



Policy Against Discrimination and Harassment

General Policy Statement and Notice of Non-Discrimination and Non-Harassment

Chicago Theological Seminary is committed to fostering the full humanity of all its members. All forms of discrimination and harassment impugn the full humanity of any human being and for this reason are not tolerated in this Seminary. Chicago Theological Seminary does not discriminate, or tolerate discrimination or harassment, against any member of its community on the basis of race, color, national origin, ancestry, sex/gender, age, religion, disability, pregnancy, veteran status, marital status, sexual orientation, or any other status protected by applicable federal, state, or local law in matters of employment or admissions or in any aspect of the educational programs or activities it offers.

In furtherance of Chicago Theological Seminary's commitment to the principles of equality and equal opportunity for students, staff, and faculty this policy and the associated procedures are established to provide a means to address complaints of discrimination or harassment based on the protected categories described herein.

The policy has been written with the express goal of protecting the rights and concerns of both complainant and respondent. The Seminary will make every effort to assure and protect these rights, and shall undertake no action that threatens or compromises them. Those entrusted with administering this policy are advised to look at the individual situation, the totality of the circumstances, and the nature of the acts involved and to use this policy as a guide on a case-by-case basis.

Overview of Prohibited Acts

Discrimination

No Chicago Theological Seminary student, faculty, or staff member shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in connection with any Chicago Theological Seminary service, program or activity on the basis of any of the following protected categories: race, color, national origin, ancestry, sex/gender, age, religion, disability, pregnancy, veteran status, marital status, sexual orientation, or any other status protected by applicable federal, state or local law.

Note on Title IX: This policy also addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX"). Title IX is a federal law that prohibits sex discrimination in federally funded education programs and activities. Title IX states as follows:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Discrimination on the basis of sex (i.e., sex discrimination) includes sexual harassment, sexual assault, and sexual violence. Sexual harassment of employees or other types of sex discrimination in employment may also be a violation of Title VII of the Civil Rights Act of 1964.

Harassment

Harassment, including sexual harassment, is a form of discrimination. Chicago Theological Seminary does not tolerate any form of harassment and considers such behavior – whether physical or verbal – to be a breach of standards of conduct. Harassment is unwelcome conduct that is based on: race, color, national origin, ancestry, sex/gender, age, religion, disability, pregnancy, veteran status, marital status, sexual orientation, or any other status protected by applicable federal, state, or local law. Harassment becomes unlawful when the conduct is severe or pervasive enough to create a work or learning environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual Harassment

Prohibited conduct includes all forms of sex discrimination and sexual harassment, as well as sexual assault and sexual violence. Sexual harassment, which includes sexual assault and sexual violence, may take many forms. Sexual harassment includes, but is not limited to unwelcome sexual advances, requests for sexual favors, and other written or verbal abuse of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement;
- submission to or rejection of such conduct by an individual is used as the basis of employment decisions or academic decisions affecting such individual; or
- 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, academic, or social environment.

Examples may include, but are not limited to: verbal abuse of a sexual nature; graphic commentary about an individual's body, sexual prowess, or sexual deficiencies; derogatory or demeaning comments of a sexual nature about a woman or a man; leering at, fondling, pinching, or brushing against another body; offensive sexual language; displaying objects or pictures without clear pedagogical context which are sexual in nature in ways that create hostile or offensive environments. When such conduct is coercive and threatening, it creates an atmosphere that is not conducive to teaching, learning, or working. Sexual harassment may occur between persons in different Seminary status or between persons in the same Seminary status.

Sexual assault/sexual violence is a particular type of sexual harassment that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. This includes, but is not necessarily limited to inappropriate touching, sexual intercourse of any kind without consent, rape, and attempted rape.

Consensual Relationships

All members of the community are cautioned against the possible costs of even an apparently consenting sexual relationship in which power differentials exist. For example, a faculty member who enters into a sexual relationship with a student (or a supervisor with an employee) where a professional power differential exists, should realize that if a charge of sexual harassment is subsequently lodged, it may be difficult to maintain innocence on grounds of mutual consent.

Codes of ethics for most professional associations forbid professional-client sexual relationships. In the view of the Seminary, the professor-student relationship may often be comparable to the relationship of a professional and client.

The Seminary cautions its community for the following reasons:

- i. The real power exercised by persons in supervisory positions (administration, professor, and staff) in regard to evaluations, recommendations, scholarships and awards, etc., greatly diminishes the supervisee's actual freedom in regard to consent, should sexual favors be included alongside legitimate demands.
- ii. As with a therapist or clergy person, the problem of transference or counter-transference can occur. In this example, the person in "authority" is an inappropriate object of sexual desire, advances, or relationship.
- iii. Power differentials exist in many forms. The theological education community is composed of administrators, professors, staff, students, therapists, case conference leaders, adjunct faculty, field education supervisors, judicatory officials, home church pastors, youth, and children (while not inclusive, this list is meant to suggest that power differentials exist in many situations in which the Seminary shares or has responsibility). In each relationship, the individual in the position of greater power should be responsible for setting appropriate boundaries.

Retaliation

The Seminary prohibits any form of retaliation against any person for bringing good faith complaint of discrimination or harassment or providing good faith information about discrimination or harassment, even if evidence is not found to substantiate the complaint. Retaliation exists when action is taken against a complainant or participant in the complaint process that (i) adversely affects the individual's opportunity to benefit from the Seminary's programs or activities; and (ii) is motivated in whole or in part by the individual's participation in the complaint resolution process. Any person who is found to have engaged in retaliation in violation of this policy is subject to disciplinary action possibly including dismissal from the Seminary. Any act of retaliation should be reported in the same manner as acts of discrimination or harassment and will be investigated using the procedures described below.

Procedures for Addressing Discrimination and Harassment

Steps in Reporting and Inquiry

1. Any person wishing to report an instance of suspected or alleged discrimination or harassment should do so by contacting any Title IX Coordinator, any member of the Anti-Discrimination/Anti-Harassment Task Force, the Academic Dean, or the President, in person, by telephone, by email, or in writing.

Although there is no specific time limit for reporting a suspected violation of this policy, an individual who believes that he or she has been subjected to conduct that violates this policy is encouraged to contact an appropriate official as soon as possible after the alleged act of discrimination, harassment, or retaliation to discuss the available options for proceeding.

2. The Seminary will promptly and equitably investigate and resolve all suspected or alleged violations of this policy. Alleged or suspected violations of this policy will be investigated by either an Informal Resolution process, or by a Formal Resolution process as outlined below.

3. The Seminary will attempt to complete investigations within 60 days of the filing of a complaint or the date on which the Seminary becomes aware of a suspected violation of this policy, unless the Seminary determines in its discretion that more time is required to complete the investigation.

Chicago Theological Seminary is committed to the prompt and equitable resolution of all alleged or suspected violations of this policy, regardless of whether a complaint alleging a violation of this policy has been filed and regardless of where the conduct at issue occurred.

The Seminary's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and the Seminary's access to information relevant to the alleged or suspected violation of this policy. The Seminary is nonetheless committed to investigating all alleged and suspected violations of this policy to the fullest extent possible under the circumstances.

4. To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this policy will be observed, provided that it does not interfere with the Seminary's ability to conduct an investigation and take any corrective action deemed appropriate by the Seminary.

Persons should be aware that, under certain circumstances, once an instance of suspected or alleged discrimination or harassment is reported to any of the persons listed above, the Seminary may choose to initiate an investigation, even if the person making the report does not wish to proceed with an investigation.

5. The Seminary reserves the right to suspend any member of the Seminary community suspected or accused of violating this policy or to take any other interim measures the Seminary deems appropriate, pending the outcome of the investigation or grievance. Such interim measures can include, but are not limited to, modifying course schedules and issuing a "no contact" order.
6. The Seminary also reserves the right to take steps to protect the complainant as deemed necessary during the pendency of the investigation and resolution process (e.g., allowing for a change in academic or work situation, issuing a "no contact" order to the accused, etc.). Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible.

Informal Resolution

An informal resolution is a confidential intervention that does not trigger the formal complaint process and does not become part of official record. In cases in which an informal resolution is desired by the complainant and the accused and deemed appropriate by the Title IX Coordinator(s), in consultation with the President, the Title IX Coordinator(s) will name an impartial Informal Resolution Facilitator or Informal Resolution Facilitation Team. This Informal Resolution Facilitator or Informal Resolution Facilitation Team will seek informal resolution of the issues that implicate this policy.

The informal resolution process is as follows:

1. The Title IX Coordinator(s), in consultation with the President, will appoint an Informal Resolution Facilitator or Informal Resolution Facilitation Team.

2. The Informal Resolution Facilitator/Informal Resolution Facilitation Team will speak with the involved parties, first separately, to gather pertinent information about the situation needing resolution.
3. The Informal Resolution Facilitator/Informal Resolution Facilitation Team may then contact both the complainant and the accused, to arrange a time *for both to meet together with the Informal Resolution Facilitator/Informal Resolution Facilitation Team*, for the purpose of seeking informal resolution to the complaint.
4. If informal resolution is met, *to the satisfaction of the complainant and the accused*, the Informal Resolution Facilitator/Informal Resolution Facilitation Team will report back to the Title IX Coordinator(s), and no further action will be necessary.
5. If resolution is *not* achieved, the formal resolution process may be invoked, via written complaint by the complainant or the Title IX Coordinator(s) on her/his behalf. Informal resolution is considered *not* to have been achieved if:
 - a. The complainant reports that her/his complaint has not successfully been resolved via mediation; or
 - b. The accused is dissatisfied with the proposed resolution.

N.B.: *Allegations of physical assault or violence may not be resolved using the informal resolution process.* An allegation of physical assault or violence will automatically invoke the formal investigation process outlined below.

Formal Resolution

The formal resolution process applies (i) to all matters involving alleged or suspected assault or violence; (ii) when any party so requests in writing; or (iii) when the Seminary elects to use the formal resolution process in any matter when the Seminary deems doing so appropriate.

When the formal resolution process is invoked, the President shall appoint an Investigation Team from among the members of the Anti-Discrimination/Anti-Harassment Task Force. If members of the Task Force are accused of a violation of this policy, the President will appoint a replacement to the Task Force; if the President is the accused or the complainant, the Chair of The Board of Trustees will take charge of this appointment process.

The function of the Investigation Team is to gather information, make a preliminary determination regarding whether a violation of this policy has or has not occurred, and if, in their judgment, sufficient evidence exists to move to disciplinary procedures, recommend to the appropriate Seminary disciplinary body (as described below) for adjudication and final determination of appropriate sanctions or other corrective action.

The following procedures shall apply in all cases in which the formal resolution process is used.

1. The Seminary shall provide any individual suspected or accused of violating this policy with a written explanation of the suspected or alleged violations of this policy. Complainants and accused parties shall both be provided with the following in connection with the resolution of suspected or alleged violations of this policy.
 - The opportunity to speak on their own behalf.

- The opportunity to identify witnesses who can provide information about the alleged conduct at issue.
 - The opportunity to submit other evidence on their behalf.
 - The opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with FERPA or other applicable law).
 - The right to be informed of the outcome of the process (to the greatest extent possible and consistent with FERPA or other applicable law).
 - The opportunity to appeal the outcome of the process.
2. To help ensure a prompt and thorough investigation, complainants are asked to provide as much information as possible, such as:
 - A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
 - The alleged effect of the incident(s) on the complainant's opportunity to benefit from the Seminary's programs or activities.
 - The names of other individuals who might have been subject to the same or similar acts of discrimination, harassment, or retaliation.
 - Although it is not required, any steps the complainant has taken to try to stop the discrimination, harassment, or retaliation.
 - Any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.
 3. Oral and written statements shall be gathered from the parties involved in the alleged policy violation, and from others who may have pertinent information.
 4. The standard used to determine whether the policy has been violated is whether it is more likely than not that the accused violated this policy. This is often referred to as a "preponderance of the evidence" standard.
 5. In a timely manner, both the complaining and the accused party will be informed in writing of the outcome of the investigation, including whether there has been a determination that this policy has been violated. This written notice will be issued concurrently to the complaining and accused parties unless the Seminary determines in its discretion that concurrent notification would not be appropriate. If there is a finding that this policy has been violated, the Seminary will take such action as it deems necessary to eliminate the policy violation, prevent the recurrence of the violation, and address the effects of the violation.
 6. The Investigation Team must deliver written opinion to the appropriate Seminary body (see description below) that:
 - in their view no violation of this policy occurred or that the evidence is insufficient to determine whether or not it occurred;
 - in their view a violation of this policy occurred and that disciplinary procedures should be invoked.

The standard used to determine whether the policy has been violated is whether it is more likely than not that the accused violated this policy. This is often referred to as a "preponderance of the evidence" standard.

If there is a finding that this policy has been violated, the Seminary shall take such action as it deems necessary to eliminate the policy violation, prevent the recurrence of the violation, and address the effects of the violation. In addition to its written opinion to the appropriate Seminary body, the Investigation Team shall make a recommendation to the President as to what actions the Seminary should take to eliminate the policy violation, prevent the recurrence of the violation, and address the effects of the violation.

- a. The appropriate Seminary bodies are defined as follows:
 - i. Reports regarding students are submitted to the Vice President for Academic Affairs and are addressed according to the Non-Academic Disciplinary Policy as found in the Student Handbook;
 - ii. Reports regarding staff members are submitted to the Vice President for Finance and Administration and are addressed according to the Disciplinary Policy as found in the Staff Manual;
 - iii. Reports regarding faculty members are submitted to the Vice President for Academic Affairs and are addressed according to the Faculty Disciplinary Policy as found in the Faculty Manual;
 - iv. As the Seminary deems appropriate, any of these reports may go to judicatory officials and/or supervisors.
- b. If there is a finding that this policy has been violated, these bodies will take action that may include, but is not limited to:
 - i. Formal reprimand, with defined expectations for changed behavior;
 - ii. Recommending or requiring psychological assessment and/or counseling;
 - iii. Mandatory psychiatric assessment and/or treatment;
 - iv. Probationary standing, with the terms of such probation clearly defined;
 - v. Dismissal from the Seminary.

7. Appeals: Normal appeals procedure as outlined in student, staff, administrative and faculty manuals and handbooks of Chicago Theological Seminary will be followed. In matters involving allegations of discrimination or harassment (including sexual assault and sexual violence), both the complaining party and the accused party will be afforded the right to appeal as provided in the applicable manual or handbook.

Title IX Coordinators

The Title IX Coordinators are responsible for implementing and monitoring Title IX compliance on behalf of the Seminary. This includes coordination of training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of Title IX.

Title IX Coordinator

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Please review information posted throughout the school for details on other Title IX Coordinators.

Anti-Discrimination/Anti-Harassment Task Force

An Anti-Discrimination/Anti-Harassment Task Force is established at the President's initiation at the beginning of each calendar year, and runs from January to January. The Task Force is reappointed each year by November 1 and members are trained and ready to function by January 1.

The Task Force consists of the following members:

- Title IX Coordinators and Deputy Coordinator
- One member of the Leadership Team of the Seminary, selected for two years, by the President;
- One faculty member, nominated by the President and approved by majority vote of the Academic Council for two years;
- One staff member nominated by staff and appointed by the President for two years;
- Two students; the two students will each serve two years, but be appointed by the President on alternate years from among the student representatives to Academic Council.

The two main functions of the Task Force are to be available to adjudicate formal charges (by appointment to the Investigation Team) and to develop an educational program for the community around these issues in conjunction with the Title IX Coordinators. As part of the educational program, all students, staff, and faculty receive a training from an outside party each fall.

The names of the members of the Anti-Discrimination/Anti-Harassment Task Force will be made available publicly by January 1 each year.

Seminary Discretion

The Seminary reserves the right to interpret this policy and modify it as appropriate in the circumstances of particular case, in its discretion.