

Title VI and Title IX Policy Prohibiting Racial and Sexual Harassment

I. CTS Policy Against Sexual and Racial Harassment (“Policy”)

Christian Theological Seminary is committed to providing students an educational and working environment free from all forms of harassment, including harassment based on race or sex. The Seminary strictly prohibits both on-campus harassment and off-campus harassment affecting the Seminary environment.

Students are encouraged to immediately report incidents of racial or sexual harassment to one of the individuals named in this Policy. Faculty and other staff are also required to promptly address incidents of harassment unless circumstances would make intervention dangerous and to document and report such incidents to one of the individuals named in this Policy. The Seminary will investigate all formal and informal complaints of sexual and/or racial harassment impartially and in accordance with the procedures set forth below. The Seminary will take action to stop any sexual or racial harassment, to remedy the harassment, and to prevent its recurrence.

II. Prohibition Against Sexual and Racial Harassment and Retaliation

This Policy prohibits sexual harassment, racial harassment, and retaliation. This conduct is prohibited whether on-campus or off-campus and affecting the Seminary environment. Such prohibited conduct could occur, for example, in the classroom, at on-campus social or educational events, or at campus facilities, including student housing.

Racial harassment consists of any oral, written, graphic, or physical conduct relating to a student’s race, color, or national origin that is sufficiently severe or pervasive to interfere with, limit, or deny the student’s ability to participate in or benefit from the Seminary’s educational, social, or residential programs or activities. Examples of racially harassing behaviors include name-calling, leaving harassing messages on voice mail, sending harassing emails, posting harassing notes or images through social media, or joking in ways that demean an individual or group because of race.

Sexual harassment consists of any unwelcome conduct of a sexual nature that is sufficiently severe or pervasive to interfere with, limit, or deny a student’s ability to participate in or benefit from the Seminary’s educational, social, or residential programs or activities and create a hostile environment. Examples of sexually harassing behaviors include unwanted sexual advances, sexual violence, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment may also be based upon power differentials (*quid pro quo*) where a faculty member or other Seminary employee conditions an educational decision or benefit on a student’s submission to unwelcome sexual conduct.

Retaliation is any adverse action taken against a student because of his/her participation in a protected activity. CTS prohibits retaliation for reporting sexual or racial harassment, for supporting a complainant alleging sexual or racial harassment, or for assisting in providing information relevant to investigation of a claim of sexual or racial harassment. Acts of alleged retaliation should be reported immediately to one of the individuals named in this Policy and will be promptly investigated. The Seminary will take appropriate steps to protect individuals who fear that they may be subjected to retaliation, and individuals who engage in retaliatory behavior are subject to discipline.

Offensive conduct or harassment not based on sex or race will be addressed through other means and policies established by the Seminary.

III. Appointment of Coordinator

The President of the Seminary has appointed a Title VI and Title IX Coordinator (“Coordinator”). Reports of sexual and/or racial harassment or retaliation can be made to the Coordinator or the individuals identified below. The current Seminary Coordinator is:

Name: Rebecca Arnott
Address: 1000 West 42nd Street, Indianapolis, IN 46208
Office Location: Student Operations Suite, Room 160
Phone: (317) 931-2300
Email: rarnott@cts.edu

IV. Selection of Complaint Panel

The Seminary also selects a complaint panel ("Panel") to assist the Coordinator in carrying out this Policy. Panel members are announced with the annual distribution of this Policy to all students and may include faculty members, non-faculty employees, or members of the Seminary's Board of Trustees. Members of the Panel are trained in Title VI, Title IX, and key aspects of the complaint process and receive annual training by the Coordinator. Members of the Panel can perform the following roles as directed by the Coordinator:

- Sensitive intake and initial counseling of complainants;
- Engaging in informal conflict resolution;
- Investigating complaints; and
- Acting as advisors to those involved in complaints.

Panel members report to the Coordinator. For a complete listing of current Panel members, please see Appendix A.

V. Complaint, Investigation, and Resolution Procedures

This section provides detailed information on the complaint, investigation, and resolution procedures for allegations of racial and/or sexual harassment. During this process, the Seminary will make reasonable efforts to provide periodic status updates to both parties (to the extent permitted under the Family Educational Rights and Privacy Act). All deadlines contained in this section may be extended for good cause by the Seminary upon written request submitted to the Coordinator.

A. Filing a Complaint

Any student or other individual who believes, in good faith, that this Policy has been violated should contact the Coordinator or the Academic Dean to submit a complaint. Complaints can be made orally or in writing; oral complaints will be reduced to writing by the individual receiving the complaint to facilitate the investigation process.¹ The Seminary's primary concern is the safety of its students. The Seminary will not discipline any student who makes a good faith complaint or report of harassment under this Policy.

Additionally, students are reminded of their right to file and pursue a concurrent criminal complaint with the appropriate law enforcement official for conduct that could also constitute a criminal offense. A student may pursue criminal charges while simultaneously pursuing a complaint with the Seminary.

All complaints will be treated as confidential to the extent possible. Any requests or concerns relating to confidentiality should be directed to the Coordinator at the complainant's earliest opportunity.

B. Assignment of Complaint to Panel Member

Following receipt of a complaint, the Coordinator² will process the complaint and will promptly assign a Panel member to work as an advisor to the complainant. Within three (3) business days, the Coordinator (or another Panel member designated to act on the Coordinator's behalf ("Designee")) will make an initial determination as to whether a Policy violation has been alleged and whether informal conflict resolution might be appropriate. In some instances (i.e. the complaint does not allege a Policy violation or the complainant has withdrawn the complaint), the complaint may not proceed to investigation. CTS reserves the right to continue investigation to fulfill its obligations under federal law even where the complainant does not wish to proceed.

C. Informal Conflict Resolution

Informal conflict resolution is used for less serious, yet prohibited, behaviors that may be remedied short of full investigation. The Coordinator or Designee will determine if conflict resolution is appropriate based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to informal conflict resolution.

¹ The complaint form is provided at the end of this Policy.

² The President may also designate another person to oversee this process if a complaint is made against the Coordinator or if the Coordinator is unavailable, has a conflict of interest, or is otherwise unable to fulfill her duties.

In an informal conflict resolution meeting, the Coordinator, Designee, or another Panel member facilitates dialogue with each party to resolve the issue. Sanctions may not be imposed as the result of the informal conflict resolution process, but the parties may agree to appropriate remedies.

Under no circumstances will the Seminary require the complainant to participate in informal conflict resolution or to work out the problem directly with the accused. A student may withdraw his/her willingness to participate in informal conflict resolution at any time and may then begin the formal investigation stage of the complaint process. If an informal resolution has not been reached within five (5) days, a complaint will automatically move on to the formal investigation.

D. Investigation

If a complaint proceeds to investigation, the Coordinator or Designee will conduct the investigation or will select another Panel member to conduct the investigation. The Seminary will not allow conflicts of interest (whether real or perceived) to impact the investigation process. If the investigator has a conflict of interest, he/she must recuse himself or herself from the investigation.

Investigations will be completed as expeditiously as possible. The Seminary aims to complete all investigations within 30 days of receiving the complaint. During the investigation, both parties will receive periodic updates as to the status of the investigation. Seminary action will not necessarily be altered or precluded on the ground that civil or criminal charges have been filed or that criminal charges have been dismissed or reduced, as the Seminary's investigation process is distinct from a criminal investigation and flows from the Seminary's obligations under federal law.

All investigations will be thorough, reliable, and impartial, and will be treated as confidential to the extent possible. The investigator will first obtain from the complainant detailed information concerning the basis of the complaint and will thereafter interview the accused. The investigator will provide both parties equal opportunity to identify witnesses, documents, or other evidence bearing on the complaint. The investigator will conduct private interviews of all individuals identified as having relevant information. A student has the right not to appear in the same room as the accused. In cases of sexual harassment, evidence of past relationships is prohibited. The investigator will follow-up on information obtained during the interview process, which may involve additional interviews based on the information subsequently obtained.

The investigator will compile all information, including documentary evidence and interview notes, and assess the compilation based on a preponderance of the evidence standard (i.e. is it more likely than not that prohibited harassment occurred). The investigator will reach a decision regarding whether, and to what extent, the allegations of the complaint are substantiated by the evidence obtained.

The investigator will then prepare a report (the "Report") summarizing the investigation process, including a summary of evidence collected and interviews conducted. The Report will also provide the investigator's decision as to whether and to what extent the allegations of the complaint are substantiated. The investigator may also make a recommendation of a remedy or remedies for the substantiated Policy violation(s). If the investigator is someone other than the Coordinator (and the Coordinator is not available or conflicted out of the process), the investigator will provide the Report to the Coordinator, who may adopt or modify it or direct the investigator to undertake additional investigation.

The final Report will be submitted to (1) the Academic Dean if the accused is a student, faculty member, or staff member under the supervision of the Academic Dean, (2) to the Chief Operating Officer if the accused is a staff member under the supervision of the Chief Operating Officer, or (3) to the President if the accused is an executive level employee who reports directly to the President, within ten (10) days after completion of the investigation. The Academic Dean, Chief Operating Officer or President may use this opportunity to ask questions of the investigator or Coordinator or to request further investigation of matters alleged. Once the Report has been reviewed and follow-up is complete, the Academic Dean, Chief Operating Officer or President will determine whether he/she agrees with the investigator's conclusion and will also determine the appropriate remedy or remedies for substantiated Policy violations, taking into account the investigator's and Coordinator's recommendations.

The Academic Dean, Chief Operating Officer or President will write letters to both the complainant and the respondent informing them of the outcome of the investigation. These letters will be issued no later than 15 days after the Academic Dean, Chief Operating Officer, or President receives the Report. For complaints that are substantiated, the complainant's letter will identify the following: any individual remedies offered or provided to the complainant; any sanctions against the respondent that directly relate to the complainant (for example, a no contact order); all sanctions against the respondent if the harassment involves a crime of violence or a sexual offense; and any steps the Seminary has taken to eliminate the hostile environment, if one is found to exist, and prevent its recurrence. The respondent's letter will identify any sanctions imposed on him/her as a result of the substantiated

allegations. Both letters will remind the parties that they have seven (7) days to initiate an appeal and that the outcome of an appeal is final and binding.

The Seminary will make efforts to process every complaint in a timely manner. However, in situations where the Seminary requires additional time to complete its investigation and reporting process (for example, if an incident is reported during a break in the academic schedule), the Seminary may extend the deadlines outlined above. The Seminary will inform both parties of this extension in writing. Additionally, either party may request an extension of one or more deadlines. Such request must be made to the investigator in writing. The investigator will advise both parties of the outcome of the extension request within a reasonable timeframe following submission of the request.

E. Interim Measures

During the investigation, interim measures may be taken to protect the safety or well-being of members of the Seminary community. Interim measures may include, but are not limited to, referral to counseling and health services, education to the community, altering housing situations, altering work arrangements for employees, providing campus escorts, implementing contact restrictions between the parties, and offering adjustments to academic deadlines or course schedules. The Coordinator will work with the Academic Dean, Chief Operating Officer or President to determine appropriate interim measures.

In some situations, the Seminary may impose an interim suspension on a student, student organization, or employee pending the completion of the investigation process. Prior to the suspension, the student or student organization will be given the opportunity to meet with the Academic Dean and/or the Coordinator to show cause why the suspension should not be implemented. Any employee will be given the opportunity to meet with the Coordinator and/or the Academic Dean, Chief Operating Officer, or President depending on who is designated to receive the final Report. Violation of an interim suspension under this Policy will be grounds for termination in the case of an employee or expulsion in the case of a student.

During an interim suspension, a student, student organization or employee may be denied access to Seminary housing and/or the Seminary campus, facilities or events. This restriction can include classes and/or all other Seminary activities or privileges for which the student might otherwise be eligible. Alternative coursework options may also be pursued to minimize to the extent possible the impact on the accused student.

F. Sanctions and Remedies

The Seminary will take appropriate disciplinary action against parties who violate this Policy to stop and remedy the harassment and prevent its recurrence.

Students may be subject to the following sanctions: warning, probation, suspension, dismissal, and/or withholding of his/her diploma.³ Student organizations may be subject to the following sanctions: de-activation, de-recognition, and/or loss of privileges for a specified period of time. Employees may be subject to the following sanctions: warning, counseling, demotion, suspension (with or without pay), and/or termination of employment. The Seminary may assign other sanctions as appropriate. Sanctions will be implemented immediately unless extraordinary circumstances justify staying the sanctions pending appeal.

All parties against whom Policy violations are substantiated are expected to comply with the sanctions or remedies within the time frame specified. Failure to comply, whether by refusal, neglect or any other reason, may result in additional discipline, sanctions, or remedies as determined by the Coordinator in consultation with the Academic Dean, Chief Operating Officer or President.

The Seminary will take other reasonable steps to remedy any harm caused to a student subject to sexual or racial harassment. These remedies may include counseling for the student or the provision of academic support, including the reassessment of grades. Counseling for the individual committing the harassment may also be a remedy.

³ The Seminary does not permit a student to fully withdraw if that student has a complaint pending against the student for violation of the Policy. Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the Seminary unless all sanctions have been satisfied. A hold may be placed on the student's account to prohibit re-enrollment and the release of transcripts.

G. Appeals

All requests for an appeal of the outcome of an investigation must be submitted in writing to the Coordinator or the Designee within seven (7) days of receiving the letter regarding the outcome of the investigation. Either party may appeal, and other parties will be notified of the appeal and may join in the appeal. Appeals are generally limited to procedural errors, omissions significantly impacting the outcome of the hearing, or consideration of evidence that was unknown or unavailable during the investigation that could substantially impact the outcome.

The President of the Seminary is responsible for all appeals other than for appeals involving executive level employees. The Chair of the Board of Trustees is responsible for appeals involving executive level employees. Both the President and the Chair will conduct all appeals in an impartial manner and will act as impartial decision-makers in this regard.

Once the President or the Chair is promptly notified of the appeal by the Coordinator or Designee, the President or Chair has fifteen (15) days to review the complaint materials, including the complete investigation file, the Report, and the letters to the Complainant and accused. The President or Chair may affirm the determination in full or in part, modify the determination as appropriate, or return the matter to the Coordinator or investigator for further investigation or consideration.

The President or Chair will write a letter to both the complainant and the accused informing both parties of the outcome of the appeal. The decision of the President or Chair is final and binding.

VI. Records

The Coordinator will maintain records of all complaints and investigations under this Policy pursuant to the Seminary's established protocols. Additionally, decisions regarding a student found responsible for violation of this Policy will be noted in his/her student file. The Seminary will maintain the confidentiality of all complaints and investigation documents to the fullest extent possible.

VII. Alternative Support Resources

Students are reminded of additional support resources available to them, including on-campus counselors, off-campus local rape crisis counselors, members of the clergy, or chaplains. Students may access on-campus counselors in the Counseling Center free of charge and on an emergency basis during normal business hours.

Appendix A
Panel Members

Dr. Jacqueline Braeger, Faculty Member

Dr. Christina Davis, Faculty Member

Jim Ruddell, Staff Member



CHRISTIAN THEOLOGICAL
SEMINARYSM

Title VI and Title IX Complaint Form

Please complete the following information as thoroughly as possible.
(Use the back of the form for additional space.)

Name of person filing the Complaint:

(Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged accused solely on the basis of an anonymous report.)

Check whether you are the: Complainant Witness

Check whether you are a: Student Faculty Administrative Staff Member

Other (specify):

Your contact information/telephone number(s):

Information About the Complaint

Name of complainant/target:

Name of accused:

Description of accused: Student Faculty Administrative Staff

Other (specify):

Date, time and location of incident(s):

Witnesses (list persons who saw the incident or have information about it):

Name:

Student Staff Other (specify):

Name:

Student Staff Other (specify):

Details of the incident (please describe what occurred and who was involved using as much detail as possible):

For claims of retaliation, please explain the basis of the claim:

Other notes:

Signature of Person Filing the Complaint

Date

Name Printed

Signature of Person Receiving the Complaint

Date

Name Printed