

SEMINARY GRIEVANCE POLICY

The Grievance Policy is the Seminary's process for adjudicating grievances among Seminary community members, including students, staff, administrators, and faculty. This policy applies only to grievances regarding actions taken directly and specifically against the reporting party by the responding party or conduct explicitly directed toward the reporting party by the responding party. This policy may also address problems, concerns, or grievances related to the infringement upon an individual's right to free expression, unfair treatment in a situation, or harassment not based upon a protected class. This policy cannot be used to challenge Seminary policies and procedures.

The following matters are specifically excluded from the scope of this policy:

- Grievances by individuals alleging violations of their civil rights and/or reports of discrimination, harassment, and/or retaliation based upon race, religion, nationality, or any other protected category under applicable local, state, or federal law. These matters are adjudicated through the Seminary's Equity Resolution Process outlined in the Equal Opportunity, Anti-Discrimination, and Anti-Harassment Policy (Anti-Discrimination Policy).
- Grievances entirely among students, which are adjudicated through the Seminary Complaint Policy.¹
- Grievances involving tenure decisions, which are adjudicated by the Faculty Evaluation Committee and/or Dean of Faculty.
- Reports of sexual misconduct or sex-based/gender-based harassment, which are adjudicated through the Seminary's Equity Resolution Process as outlined in the Anti-Sexual Harassment Policy.

Informal Mediation & Conflict Resolution

Any member of the Seminary community can request an informal mediation or conflict resolution process with the Seminary Ombudsperson. Any process initiated by the Ombudsperson will be informal and intended to be a facilitated resolution without institutional involvement unless invoked by the parties or to implement remedies or actions agreed upon by both parties. All involved parties must consent to an informal resolution for this to proceed. The Ombudsperson is:

Maureen Gerald
Ombuds Office
404.687.4504 | GeraldM@ctsnet.edu

Formal Grievance Process

Most disputes between Seminary faculty, staff, and students can be resolved informally through conflict resolution with the Ombudsperson. In cases that do not reach a resolution through informal processes, a reporting party may initiate the formal grievance process by submitting their grievance in writing to the appropriate policy administrator designated below:

¹ Instances wherein power dynamics exist between students (e.g., a student serving as a Teaching Assistant for a course in which their peers are enrolled), the matter should be referred to the course professor. If the matter remains unresolved, it should be reported to the Vice President for Academic Affairs/Dean of Faculty. If the matter still remains unresolved, it may then, and only then, be eligible for adjudication under the **Grievance Policy**.

Students

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Employees

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Seminary Grievance Committee: To assist in formally adjudicating grievances, the Seminary shall establish the Seminary Grievance Committee (“the Committee”). The Committee shall include the Director of Human Resources; the Dean of Students; three members of the faculty, one from each area; two Seminary staff members; and two student representatives. Student representatives shall participate in grievance procedures only when a student is either the reporting or responding party. The President appoints committee members to serve two-year terms. Each year of service will begin on July 1 and conclude on June 30 of the following year.

In carrying out its responsibilities, the Committee will receive and investigate grievances filed during the academic year for which the Committee has been appointed. If a grievance is filed during one academic year but not resolved by the end of that year, the Committee initially having responsibility shall continue with respect to that grievance until the grievance is resolved, notwithstanding the formation of a new Committee, which shall have responsibility for grievances filed during that term of service.

Formal Written Report: The reporting party shall initiate the Grievance Process by submitting in writing a report that shall include (1) the name of the person(s) against whom the grievance is being filed (henceforth, responding party); (2) a detailed description of the incident(s) – providing dates and times where possible; (3) a description of any attempts taken to resolve the matter informally; and (4) a clear statement of the desired outcome or remedy sought by the reporting party. Reporting parties may also use the [Online Reporting Tool](#) to submit grievance.

Communication with Responding Party and Written Response: Upon receipt of a formal written report, the designated policy administrator will promptly provide the responding party with a copy of the reporting party’s Formal Written Report. The responding party shall submit a Written Response to the designated policy administrator no later than seven (7) business days after the responding party’s receipt of the reporting party’s Formal Written Report. If the designated policy administrator determines additional time is needed to respond, they may extend the deadline for submitting a written response. However, the extension may not exceed fourteen (14) business days from the initial report without the written agreement of the reporting party. Once the designated policy administrator is in receipt of the responding party’s Written Response, the reporting party shall promptly be provided with a copy of the response. Copies of the Formal Written Report and Written Response will also be shared with the President and the Vice President(s) who oversees impacted administrative areas. Members of the President’s Council shall remain informed of the process as appropriate.

Counter Claim: The responding party may choose to submit a Counter Claim. The Counter Claim should be thoroughly documented and submitted with the Written Response and shall include (1) the name of the person(s) against whom the Counter Claim is being filed; (2) a detailed description of the incident(s) – providing dates and times where possible; (3) a description of any attempts taken to resolve the matter informally; and (4) a clear statement of the desired outcome or remedy being sought. A Counter Claim may also be submitted using the [Online Reporting Tool](#).

Should a Counter Claim be submitted, the designated policy administrator will promptly provide the reporting party a copy of the Counter Claim. The reporting party shall be invited to submit a Written Response to the Counter Claim no later than seven (7) business days after receipt of the Counter Claim. If the designated policy administrator determines additional time is needed for a response, they may extend the deadline for submitting a written response. However, the extension may not exceed fourteen (14) business days from receipt of the Counter Claim. Once the designated policy administrator is in receipt of the Written Response to the Counter Claim, the reporting party shall promptly be provided with a copy of the response to the Counter Claim.

Initial Review/Hearing Panel: Once the designated administrator is in receipt of both the Formal Written Report and Written Response, a Hearing Panel will be convened to determine whether a hearing is warranted. The Hearing Panel will consist of up to three members of the Committee. The Initial Review ordinarily occurs within fourteen (14) business days of receipt of the documentation necessary to proceed. The Hearing Panel shall determine a hearing is not warranted if it determines (1) that the grievance is outside the scope of this Policy; (2) reasonable and good faith efforts have not been made to resolve the matter informally, or (3) conflict resolution with the Ombudsperson seems like an appropriate option and both parties consent to such a process. If conflict resolution is both recommended and consented to by both parties, the matter shall follow the Informal Mediation & Conflict Resolution process outlined above.

Should the Hearing Panel determine that no hearing is warranted, the Hearing Panel shall promptly provide Notice and a brief written explanation of the decision within seven (7) business days to both the reporting and responding parties.

Should the Hearing Panel determine that a hearing is warranted, the Hearing Panel shall promptly schedule a hearing – ordinarily within twenty-one (21) business days of the determination.

Notice of Hearing: Notice of the time, date, and place of the hearing shall be communicated to the reporting and responding parties via email at their Seminary-issued email addresses. The Notice shall also include instructions about submitting corroborating evidence and names of witnesses. Notice shall be given at least fourteen (14) business days before the scheduled hearing. Supporting evidence and names of witnesses shall be submitted at least seven (7) business days before the scheduled hearing.

Hearing Procedures

1. **Attendees.** Only members of the Hearing Panel, the reporting party, and the responding party may attend the entire hearing. Other witnesses may be present only while giving testimony. A Hearing Panel member shall be disqualified if the member determines that they cannot act without unfair bias or prejudice in the process. Objections to the participation of a particular Hearing Panel member must be submitted to the designated administrator in writing in advance of the hearing. The designated administrator will make a decision, which will be final and binding.
2. **Record of Committee Proceedings.** The hearing shall not be audio-recorded for any reason unless the reporting or responding party has a documented disability with the Seminary and requests such an audio recording. A designee of the Hearing Panel shall maintain a written record of all action taken by the Hearing Panel and make this available to the parties upon request. In no event will the voice or vote of an individual member of the Hearing Panel be disclosed, and the record shall be maintained in such a manner to preserve the confidentiality of the proceedings and the Hearing Panel. In rare cases, a Hearing Panel or individual may request that their voice and/or vote be recorded. Such a request should be submitted in writing to the designated policy administrator with the individual or Hearing Panel's signature.

3. **Respect and Mutual Forbearance.** All involved in the hearing are expected to engage one another with respect and mutual forbearance. At the beginning of the hearing, the designated policy administrator will establish ground rules for all parties involved. Any person(s) the designated administrator deems to engage in a manner contrary to the standards of respect and mutual forbearance will be excused from the hearing.
4. **Corroborating Evidence and Witnesses.** At least seven (7) business days prior to the hearing, the reporting and responding parties may submit to the Hearing Panel corroborating evidence and/or the names of witnesses. The Hearing Panel may exclude evidence it unanimously deems irrelevant to the matter or unduly repetitious. The Hearing Panel may also limit the number of witnesses and the time granted to each witness during the hearing. Parties may not submit corroborating evidence or the names of witnesses once the Hearing has been initiated. However, if during the process, the Hearing Panel determines additional information is necessary, it may request such from the reporting party, responding party, or witnesses involved in the process.
5. **Failure to Appear.** The failure of the reporting party, responding party, or witnesses to appear at the hearing shall not prevent the hearing from proceeding unless the Hearing Panel cancels the hearing.
6. **Presentation.** The reporting party will be allowed to present an oral report. After the reporting party has concluded their oral report, the responding party will offer their oral report. The Hearing Panel may limit the time allotted for oral reports.
7. **Rebuttal.** The reporting and responding party may be offered a brief time for rebuttal. Parties shall not be permitted to address one another directly and should always address remarks to the Hearing Panel. If the Hearing Panel, reporting party, and responding party agree on a different mode of communication, the hearing may proceed accordingly. The Hearing Panel may ask follow-up questions of all parties. Reporting and responding parties shall not be permitted to question or cross-examine one another.
8. **Witnesses.** Witnesses will be invited to share their corroborating testimonies. Reporting and responding parties shall not be permitted to question or cross-examine witnesses. The Hearing Panel shall ask follow-up questions of witnesses as deemed appropriate.
9. **Recommendation.** After the hearing is concluded, the Hearing Panel will excuse all parties. After parties have left the room, the Hearing Panel will discuss the evidence presented during the hearing. The Hearing Panel will make its recommendation to the President and the Vice President(s) who oversees an impacted area. The Hearing Panel recommendation will be:
 - a. **No Merit, Process Concluded with no Further Action.** The grievance has no merit, and no further action is necessary. The matter shall be closed without further action.
 - b. **Administrative Measures.** Reasonable cause exists to merit the grievance. The Hearing Panel will make recommendations for administrative measures and remedial actions to address the grievance.
 - c. **Disciplinary Action.** Reasonable cause exists to merit the grievance. The Hearing Panel shall make a recommendation to the Vice President for Academic Affairs for appropriate student disciplinary action (or to the Vice President for Business & Finance for appropriate employee disciplinary action) that may include probation, suspension, or termination/expulsion of the reporting or responding party. 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.

- 10. Remedy and Report.** During the Seminary Grievance Process, any party may request certain measures. If the Hearing Panel recommends administrative measures or disciplinary action, the Hearing Panel may consider those requests and determine by a simple majority to recommend such measures as requested by the parties. The designated policy administrator will prepare a written report of the recommendation(s) of the Hearing Panel. The Hearing Panel will review this report. Once the Panel unanimously approves, the report will be shared with the reporting and responding parties, the President, and the Vice President(s) who oversees an impacted area.

Determination of Grievance: The President, in consultation with the appropriate Vice President(s), will receive the recommendation of the Hearing Panel and determine the grievance. At their own discretion, the President may accept or reject the recommendation of the Hearing Panel in whole or in part. The President's determination shall be communicated to the reporting party and the responding party. The President's determination will be communicated within fourteen (14) business days of the President's receipt of the Hearing Panel's report. If the President cannot share their determination within fourteen (14) business days, the President will update the reporting and responding parties and provide a clear timeline for communication.

Grievances with the President

Grievances involving the President of the Seminary will be determined by the Chair of the Board of Trustees ("Chair"), in consultation with members of the Executive Committee of the Board as the Chair deems appropriate. At their own discretion, the Chair may accept or reject the recommendation of the Hearing Panel in whole or part. The Chair's determination will be communicated to the reporting and responding parties. The Chair's determination will be communicated within fourteen (14) business days of the Chair's receipt of the Hearing Panel's report. If the Chair cannot communicate their determination within fourteen (14) business days, the Chair will update the reporting and responding parties and provide a clear timeline for communication. The Chair's determination is final and not subject to appeal.

Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity or adjudicatory process because they participate in that protected activity/adjudicatory process. Retaliation against an individual for reporting a grievance, supporting a party filing a report, or assisting in providing information relevant to a particular grievance violates Seminary policy. It may be reported through the Seminary Grievance Policy. Acts of alleged retaliation should be immediately reported to the designated policy administrator identified below:

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The Seminary is prepared to take appropriate steps to protect individuals who fear they may be the subject of retaliation.

False Allegations

Deliberately false and/or malicious accusations under this Policy, other than allegations which, even if erroneous, are made in good faith, are a severe offense and will be subject to appropriate disciplinary action.

Seminary Appeals

All appeals of grievances will be administered by the Seminary Appeals Panel, which is co-convened by the Associate Dean for Academic Administration and Assistant Dean for Student Life & Formation. Please refer to the Seminary Appeals Policy for more information.

Grounds for Appeal

At the conclusion of any process adjudicated by the Seminary Complaint Policy, Seminary Grievance Policy, Anti-Discrimination Process, Academic Standing Commission, or Judicial Commission, a party may appeal the decision on the following grounds:

- There was a procedural error, irregularity, or other inaccuracy on the part of the Seminary of such a nature as to cause doubt as to whether the result would have been different had there not been such an irregularity;
- There exists evidence of discrimination, prejudice, or bias on the part of the adjudicatory body making the recommendation or any members thereof;
- Extenuating circumstances affect the reporting or responding party's performance, of which the initial adjudicatory body in question was unaware at the time the recommendation was made and which could not reasonably have been presented.

Dissatisfaction with the decision or determination of the initial adjudicatory body alone is not a valid ground for an appeal.

Approved by the President's Council June 2015. Revised and approved by the President's Council June 2022.