

EQUAL OPPORTUNITY, ANTI-DISCRIMINATION, AND ANTI-HARASSMENT POLICY

As used in this Policy, the term "reporting party" refers to the person impacted by the alleged discrimination. The term "responding party" refers to the person allegedly engaged in discrimination.

This Policy does not mediate Title IX concerns; the Seminary has adopted a separate Anti-Sexual Harassment Policy.

Columbia Theological Seminary ("Seminary" or "CTS") affirms its commitment to promoting the goals of fairness and equity in all aspects of its theological and educational enterprise. Through federal, state, and local law and Seminary policy, the Seminary prohibits harassment of or discrimination against any person based upon sex (including sexual harassment and pregnancy), race, religion, nationality, hearing status, personal appearance, color, 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, 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.

The Equal Opportunity, Anti-Discrimination, and Anti-Harassment Policy ("Policy" or "Anti-Discrimination Policy") covers nondiscrimination in employment and access to educational opportunities. Any member of the Seminary 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 Seminary community, guest or visitor based on their actual or perceived membership in the protected classes listed above violates the Policy on anti-discrimination. When brought to the attention of the Seminary, any such discrimination will be appropriately addressed and remedied by the Seminary according to this Policy. Non-members of the Seminary 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.

Each member of the Seminary community is expected to uphold this Policy as a matter of mutual respect and fairness. Each community member is responsible for conducting themselves in accordance with this Policy as a condition of enrollment and employment.

All allegations of discrimination and harassment based on protected categories other than sex-based harassment will be covered by this Policy. All claims involving sex, sexual orientation, gender-based discrimination, harassment, or violence will be covered under the Anti-Sexual Harassment Policy. These claims will be referred to the Title IX Coordinator.

Please note: when the responding party is a member of the Seminary community, the Policy 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.

Implementation

The **Equal Opportunity, Anti-Discrimination, and Anti-Harassment Response Team ("Response Team")** oversees the implementation of this Policy. The Response Team acts independently and responsibly, free of conflicts of interest. The Response Team is led by three co-chairs: the Vice President for Academic Affairs, the Vice President for Student Formation and Campus Culture, and the Director of Human Resources. The Response Team co-chairs share responsibility and are charged with oversight depending upon the type of discrimination and status of the responding party, as stated in the *Oversight of Policy Processes* below.

The co-chairs appoint three to six members from the Equity, Diversity, and Inclusion Council to serve on a team. The Response Team's composition will depend on the nature of the complaint. For example, students will not be involved in faculty complaints but might be involved in complaints involving students. Appointments to a Response Team will be formed with attention to the representation of groups protected by this Policy. However, a Response Team member may not be a practicing attorney. Each team member must be trained in all aspects of the Policy to be eligible to serve.

As warranted to provide equity and fairness, free of conflicts of interest, the co-chairs may appoint individuals to expand the Response Team as needed. In instances where circumstances or allegations render the Response Team's service potentially too burdensome due to the positions of the parties involved or other circumstances, by consensus, the co-chairs may recommend an outside investigator/consultant to handle policy responsibilities.

The Response Team is expected to hold each other accountable for the integrity of the process and should raise any concerns to the co-chairs. If concerns involve a co-chair, such matters should be sent to President's Council in writing. The Seminary cannot be assumed to know perceived conflicts of interest unless raised by a party or community member on behalf of a party.

Inquiries about and reports regarding this Policy may be made to the **Response Team Co-Chairs:**

Kathryn Threadgill, Dean of Students/Vice President for Student Formation and Campus Culture
Campbell Hall 216, 404.687.4522

ThreadgillK@ctsnet.edu

Christine Roy Yoder, Dean of Faculty/Vice President for Academic Affairs
Campbell Hall 114, 404.687.4520

YoderC@ctsnet.edu

Jody Sauls, Director of Human Resources
Campbell Hall 112, 404.687.4654

SaulsJ@ctsnet.edu

Inquiries related to this policy 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

Reporting discrimination based on any protected category under applicable local, state, or federal law may be made using any of the following options:

1. In cases involving sex, sexual orientation, or gender-based discrimination, harassment, or violence, a report will be referred to the Title IX Coordinator:
Jody Sauls, Director of Human Resources
404.687.4654, SaulsJ@ctsnet.edu
2. A report in writing to any Response Team co-chair listed in this Policy.
3. A report online using the **Online Reporting Tool**. A report may be made anonymously using this tool.
4. Request a conflict resolution process led by the Seminary Ombudsperson:
Marcia Riggs, J. Erskine Love Professor of Christian Ethics
404.687.4537, RiggsM@ctsnet.edu

There is no time limitation on filing allegations or grievances under this Policy. However, if there is a considerable passage of time or/and if the responding party is no longer subject to the Seminary's jurisdiction, the ability to investigate, respond and provide remedies will be more limited or not reasonably feasible.

All written reports are acted upon promptly, and the Seminary makes every effort to preserve the privacy of reports. Anonymous reports will be investigated to determine if remedies can be provided.

Oversight of Policy Processes

For reports of discrimination or harassment, the Director of Human Resources will have oversight responsibility for all matters related to staff and third parties (if jurisdiction applies).

For reports of all other forms of discrimination or harassment, the Vice President for Student Formation and Campus Culture will have oversight responsibility for all matters related to students and visitors (if jurisdiction applies).

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

Jurisdiction Overview

Upon written notice to the Response Team co-chairs, a prompt preliminary inquiry will be conducted to determine if there is reasonable cause to believe the 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 determine whether this Policy has been violated. If so, the Seminary will promptly implement effective remedies to end the discrimination, prevent its recurrence, and address its effects.

Equity Resolution Process:

Allegations under this Policy are resolved using the Equity Resolution Process ("Process") and are administered by the appointed Response Team members. The team members can serve in any of the following roles at the direction of the designated co-chair responsible for oversight of the allegation:

- To provide sensitive intake for and initial advice about allegations
- To investigate allegations
- To act as process advisors/advocates to those involved in the process
- To make recommendations
- To serve on appeal panels for allegations

1. Reporting Misconduct

Any member of the Seminary community, guest, or visitor who believes this Policy has been violated should contact one of the Response Team co-chairs directly or use the [Online Reporting Tool](#). This may serve to initiate the resolution process.

All employees receiving reports of a potential violation of this Policy are expected to promptly contact one of the Response Team co-chairs within 24 hours of becoming aware of an incident. All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to a co-chair, 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, the Seminary will consider the reporting party concerning how the reported misconduct is pursued but reserves the right to protect the community, investigate, and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

2. Preliminary Inquiry

Following receipt of written notice or a report of misconduct, the Response Team co-chairs engage in a preliminary inquiry to determine if there is reasonable cause to believe this Policy has been violated. The preliminary inquiry will examine the allegations as alleged while also contemplating whether parties are correctly identified. The preliminary inquiry will be conducted as promptly as possible. If the inquiry takes longer than eight (8) days in duration, the parties will be provided an update. In cases where violence, threat, pattern, predation, and/or weapon is not evidenced, the co-chairs 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 the reporting party's formal report or participation.

In cases where the reporting party wishes to proceed, or the Seminary determines it must proceed, and the preliminary inquiry shows that reasonable cause for a potential policy violation exists, the Response Team co-chairs will direct a formal investigation to commence. If the preliminary inquiry shows that the Policy is not applicable or that reasonable cause for a potential policy violation does not exist, the co-chairs will dismiss the alleged charges and close the matter. In some cases, the Response Team co-chairs may recommend exploring a different Seminary policy if the allegation does not involve discrimination or harassment.

If conflict resolution is desired by the reporting party and appears appropriate given the nature of the alleged behavior, the report will not proceed to an 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. All involved parties must consent for the conflict resolution process with the Ombudsperson to proceed.

Once a formal investigation is commenced, the responsible co-chair will provide written notification to the responding party at an appropriate time during the investigation. The Seminary seeks to complete all investigations within sixty (60) business days, which can be extended as necessary for cause with notice to the parties as appropriate.

If during the preliminary inquiry or the formal investigation, the co-chairs or Response Team determine that there is no reasonable cause to believe that the Policy has been violated, the process will end. The reporting party may request an appeal via the **Seminary Appeals Policy**, found in the Student Handbook and posted on the Seminary website.

3. Interim Remedies/Actions

The co-chairs may provide interim remedies 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 prevent further violations. These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program (employees only)
- Offer adjustments to academic deadlines, course schedules, etc.
- Implement contact limitations between the parties
- Alter employee work arrangements
- Educate the community

The Seminary, through regular faculty governance procedures as described in the faculty handbook, may interim-suspend a student, employee, or organization pending the completion of an investigation and procedures if, in the judgment of the co-chairs, the safety or well-being of any campus community member may be jeopardized by the on-campus presence of the responding party or the ongoing activity of a student organization whose behavior is in question.

The Seminary will maintain the confidentiality of interim actions or protective measures unless that confidentiality impairs the Seminary's ability to provide those interim actions or protective measures.

4. Investigation

Once the decision is made to commence a formal investigation, the designated co-chair appoints the Response Team to conduct an investigation, usually within five (5) days of determining whether an investigation should proceed. Investigations are completed expeditiously, generally within ten (10) days, though some investigations take weeks or even months, depending on the allegations' nature, extent, and complexity.

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

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

- Determine the identity and contact information of the reporting party;
- 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 before or at the time of the interview;
- Prepare the notice of allegations [charges] based on the preliminary inquiry;
- Meet with the reporting party to finalize their statement, if necessary;
- If possible, provide written notification to the parties of the assistance of an advisor to be present for all meetings attended by the advisee;
- Provide reporting party and responding party with a written description of the alleged violation(s), a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result;
- Before 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 before a finding is 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 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 co-chair a finding based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Investigators and/or the Response Team 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 this Policy has been violated, the Response Team has the authority to terminate the investigation and end resolution proceedings.

Witnesses (distinguished from the parties) are expected to cooperate with and participate in the Seminary's investigation and the Response Team. Failure of a witness to cooperate with and/or participate in the investigation or the Response Team constitutes a violation of this Policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation. They may be interviewed remotely by phone, Zoom, Teams (or similar technology) if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictates a need for remote interviewing. Parties who elect not to participate in the investigation or withhold information from the investigation **cannot** offer evidence later during the appeal if it could have been provided during the investigation. Failure to present evidence before an appeal does not constitute grounds for appeal based on new evidence.

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

5. Advisors

Each party (reporting and responding) may have one advisor of their choice present with them for all Policy meetings and proceedings, from intake 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, or any other supporter a party chooses who is available and eligible. Witnesses cannot also serve as advisors. Each party may choose an advisor from inside or outside the campus community. If preferred, the parties may select their advisor from the EDI Council, choose a non-trained advisor, or proceed without an advisor. An advisor should help their advisee prepare for each meeting and is expected to advise ethically, with integrity, and in good faith.

All advisors are subject to the same campus rules. Advisors may not address campus officials in a meeting or interview unless invited to do so. An advisor may not make a presentation or represent a 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. An advisor may confer quietly with their advisee or in writing if they do not disrupt the process. For lengthier or more involved discussions, the parties and advisors should ask for breaks or step out of meetings to allow for a private conversation. Advisors will typically be given an opportunity to meet in advance of interviews or meetings with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions and enable the Seminary to clarify the advisor's role.

Advisors must 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. The co-chair will determine whether the advisor may be reinstated or 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's HR Office can provide a consent form that authorizes such sharing. The parties must complete this form before the Seminary can share records with an advisor, though parties may share the information directly with their advisor. Advisors are expected to maintain the privacy of the documents shared with them. These records may not be shared with third 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. However, the Seminary will 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 and is not locked into using the same advisor throughout the process.

Both parties must advise the investigators of the identity of their advisor at least one (1) day before 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.

6. Resolution

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings per Seminary policy. While the contents of the hearing are private, the parties have the discretion to share their own experiences if they 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.) or when the responding *party accepts responsibility* for violating the Policy.

It is unnecessary to pursue an informal resolution first to pursue the resolution described above. Any party participating in informal resolution can stop the process at any time and request the use of the processes described above.

- i. *Conflict resolution*: In a conflict resolution meeting, the Ombudsperson 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 and ethical mediation. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Ombudsperson does not report information about the parties or the outcome of informal mediation. The responsible co-chair maintains records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

ii. *Responding party admits responsibility for alleged violations*: The responding party may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the responding party admits fault, the Response Team will decide if the individual violated Seminary policy and determine any appropriate responsive action(s), which are promptly implemented to effectively 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 admits to part of the alleged policy violations, the Response Team must find the responding party in breach of the admitted violations. The contested allegations will be resolved using this Policy.

b. *Responsive Action(s)*:

Factors considered when determining a 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 responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for 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

After a finding of student discriminatory action, the Response Team will refer the matter to the appropriate Seminary policy with a recommendation and proper documentation. The Judicial Commission governs actions that respond to student misconduct for egregious misconduct or the Complaint Policy (see Student Handbook). In this case, the Seminary committee will approve the recommended action but will not relitigate the matter.

Examples of recommendations regarding student misconduct:

- *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 if the student or organization violates 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*: Terminating 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 the Seminary. This sanction may be noted as a Conduct Suspension on the student's official transcript.
- *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 appropriate.

Examples of recommendations regarding employee misconduct:

- *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 appropriate.

Examples of recommendations regarding faculty misconduct:

- After a finding of faculty discriminatory action, the Response Team will refer the matter to the appropriate Seminary policy with a recommendation and proper documentation. Actions that respond to faculty misconduct are governed by the Faculty Handbook. In this case, the Handbook process will approve the recommended action but will not relitigate the matter.

c. Withdrawal or Resignation While Charges Pending:

The Seminary does not permit a student to withdraw through the regular seminary withdrawal process if that student has an allegation pending for violating this Policy. Should a student decide to leave and/or not participate in the policy process, the process will nonetheless proceed in the student's absence to a reasonable resolution. If the student leaves the Seminary with a pending process, the student's status will be reviewed at the next meeting of the Academic Standing Commission, and the student will be subject to dismissal. That student will not be permitted to return to the Seminary unless all responsive actions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

If an employee resigns with unresolved allegations pending, the records of the Response Team will reflect that status.

d. Appeals:

All requests for appeal consideration must be submitted in writing to the Seminary Appeal Policy in the Student Handbook and Employee section of eCampus, within three (3) days of the delivery of the written finding of the Response Team.

e. Long-Term Remedies/Actions:

Following the process's conclusion and any actions concerning the responding party, the Response Team may recommend measures to restore or repair persons harmed in the incident. These recommendations may include, but are not limited to:

- Referral to counseling and health services

- Referral to the Employee Assistance Program
- Education for the community
- Propose altered campus housing
- Propose altered work arrangements for employees
- Climate surveys
- Propose policy modification
- Propose contact limitations between the parties
- Propose adjustments to academic deadlines, course schedules, etc.

At the discretion of the Response Team, proposed remedies may be provided even when the responding party is found not responsible. The Response Team should consider the possibility that these actions could inflict harm on the party exonerated by the process.

The Seminary will maintain any actions or protective measures as confidential, provided confidentiality does not impair the Seminary's ability to provide the actions or protective measures. All responding parties are expected to comply with responsive actions and corrective actions within the timeframe specified by the Response Team. Failure to abide by these responsive actions and corrective measures by the date specified, whether by refusal, neglect, or any other reason, may result in additional responsive or disciplinary actions and recommendations for suspension, expulsion, and/or termination from the Seminary.

f. Records

In implementing this Policy, records of all allegations, investigations, resolutions, and hearings will be kept by the designated co-chair indefinitely.

7. Disabilities Accommodation in the Equity Resolution Process

The Seminary is committed to providing qualified students, employees, or others with disabilities with reasonable accommodations and support needed to ensure equal access to this process at the Seminary. Anyone needing such accommodations should contact one of the co-chairs to determine which accommodations are appropriate and necessary for full participation.

8. Revision

This Policy will be reviewed and updated as needed by the Response Team co-chairs. 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 Response Team co-chairs may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as accommodating summer schedules.

This Policy was implemented in January 2019 and updated in November 2022.