

Phillips Theological Seminary Policy Regarding Sexual Harassment with Grievance Procedure

Introduction

Phillips Theological Seminary (PTS) is committed to fostering and maintaining an environment of rigorous education and preparation of men and women for ministry. This environment must be free of sexual harassment.

Sexual harassment is illegal under Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Higher Education Act Amendments. The Equal Employment Opportunity Commission (EEOC) of the United States Government defines sexual harassment in the workplace or in the academic setting as: "The use of one's authority or power, either explicitly or implicitly, to coerce another into unwanted sexual relations or to punish another for his or her refusal; or the creation of an intimidating hostile or offensive working environment through verbal or physical conduct of a sexual nature." Sexual harassment is a violation of professional ethics, and, it should be regarded and treated as such by all members of seminary community.

Sexual harassment by a vendor, contractor, or other third-party individual or entity having an agreement or contract with PTS may be grounds for the cancellation of such agreement or contract. The policy of PTS is to condemn sexual harassment.

Descriptions

It is imperative that members of the PTS community maintain the integrity of an environment that is not coercive, intimidating, hostile, or offensive. The work of educating women and men for ministry is best carried out in an atmosphere that fosters

collegiality and mentoring, even though power differentials exist. Friendships are common between members of the staff, faculty, and students of the PTS community. This cuts across lines of gender and sexual orientation, promoting trust and acceptance among the members of the community. Sexual harassment can destroy or undermine the security of this atmosphere.

Sexual harassment prevents or impairs an individual's full enjoyment of educational or workplace rights, benefits, environments, or opportunities. Although legislation does not spell it out, the view of PTS is that the following are among those behaviors that could be considered sexual harassment:

1. Sexual remarks, jokes, or behavior
2. Unwelcome sexual advances, including unwanted touching
3. Requests for sexual favors
4. The use of professional authority to inappropriately draw attention to the gender, sexuality, or sexual orientation of an employee, colleague, or student
5. Insults, including lewd remarks or conduct
6. Visual displays of degrading sexual images or pornography
7. Indecent exposure
8. Pressure to accept unwelcome social invitations

Sexual harassment occurs from these behaviors and other verbal or physical conduct of a sexual nature when any or all of the following conditions apply:

1. Submission to or rejection of such conduct by an individual is used, implicitly or explicitly, as a basis for employment decisions or academic decisions affecting such individuals; or
2. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

Such an atmosphere cannot and does not foster intellectual rigor or valuable, trusting human relationships. Both are necessary ingredients for good scholarship and professional excellence. Since the impact on the victim of sexual harassment can be profound, sexual harassment has no place in the seminary community in any relationship—formal or informal. It is behavior that the seminary must seek to identify and eradicate.

Phillips Theological Seminary is obligated to take reasonable steps to identify and prevent sexual harassment. If an individual in a managerial or professional capacity has knowledge of an incident of sexual harassment on the part of a member of the PTS community, that individual is responsible for bringing the matter to the attention of the chief investigating officer. If grounds for action exist, the director of student services may serve as complainant in such a matter and pursue whatever procedure is deemed appropriate.

Sexual Harassment Grievance Procedure

Introduction

The Sexual Harassment Grievance Procedure provides an equitable mechanism to implement the sexual harassment policy of Phillips Theological Seminary. The procedure seeks to provide confidentiality and a fair process for all parties involved. Together, the Policy and Grievance Procedure help PTS create and maintain the highest standards of professional conduct and academic integrity.

The grievance committee has primary responsibility for interpretation of the PTS Sexual Harassment Policy, for the evaluation of complaints brought under it, and for making recommendations regarding such complaints to the seminary president. Except in unusual circumstances, it will not pursue a case while the dispute is pending in another forum such as with another education institution, a church judicatory, or through civil or criminal proceedings.

Composition of the Grievance Committee

The grievance committee will have a direct line of accountability to the PTS president and members of the PTS community. It will be representative of the diversity and variety of roles within the seminary community. The committee will be chaired by the dean or a person designated by the dean as chief investigating officer. The rest of the committee will be comprised of representatives of the following groups:

1. Masters students, or
2. Doctor of Ministry students,
3. Support Staff Council
4. Administrative Council
5. President's Cabinet, and
6. Faculty Senate

The grievance committee membership will include at least two males and two females. No person who has been accused in the complaint will participate in the investigation or resolution of the complaint. If the chief investigating officer or the designated representative from any group is the accused, or otherwise is recused, he or she will be replaced by an appointment from the PTS president. If the president is named in the complaint, the executive vice president will appoint an appropriate replacement.

A representative of each of the groups will be chosen by voluntary appointment with majority approval by that group by July 1 each year, to serve a one year term on the grievance committee, as needed. Representatives may serve as many consecutive terms as the group deems appropriate.

Complaint Procedure

1. The complainant should verbally present the complaint to the chief investigating officer or to the complainant's designated representative as promptly as possible after the alleged harassment occurs. If the complaint is made to the complainant's representative, the representative should refer the complainant to

the chief investigating officer or accompany the complainant to talk with the chief investigating officer.

- a. The initial discussion between the complainant and the chief investigating officer will remain as confidential as possible, with no written record. This information will be shared only on a need-to-know basis.
- b. Only in accordance with legal requirements, the PTS Sexual Harassment Policy, or where any individual's personal safety is at issue or the well-being of the seminary is threatened shall information be acted upon or disclosed to others without the permission of the person making the complaint and the person against whom the complaint is made.
- c. The chief investigating officer has the authority to make a good faith effort to resolve the issue brought by the complainant through informal processes, at this stage. Informal resolution of the issue may occur with the consent of the complainant and the accused.
- d. If the complainant, after the initial discussion with the chief investigating officer or after a good faith effort on the part of the chief investigating officer to resolve the issue, decides to proceed with a formal complaint, the complainant is to submit a written statement to the chief investigating officer. This statement should be very specific, including everything that was said and done by both parties.
- e. As soon as possible, preferably within seven (7) calendar days after receiving the written complaint, the chief investigating officer will inform the alleged offender, in writing, of the allegation and of the identity of the

complainant. A copy of this document will be sent to the complainant and the alleged offender.

- f. The accused may respond to the allegation and is encouraged to do so within seven (7) calendar days after receiving notification of the complaint.
- g. The chief investigating officer will provide the complainant and the respondent with written notification of the names of the persons serving on the grievance committee regarding this complaint and shall be postmarked at least ten (10) days prior to the date of the hearing.
- h. The complainant and the alleged offender may file a written objection with the chief investigating officer regarding the service of any grievance committee member, setting forth specific reasons for the objection. After reviewing such objection, the chair may, but need not, request the seminary president to replace any member of the grievance committee with another person. The complainant and the accused are expected to cooperate with the chief investigating officer in this investigation, to the extent of answering pertinent questions and supplying or authorizing the release of relevant information when requested. If this cooperation is denied, the chief investigating officer shall inform the grievance committee, providing where possible his or her understanding of the reasons for the lack of cooperation.
- i. Efforts will be made to protect the complainant from retaliatory action by the person(s) named in the complaint.

- i. The accused party will be asked to refrain from any interaction with the complainant, except during official procedures regarding the complaint.
 - ii. The accused party will also be asked to keep the complaint private to ask anyone with whom s/he shares this information to also keep it private and to refrain from any interaction with the complainant.
 - iii. Any other requests or procedures the chief investigating officer deems appropriate to the particular situation.
2. Within no more than thirty (30) days and as soon as possible after a formal complaint has been lodged, the chief investigating officer will alert the grievance committee that a complaint has been filed and promptly call a meeting of the committee. Each member of the committee will receive a copy of the formal statement made by the complainant and any written response made by the accused.
3. The grievance committee has two options: to dismiss or to proceed to further investigation. The grievance committee will base its decision on:
 - a. The seriousness of the complaint
 - b. The degree to which the complaint alleges specific violations of the PTS Sexual Harassment Policy
 - c. Whether the committee deems this to be a matter better handled by legal authorities

If the committee decides to decline consideration of the complaint, it will submit an explanation in writing to the complainant and the alleged offender. A copy of the

explanation will also be sent to the president of PTS. Dismissal of the complaint will end the seminary's involvement with the case, except where involvement may be required by a legal process.

4. The chief investigating officer will gather all facts pertinent to the allegations of the complaint.
 - a. The investigation will be conducted promptly and impartially.
 - b. The investigation will include statements by the complainant(s), person(s), accused, and others, as necessary.
5. The grievance committee has the following options:
 - a. If the committee concludes that on the basis of the investigation insufficient evidence that a violation of this policy exists to warrant any action, it may close the investigation and so notify the complainant and alleged offender in writing.
 - b. If the committee concludes on the basis of the investigation that a violation of this policy has occurred, a report will be made to the president of PTS with recommendations for further action, such as:
 - i. Dismissal from the seminary
 - ii. Probationary period followed by further review
 - iii. Notice of censure placed in the perpetrator's file
 - c. At the same time, the complainant and alleged offender will each be sent a copy of the report.
 - d. Every effort will be made to maintain confidentiality throughout the process, but total confidentiality cannot be guaranteed. The grievance

committee will protect the privacy of both the complainant and persons accused in every way possible during the process of the complaint and thereafter.

6. PTS prohibits any form of retaliation against any faculty, staff, or student of PTS filing a complaint against any other faculty, staff, or student. Any retaliatory action of any kind taken against a complainant under this procedure will be the basis for a separate complaint subject to disciplinary action by the president of PTS.
7. If the grievance committee determines that a complainant knowingly made a false complaint or knowingly provided false information regarding a complaint, the committee may decide to send a report regarding this issue to the president of PTS for further action, such as:
 - a. Dismissal from the seminary
 - b. Probationary period followed by further review
 - c. Notice of censure placed in the perpetrator's file
8. One set of documents relevant to the complaint and procedures of the committee will be held in a confidential file for a period of ten years. Cases concerning students will be filed in the registrar's office. Those concerning faculty or staff will be filed in the office of the corporate secretary. The registrar and corporate secretary will purge the files annually, as appropriate. All other copies of relevant documents must be shredded or otherwise destroyed.

Additional matters

Cooperative Relationships

In the event a complaint is lodged against a PTS faculty, staff, or student by a faculty, staff, or student of another educational institution with which PTS has entered a formal relationship, the chief investigating officer will meet as soon as possible with her or his counterpart (who handles sexual harassment complaints) at that institution.

Because of the accusation of a PTS faculty, staff, or student, PTS will not defer the investigation of the person to another institution's investigation. A representative of the other institution will be invited to sit on the grievance committee for information and process. If the invitation is declined, that person shall be kept informed of the disposition.

Emergency situations

In an emergency, where the health or well-being of a member of the PTS community or the well-being of the seminary as an institution is threatened, any individual with knowledge of the situation should promptly inform the president or executive vice president of the seminary. The president, executive vice president or another person designated to act on the seminary's behalf, is authorized to take such steps as may be necessary and appropriate to ensure the well-being of the seminary community and the seminary. Annually a direct line telephone number and email address will be published for reporting an emergency situation.

Federal and State Rights

This policy is intended to supplement but not replace the rights under federal and state law of members of the seminary community to be protected from sexual

harassment. Those laws have their own procedural requirements, including time limits, for filing a complaint. Proceeding under this policy may not satisfy those requirements.

Seminary Agent Protection

Members of the PTS community who hold formal responsibilities for the enforcement of this policy are considered, in the exercise of those responsibilities, to be acting as agents of the seminary and, accordingly, to the extent permitted by law shall be defended legally by the seminary for all such actions taken in good faith, even if mistaken.

Relation to Other Policies, Rules, Guidelines, Regulations, or Procedures

This policy is designed to provide definitions and procedures for handling cases of sexual harassment. If a conflict should arise between the provisions of this policy and other seminary procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy shall govern and control in cases of sexual harassment, unless those other procedures, rules, regulations, or terms or conditions of employment shall specifically provide to the contrary.

Amendments

The chief investigating officer may, from time to time, after consultation with appropriate faculty, staff, and student groups, propose amendments to this policy and procedure.