

## **Sexual Harassment**

Phillips Theological Seminary endeavors to learn and teach the way of Jesus in order to cultivate vital congregations, communities, conversations, and the public good. In its statement on Engaged Diversity, the Seminary's Board of Trustees declares:

The Board of Trustees of Phillips Theological Seminary believes that the Reign of God as announced by Jesus Christ is open to all people regardless of race, ethnicity, gender, gender identity, age, physical ability, sex, sexual orientation, or socioeconomic class.

This Trustees statement forms the theological basis of the following policy, which also reflects ethical and legal obligations.

The ill-treatment of others represented by the behaviors of harassment and discrimination are antithetical and detrimental to the identity and mission of the Seminary. Therefore, all Trustees, employees, and students of Phillips Theological Seminary are expected to work together to create and maintain a harassment and discrimination-free space for learning, teaching, and work. On campus, at every seminary-sponsored event or presence off-campus, and in all its online activities, the Seminary shall not condone harassment or discrimination among its Trustees, employees, students, contractors, or guests. Furthermore, the Seminary shall respond to and, if warranted, investigate every reported incident of harassment or discrimination, as these behaviors are defined below.

## **Definitions**

Harassment based on any protected characteristics is strictly prohibited. Harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of their gender, marital status, pregnancy, race, color, ethnicity, national origin, age, disability, religion, sex, sexual orientation, gender identity or expression, genetic information, veteran status, or any other status protected by applicable law that has a) the purpose or effect of creating an intimidating, hostile or offensive work environment, b) the behavior is so severe or pervasive that it has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, via email, phone (including voice message), text messages, tweets, blogs, social networking sites or other means.

Unlawful gender discrimination in any form, or other forms of gender discrimination as referenced by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e (Title VII), and

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 (Title IX), is prohibited on campus, in online classes, at seminary-sponsored events, and in the recruitment, appointment, and advancement of employees. Gender discrimination of students, including sexual harassment, as referenced by Title IX, is prohibited on campus, classrooms (on campus and on-line), at seminary sponsored activities, and in the evaluation of students' academic or work performance.

Sexual harassment constitutes discrimination and is illegal under applicable federal, state, and local laws.

Sexual harassment is defined in the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when for example a) submission to such conduct is made either explicitly or implicitly term or condition of an individual's employment; b) submission to or objection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual Harassment can have two forms:

1. Quid pro quo harassment involves an explicit or implied exchange; that is, the granting or denial of a benefit or privilege in exchange for sexual considerations. The harasser uses submission to or rejection of the offensive conduct as the basis for decisions such as employment, promotion, transfer, selection for training, performance evaluation, or the basis for academic evaluation or recommendations.
2. A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent, and objectively offensive such that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational program or activities or employment access, benefits or opportunities.

A hostile environment can be created through the use of, but not limited to:

- offensive or demeaning language;
- sexual remarks, jokes, behavior, innuendo and or pranks;
- unwelcome sexual advances, including unwanted touching;
- the use of professional authority to inappropriately draw attention to the gender, sexuality, or sexual orientation of an employee or student;
- insults, including lewd remarks or conduct;
- demands/threats for sexual favors or actions;
- obscene comments or gestures;
- visual displays of degrading sexual imagery or pornography;
- indecent exposure;

- pressure to accept unwelcome social invitations;
- stalking;
- dating violence;
- domestic violence and
- harassing telephone calls, e-mails, letters, notes or other forms of unwelcome communication.

The EEOC website also states the following, and the Seminary policy affirms:

- Both victim and the harasser can be persons of any sex, gender, or gender identity.
- Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Behaviors that do not meet the Title IX definition of sexual harassment may still be inappropriate in the Seminary community and may be pursued by a complaint (see Complaint Policy).

### **Initiating a Title IX Complaint**

The Seminary shall (1) respond to every complaint of harassment reported, (2) take appropriate action which may include investigation, (3) impose appropriate sanctions on offenders in a case-by-case manner up to and including termination, and (4) protect the privacy of all those involved to the extent possible.

Any employee who believes that the actions and or words of an employee, vendor, contractor, Trustees, or other third-party having an agreement with the Seminary constitutes harassment has the responsibility for reporting the incident to the Title IX Coordinator/Senior Human Resources Director. The complaint should be filed as soon as possible after the alleged incident occurs.

The Title IX Coordinator/Senior Human Resources Director shall interview the complainant and advise the complainant on the steps that the complainant may take to prevent such conduct from continuing to occur. If the allegation falls under this policy, Title IX Coordinator/Senior Human Resources Director will begin a confidential investigation, as described below.

The seminary prohibits retaliation against any individual who in good faith alleges discrimination or harassment or participates in an investigation of such reports.

All Seminary employees are obligated to fully cooperate with an investigation. Refusal or willful neglect to cooperate may result in disciplinary action, up to and including termination.

### **A. Initial Investigation**

Upon receipt of a formal complaint alleging sexual harassment, the Title IX Coordinator/Senior Human Resources Director (or other trained designee if Senior Human Resources Director is the "accused") will conduct an investigation of the charge, interview the parties involved and gather pertinent evidence. During the initial investigation, the Title IX Coordinator/Senior Human Resources Director is authorized to explore means by which the matter may be informally resolved.

Other witnesses and other parties may be interviewed to clarify details. The accused will have an opportunity to respond.

In arriving at a determination of the existence of harassment, at any stage in the proceedings, the evidence as a whole, the totality of the circumstances, and the context in which the alleged incident(s) occurred, shall be considered. The determination of the existence of harassment will be made from the facts on a case-by-case basis. False statements made during a harassment investigation may be grounds for termination.

At any stage in the investigation and review process, if Title IX Coordinator/Senior Human Resources Director reasonably believes that immediate harm to either party is threatened by the continued performance of either party's regular duties or Seminary responsibilities, the president or a vice president may suspend or reassign such duties or responsibilities pending the completion of the investigation and review process.

The initial investigation will be completed as soon as practical.

### **B. Recommendation**

The Title IX Coordinator/Senior Human Resources Director will make a written report. The report will include factual statements regarding the existence of prohibited conduct and recommendations regarding actions to take, if any, to the supervisor(s) involved. After discussion with the president and/or vice president(s), Title IX Coordinator/Senior Human Resources Director will deliver the decision to the individual bringing the complaint and the alleged harasser. The complainant and the accused shall be notified of the right to appeal.

Any employee who has been found after investigation to have engaged in harassment will be subject to appropriate corrective and disciplinary action.

### **C. Appeal of Formal Complaint Resolution / Disciplinary Action**

1. Either the complainant or the person accused may file an appeal of any decision concerning the resolution of the complaint. An appeal by either party must be made in writing, delivered to the Title IX Coordinator/Senior Human Resources Director within five (5) business days of receipt of the notice of resolution/disciplinary decision.
2. The written appeal must state in detail the reason(s) for the appeal and shall state all relevant facts and arguments in support of same:  
Specify each and every alleged factual error, and/or details of each, and every relevant fact that was omitted from the investigation.

No disciplinary or other action based on the complaint shall be taken against the alleged offender during the appeal process, although temporary, interim measures may remain in place. The president or appropriate vice president may at their discretion, at any point in the complaint process, place the alleged offender on administrative leave, with pay, or implement a temporary reassignment.

3. Following receipt of a written appeal by the Title IX Coordinator/Senior Human Resources Director, a three-person hearing panel will be selected by a member of the executive team who will endeavor to avoid conflicts of interest. The panel shall include a board designee, a member of the executive team (except for the president), and an employee. The Title IX Coordinator/Senior Human Resources Director will train the panel, inform them in writing of the complaint process up to that point, and of the basis for the initial finding and recommendation. The panel will review the written materials. In addition, the panel will interview the complaining party and the accused. After reviewing the initial investigation, interviewing all relevant parties, and deliberating, the panel will communicate its findings to the Title IX Coordinator/Senior Human Resources Director and, if appropriate, recommendations for disciplinary and/or corrective action to be taken. The Title IX Coordinator/Senior Human Resources Director will meet with the President of the Seminary or the President's designee and report the panel's recommendations. The President or the President's designee may meet with the members of the panel. The President or the President's designee may meet with the complaining party, the accused and appropriate department supervisors or directors to communicate her/his decision based upon the initial recommendations and the panel's findings.

### **D. Withdrawal of Complaint**

The complainant may withdraw the complaint at any point during the investigation or prior to the completion of any formal hearing on the matter. Once a complaint is

withdrawn, it may not be refiled and will not be further considered except where the conduct constitutes part of a continuing pattern of similar conduct.

**Incidents that require immediate attention should be reported to first available person in the following order:**

1. Torii Ransome Freeman, Title IX Coordinator/Senior Director of Human Resources, Rm 34,–918.270.6424, [torii.freeman@ptstulsa.edu](mailto:torii.freeman@ptstulsa.edu)
2. Karen McMillan, V.P. of Finance and Administration, Rm 39 –918.270.6402, [karen.mcmillan@ptstulsa.edu](mailto:karen.mcmillan@ptstulsa.edu)
3. Lee H. Butler, Jr., V.P. Academic Affairs and Academic Dean, Rm 2 –918.270.6455, [lee.butler@ptstulsa.edu](mailto:lee.butler@ptstulsa.edu)
4. Gina Robertson, Safety Officer, Reception Area –918.852.4930, [gina.robertson@ptstulsa.edu](mailto:gina.robertson@ptstulsa.edu)

**After 5:00 pm**

Danny Melton, Safety Specialist – 918.852.4930

If the incident involves a crime, such as rape or assault, contact the following, and notify seminary officials as per above:

Tulsa Police Department – 918.596.9222

Emergency 911

Phillips Theological Seminary has an anonymous hotline for employees and students to report harassment or discrimination complaints to BKD IntegraReport at Toll free 855-858-3344 or online at [www.integraReport.com](http://www.integraReport.com).