for the above-listed "Other Civil Rights Behaviors" behaviors range from reprimand through expulsion (students) or termination of employment. Generally speaking, the Seminary considers any civil rights discrimination involving violence to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, the Seminary reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of civil rights discrimination.

5. Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment or discrimination, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment or discrimination is a serious violation of Seminary policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the EDIRT or Title IX Coordinator and will be promptly investigated. The Seminary is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Examples of Retaliation:

- Student A files an allegation against a faculty member for sexual harassment; the faculty member subsequently lowers the student's grade or requires more work of the student than other students
- A staff/faculty member complains of gender inequity in pay within her department; the supervisor/area chair then revokes their prior approval allowing the staff/faculty member to attend a national conference, citing the staff/faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual misconduct hearing against the responding individual – also a member of Organization A; the student is subsequently removed as a member of Organization A because he participated in the hearing.

6. Remedial Action

Upon notice of alleged discrimination, the Seminary will implement initial remedial, responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to: no contact orders, providing counseling and/or remedial services, academic support, living arrangement adjustments, transportation accommodations, visa and immigration assistance, student financial aid counseling, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.

The Seminary will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation.

The Seminary will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the Seminary's ability to provide the accommodations or protective measures.

Procedures for handling reported incidents are fully described below.

7. Confidentiality and Reporting of Offenses Under This Policy

All Seminary employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions identified below. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate Seminary officials – thereby offering options and advice without any obligation to inform an outside agency or campus official unless a reporting party has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the reporting options at Seminary:

a. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with the following designated individuals:

Rev. Katie Ricks
Associate Director of Vocation & Spiritual Formation
Broyles Leadership Center – E101
404.687.4664
RicksK@ctsnet.edu

Dr. William Yoo
Assistant Professor of American Religious & Cultural History
Director of the ThM Program
404.687.4589
YooW@ctsnet.edu

The above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Counseling resources are available via the Employee Assistance Program to help staff. Counseling resources are available to students through the Office of Student Affairs & Community Life, which offers counseling assistance through several partnering organizations. Seminary employees listed above will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

b. Formal Reporting Options

All Seminary employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator. Employees, as mandatory reporters, must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal Seminary action.

If a reporting party 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 reporting party may make such a request to the EDIRT, Title IX Coordinator or Ombudsperson who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note

that the Seminary's ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity Resolution Process.

In cases indicating pattern, predation, threat, weapons and/or violence, the Seminary will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the Seminary to honor that request, the Seminary will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action. If interim measures are warranted, this may include, but is not limited to, a change in residence, course requirements or employment arrangement. A reporting party has the right, and can expect, to have allegations taken seriously by the Seminary when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: the President's Office, EDIRT, and the EDI Council. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy. Additionally, anonymous reports can be made by victims and/or third parties by copying and pasting the following link in your web browser: <https://www.ctsnet.edu/community-life/campus-safety/equal-opportunity-harassment-nondiscrimination/>. Note that these anonymous reports may prompt a need for the institution to investigate.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of Seminary policy and they may be subject to disciplinary action for failure to comply.

8. Federal Timely Warning Obligations

Parties reporting sexual misconduct should be aware that under the Clery Act, Seminary administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The Seminary will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

9. False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

10. Amnesty for Reporting Party and Witnesses

The Seminary community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to Seminary officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to Seminary officials, and that witnesses come forward to share what they know. To encourage reporting, Seminary pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident.

Students: Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been ingesting drugs might hesitate to help take a sexual misconduct victim to the Campus Police). The Seminary pursues a policy of amnesty for students who offer help to others in need. [While policy violations cannot be overlooked, the Seminary will provide educational options, rather than punishment, to those who offer their assistance to others in need.]

Employees: Sometimes, employees are also hesitant report harassment or discrimination they have experienced for fear that they may get themselves in trouble. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to Seminary officials. The institution may, at its discretion, offer employee reporting parties amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to witnesses on a case-by-case basis.

EQUITY RESOLUTION PROCESS FOR ALLEGATIONS OF HARASSMENT, SEXUAL MISCONDUCT AND OTHER FORMS OF DISCRIMINATION

The Seminary will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, that is received by the EDIRT or Title IX Coordinator, or, a member of the administration, faculty, or other employee.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class involving students, staff or faculty members. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g.: vandalism, physical abuse of another, etc.). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty and staff handbooks.

Overview

Upon notice to the EDIRT, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the Seminary will initiate a confidential investigation that is thorough, reliable, impartial, prompt and fair. The investigation and the subsequent resolution process determines whether the nondiscrimination policy has been violated. If so, the Seminary will promptly implement effective remedies designed to end the discrimination, prevent its recurrence and address its effects.

1. Equity Resolution Process (ERP)

Allegations under the policy on nondiscrimination are resolved using the ERP. Members of the ERP pool are announced in an annual distribution of this policy to campus, prospective students, and prospective employees. The Ombudsperson will be a permanent member of the ERP pool. Members of the ERP pool are trained in all aspects of the resolution process, and can serve in any of the following roles at the direction of the designated EDIRT member responsible for oversight of the report:

- To provide sensitive intake for and initial advice pertaining to allegations
- To serve in a mediation or restorative justice role in conflict resolution
- To investigate allegations
- To act as process advisors/advocates to those involved in the Equity Resolution Process
- To serve on appeal panels for allegations

ERP pool members also recommend proactive policies and serve in an educative role for the community. Members of the ERP pool who are students, will not serve in any adjudicatory

capacity for sexual misconduct proceedings. The EDIRT, in consultation with the President, appoints the pool, which typically would include all members of the Equity, Diversity & Inclusion Council. The ERP pool members will work with the Vice President for Student Affairs and Community Life, Vice President for Academic Affairs, or their designees. ERP pool members receive annual training organized by the EDIRT or Title IX Coordinator, including a review of Seminary policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety and promote accountability. This training will include but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to all forms of harassment and discrimination allegations; the Seminary's Discrimination and Harassment Policies and Procedures (including Sexual Misconduct); confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance. All ERP pool members are required to attend this annual training to be eligible to serve.

The Equity Resolution Process pool includes:

- Three (3) Co-chairs to be charged with oversight depending upon the type of discrimination and status of the Responding Party as stated in the *Oversight of Policy Processes* on page 3 above. The shared responsibility co-chairs will be the Vice President for Academic Affairs, the Vice President for Student Affairs and Community Life and the Director of Human Resources.
- All members of the Equity, Diversity and Inclusion Council
- Ombudsperson
- As needed, designated members from the Columbia Theological Seminary as determined by consensus among the Co-chairs

ERP pool members are usually appointed to three-year terms. Appointments to the pool should be made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving in the pool are encouraged to contact the EDIRT or Title IX Coordinator. [No member of the pool may be a practicing attorney].

2. Reporting Misconduct

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated should contact the EDIRT or Title IX Coordinator.

It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member. Any member of the community, including visitors, may also contact Campus Public Safety/Security to make a report. These individuals will in turn notify the

EDIRT or Title IX Coordinator. The Seminary website also includes an anonymous reporting tool that can be accessed by copying and pasting the following link in your web browser: <https://www.ctsnet.edu/community-life/campus-safety/equal-opportunity-harassment-nondiscrimination/>. This may serve to initiate the resolution process.

All employees receiving reports of a potential violation of Seminary policy are expected to promptly contact the EDIRT or Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the EDIRT or Title IX Coordinator, but, subject to the Seminary's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, Seminary will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

3. Preliminary Inquiry

Following receipt of notice or a report of misconduct, the EDIRT or Title IX Coordinator engages in a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. The preliminary inquiry is typically eight (8) days in duration. This inquiry may also serve to help the EDIRT or Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the EDIRT or Title IX Coordinator may respect a reporting party's request for no action and will investigate only so far as necessary to determine appropriate remedies. As necessary, the Seminary reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In cases where the reporting party wishes to proceed, or the Seminary determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the EDIRT or Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of the processes discussed briefly here and in greater detail below:

- Conflict Resolution with an ombudsperson – typically used for less serious offenses and only when both parties agree to conflict resolution
- Administrative Resolution – resolution by a trained administrator

The process followed considers the preference of the parties but is ultimately determined at the discretion of the EDIRT or Title IX Coordinator. Conflict Resolution may only occur if selected by all parties. Otherwise, the Administrative Resolution Process applies.

If conflict resolution with the Ombudsperson is desired by the reporting party and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members. For the conflict resolution process with the Ombudsperson to proceed, all involved parties must consent.

Once a formal investigation is commenced, the EDIRT or Title IX Coordinator will provide written notification of the investigation to the responding party at an appropriate time during the investigation. The Seminary aims to complete all investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause with notice to the parties as appropriate.

If, during the preliminary inquiry or at any point during the formal investigation, the EDIRT or Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the EDIRT or Title IX Coordinator makes an extraordinary determination to re-open the investigation. This decision lies in the sole discretion of the EDIRT or Title IX Coordinator (authority determined by the status of the responding party as outlined above in this policy).

4. Interim Remedies/Actions

The EDIRT or Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Altering the housing situation of the responding party (resident student or resident employee (or the reporting party, if desired))
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

The Seminary may interim-suspend a student, employee or organization pending the completion of ERP investigation and procedures, particularly when in the judgment of the EDIRT or Title IX Coordinator the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the option to meet with the

designated EDIRT chair or Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The designated EDIRT or Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to Seminary housing and/or the Seminary campus/facilities/events. As determined by the designated EDIRT chair or Title IX Coordinator, this restriction can include classes and/or all other Seminary activities or privileges for which the student might otherwise be eligible. At the discretion of the designate EDIRT chair or Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

5. Investigation

Once the decision is made to commence a formal investigation, the designated EDIRT chair or Title IX Coordinator appoints ERP pool members to conduct the investigation (typically using a team of two ERP investigators), usually within five (5) days of determining that an investigation should proceed. Investigations are completed expeditiously, normally within ten (10) days, though some investigations take weeks or even months, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

The Seminary may undertake a short delay its investigation (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The Seminary will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. Seminary action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.

The investigators will typically take the following steps, if not already completed (not necessarily in order):

- In coordination with campus partners (e.g.: the EDIRT or Title IX Coordinator), initiate or assist with any necessary remedial actions;

- Determine the identity and contact information of the reporting party;
- Identify all policies allegedly violated;
- Assist the EDIRT or Title IX Coordinator with an immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
 - If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Prepare the notice of allegations [charges] on the basis of the preliminary inquiry;
- Meet with the reporting party to finalize their statement, if necessary;
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of an ERP pool member or other advisor of their choosing present for all meetings attended by the advisee;
- Provide reporting party and responding party with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- Prior to the conclusion of the investigation, provide the reporting party and the responding party with a list of witnesses whose information will be used to render a finding;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses.
- Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Provide regular updates to the reporting party throughout the investigation, and to the responding party, as appropriate;
- Once the report is complete, the report is shared with the parties for their review and comment. The investigators may incorporate feedback from the parties as appropriate;
- Recommend to the EDIRT chair or Title IX Coordinator a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Investigators and/or EDIRT or the Title IX Coordinator finalize and present the findings to the parties, without undue delay between notifications;

At any point during the investigation, if it is determined there is no reasonable cause to believe that Seminary policy has been violated, the EDIRT chair or Title IX Coordinator has authority to

terminate the investigation and end resolution proceedings.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the Seminary's investigation and the Equity Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process constitutes a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Equity Resolution Process proceedings.

6. Advisors

Each party is allowed to have an advisor of their choice present with them for all ERP meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and otherwise not involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community. The parties may choose their advisor from the ERP pool, choose a non-trained advisor from outside the pool, if preferred, or proceed without an advisor.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The Seminary cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the Seminary is not obligated to provide one.

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the Seminary an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the EDIRT chair or Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The Seminary expects that the parties will wish to share documentation related to the allegations with their advisors. The Seminary provides a consent form that authorizes such sharing. The parties must complete this form before the Seminary is able to share records with an advisor, though parties may share the information directly with their advisor if they wish. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the Seminary. The Seminary may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the Seminary's privacy expectations.

The Seminary expects an advisor to adjust their schedule to allow them to attend Seminary meetings when scheduled. The Seminary does not typically change scheduled meetings to accommodate an advisor's inability to attend. The Seminary will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process and is not locked into using the same advisor throughout.

The parties must advise the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change advisors at any time.

7. Resolution

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with Seminary policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their advisors.

a. Informal Resolution

Informal Resolution is used when the parties agree to resolve the matter through conflict resolution (mediation, restorative justice, etc.), where the responding party accepts responsibility for violating policy, or when the EDIRT chair, Title IX Coordinator or Ombudsperson can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Formal Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Formal Administrative Resolution process.

i. Conflict Resolution

Conflict Resolution with the Ombudsperson is an informal process, such as mediation or restorative practices, by which a mutually-agreed upon resolution of an allegation is reached. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process to resolve conflicts. The parties must consent to the use of Conflict Resolution.

Additionally, the EDIRT chair or Title IX Coordinator determines if Conflict Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Conflict Resolution.

In a Conflict Resolution meeting, the Ombudsperson or trained administrator facilitates a dialogue with the parties to an effective resolution, if possible.

Conflict resolution is intended to allow a sensitive and theological approach and may utilize various resolution or transformative practices, including but not limited to religious ethical mediation. Sanctions are not possible as the result of a Conflict Resolution process, though the parties may agree to appropriate remedies.

The EDIRT chair or Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Because of the nature of the allegations, Conflict Resolution rarely is the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy. However, with due consideration by EDIRT chair or Title IX Coordinator, and the parties, it may be considered in cases where it is desired by the involved parties and the EDIRT chair or Title IX Coordinator determines it is advisable.

ii. Responding Party admits responsibility for alleged violations

The responding party may admit responsibility for all or part of the alleged policy violations at any point during the resolution process. If the responding party admits responsibility, the designated EDIRT chair or Title IX Coordinator makes a determination that the individual is in violation of Institution policy.

The designated EDIRT chair or Title IX Coordinator then determines appropriate sanction(s) or responsive action, which are promptly implemented in order to effectively to stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the reporting party and the community.

If the responding party only admits to part of the alleged policy violations, then the designated EDIRT chair or Title IX Coordinator finds the responding party in violation of the admitted violations and the contested allegations will be resolved using Administrative Resolution.

iii. Negotiated Resolution

The designated EDIRT chair or Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the Institution.

b. Sanctions

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the hearing panel
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community

i. Student Sanctions Examples

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any Seminary policy, procedure or directive will result in more severe sanctions/responsive actions.
- *Probation*: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Seminary policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Seminary. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Coordinator.
- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend Seminary -sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma*: The Seminary may withhold a student's diploma for a

specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.

- *Revocation of Degree*: The Seminary reserves the right to revoke a degree awarded from the Seminary for fraud, misrepresentation or other violation of Seminary policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, de-recognition, loss of all privileges (including Seminary registration), for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the Seminary may assign any other sanctions as deemed appropriate.

ii. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions, the Seminary may assign any other sanctions as deemed appropriate.

c. Withdrawal or Resignation While Charges Pending

Students: The Seminary does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination. Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Seminary unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

Employees: Should an employee resign with unresolved allegations pending, the records of the EDIRT or Title IX Coordinator will reflect that status, and any Seminary responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

e. Appeals

All requests for appeal consideration must be submitted in writing to the EDIRT or Title IX Coordinator within three (3) days of the delivery of the written finding of the EDIRT or Title IX Coordinator. Any party may appeal the findings and/or sanctions only under the grounds described, below

A three-member appeals panel chosen from the ERP pool will be designated by the designated EDIRT chair or Title IX Coordinator from those who have not been involved in the process previously. Additionally, members of the ERP pool who are students, will not be asked to serve in an appeal capacity for matters related to sexual misconduct. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the Seminary has designated for this offense and the cumulative record of the responding party.

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the designated EDIRT chair or Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three (3) days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) days. These response or appeal requests will be shared with each party.

Where the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is

not an opportunity for appeals panelists to substitute their judgment for that of the original investigator(s) or Resolution Administrator merely because they disagree with its finding and/or sanctions.

- Appeals granted based on new evidence should normally be remanded to the investigator(s) for reconsideration. Other appeals may be remanded at the discretion of the designated EDIRT chair or Title IX Coordinator or, in limited circumstances, heard by the three-member appeals panel.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the designated EDIRT chair or Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - For students: Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- The designated EDIRT chair or Title IX Coordinator will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) days of the resolution of the appeal or remand.
- Where appeals result in no change to the finding or sanction, that decision is final. Where an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
- All parties will be informed in writing within three (3) days of the outcome of the Appeals Panel, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In rare cases where a procedural [or substantive] error cannot be cured by the original investigator(s) and/or Resolution Administrator (as in cases of bias), the appeals panel may recommend a new investigation and/or Administrative Resolution process, including a new Resolution Administrator. The results of a remand cannot be appealed. The results of a new Administrative Resolution process can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to the Seminary or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

f. Long-Term Remedies/Actions

Following the conclusion of the Equity Resolution Process and in addition to any sanctions implemented, the designated EDIRT chair or Title IX Coordinator may utilize long-term remedies or actions stop the harassment or discrimination, remedy its effects and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services

- Referral to the Employee Assistance Program
- Education to the community
- Permanently altering the housing situation of the responding party (resident student or resident employee (or the reporting party, if desired))
- Permanently altering work arrangements for employees
- Providing campus escorts
- Climate surveys
- Policy modification
- Providing transportation accommodations
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the designated EDIRT chair or Title IX Coordinator, long-term remedies may also be provided even when the responding party is found not responsible.

The institution will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the institution's ability to provide the actions or protective measures.

g. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the designated EDIRT chair or Title IX Coordinator. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the Seminary and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the designated EDIRT chair or Title IX Coordinator.

h. Records

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept by the designated EDIRT chair or Title IX Coordinator indefinitely.

9. Disabilities Accommodation in the Equity Resolution Process

Seminary is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at the Seminary. Anyone needing such accommodations or support should contact the

Academic Administrator, who will review the request and, in consultation with the person requesting the accommodation, and an EDIRT member or Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation.

10. Revision

These policies and procedures will be reviewed and updated annually by the EDIRT and Title IX Coordinator. The Seminary reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The EDIRT and/or Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The EDIRT or Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

This policy and procedure was implemented in January 2019.

USE AND ADAPTATION OF THIS MODEL WITH CITATION TO THE NCHERM GROUP,
LLC/ATIXA IS PERMITTED THROUGH A LICENSE
TO COLUMBIA THEOLOGICAL SEMINARY.
ALL OTHER RIGHTS RESERVED.
THE NCHERM GROUP, LLC/ATIXA