



# Concordia Theological Seminary

6600 North Clinton Street  
Fort Wayne, IN 46825-4996

## Sexual Harassment Policy

### CTS ANTI-HARASSMENT POLICY

Concordia Theological Seminary is committed to providing members of the seminary community including students, faculty, administrators and staff with an environment where they may pursue their studies, work, careers and social interactions without being harassed. Concordia Theological Seminary does not tolerate sexual harassment in the workplace, school or related settings. This policy addresses not only sexual harassment but harassment in all forms, covering those with legally protected status for reasons of race, gender, religion, age, national origin, ancestry or disability. The seminary will take such actions as it deems appropriate to prevent, correct and if necessary discipline behavior which violates this policy. All members of the seminary community at all levels are expected to cooperate in the investigative procedures. Any person within the community who conceals information or knowingly provides false or misleading information will be subject to disciplinary action.

### DEFINITIONS

Harassment is conduct toward another person or identifiable group of persons that has the purpose or effect of:

1. creating an intimidating or hostile educational environment, work environment or environment for participating in seminary activity;
2. unreasonably interfering with a person's educational environment, work environment or environment for participation in seminary activity; or
3. unreasonably affecting a person's educational or work opportunities or participation in a seminary activity.

Specifically, sexual harassment includes: unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; or
2. submission to a rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
3. such conduct has the purpose or effect of substantially interfering with an individual's study or work performance or creating an intimidating, hostile or offensive living, social, academic or working environment.

Verbal expressions or physical conduct need not be overtly sexual to constitute sexual harassment. Examples of sexual harassment include, but are not limited to, lewd or sexually suggestive comments, off-color language or jokes of a sexual nature, slurs, verbal or graphic expressions or physical conduct relating to an individual's sex, or any public or unwelcome private display of sexually explicit pictures, greeting cards, articles, books, magazines, photographs or cartoons in the absence of valid educational purpose.

### PROCEDURES

Each member of the faculty, administration and staff is responsible for creating an atmosphere free of harassment and for reporting any incidents of harassment he or she observes or which otherwise comes to his or her attention.

#### *How to Initiate a Complaint*

Persons who believe they have experienced or witnessed harassment are encouraged to report the incident promptly to the Vice President of Business Affairs, the Dean of Students or the Academic Dean. Complainants may choose to have the issue resolved according to formal or informal procedures.

#### *Informal Procedures*

##### 1. Reporting Complaints

The Vice President, Academic Dean or the Dean of Students who receives a harassment complaint will:

- a. Listen to the complaint and assist the complainant in clarifying his or her experiences.
- b. Advise the complainant(s) about the anti-harassment policy and informal and formal resolution alternatives under these procedures.

##### 2. Resolution through Information, Advice and Informal Actions

Normally, the information, advice and informal actions process will be concluded within 30 days from receipt of the complaint.

At the complainant(s)'s request, the Vice President of Business Affairs, the Dean of Students or the Academic Dean who receives the complaint may:

- a. Make appropriate referrals to other offices or procedures.
- b. Help the complainant(s) deal directly with the accused.
- c. Assist in negotiating a satisfactory resolution to the problem in coordination with appropriate campus offices as indicated below:

Academic Dean's Office

Business Office

A person who is experienced in informal resolution will be selected to work with the parties involved. This person will:

- a. Listen to the complaint to assess whether the complaint is an issue that should be dealt with under the anti-harassment policy.
- b. If so, meet with the person(s) accused to hear the response to the allegations.
- c. Attempt to work out a resolution that is satisfactory to the complainant, the accused and the seminary. Normally, a satisfactory resolution will require coordination with campus offices and the involvement of the department head or supervisor.
- d. Prepare an agreement to be signed by the complainant and accused.
- e. Inform the complainant of the method and time for filing a formal complaint if a satisfactory resolution cannot be obtained at the informal level.

The function of the informal procedures is to negotiate a satisfactory resolution to complaints without resort to formal procedures.

### 3. Outcome of the Informal Procedures

The outcome of the informal procedures will be: a decision to stop further action on the complaint; a negotiated resolution of the complaint or initiation of the formal procedures.

When informal procedures have shown that a violation of the seminary's anti-harassment policy has occurred, possible resolutions may include one or more of the following: an apology to the complainant(s); assisting the accused to better understand the effects of his or her conduct and ways in which this behavior could be changed; participation in training sessions about harassment; verbal or written reprimands; or other interventions or actions aimed at ending the harassing behavior.

In the event the informal procedures demonstrate that knowingly false or malicious charges were filed by the complainant, discipline will result.

If the complainant(s) or the accused believes procedural errors have occurred during the informal procedures, an appeal may be made to the President.

### *Formal Procedures*

#### 1. Reporting Complaints

Reports, complaints, problems, grievances and questions regarding harassment should be reported to the Dean of Students, the Vice President of Business Affairs or the Academic Dean.

#### 2. Filing of Reports of Complaints

The Dean of Students, the Vice President of Business Affairs or the Academic Dean shall prepare a written summary of the reported incident or incidents based on discussions with the complainant. The complainant will be asked, but not required, to initial that summary as a means of verifying the facts. Additionally, if the complainant does not wish his or her identity to be revealed to the alleged offender, the Dean of Students, the Vice President of Business Affairs, the Academic Dean and others involved in investigating the complaint will strive to maintain confidentiality.

#### 3. Action Pending Investigation of a Complaint

Upon receipt of a harassment complaint, the Dean of Students, the Vice President of Business Affairs or the Academic Dean shall, if the alleged offender is a seminary employee, notify the supervisor of the alleged offender or the Department Chair, in the case of a faculty member. These persons should be notified that a harassment complaint has been received and will be investigated in a confidential manner. Depending on the seriousness of the complaint, interim measures, including suspension of the alleged offender from work with pay, or from attendance in class, if determined by the Dean of Students, the Vice President of Business Affairs or the Academic Dean to be appropriate, may be taken before the complaint is fully investigated. All persons notified will be asked to maintain confidentiality. In addition to the above temporary actions, the faculty, staff and students of Concordia Theological Seminary shall comply with any reporting and other requirements of federal, state, and local laws and regulations.

#### 4. Investigation of Complaint

The Dean of Students, the Vice President of Business Affairs or the Academic Dean will investigate the complaint by questioning the alleged offender and any witnesses identified by the complainant. After a thorough investigation, the investigator will prepare a written report, stating the investigator's conclusions. That report will include the complainant's name, a copy of the complaint, the names of any witnesses and their testimony, the name of the alleged offender, and the investigator's ultimate determination and recommended disposition of the complaint, including any corrective action.

#### 5. Action on Investigative Findings

If the investigation substantiates the complaint, corrective action will be taken. This may include, but is not limited to: warning, reprimand, expulsion, dismissal, demotion or transfer of the offender, or a disciplinary notice in the personnel file of the offender.

Prior to the implementation of any such corrective action, the offender will be given the opportunity to rebut the investigation findings in an interview conducted by the investigator, and which also may include the Dean of Students, the Vice President of Business Affairs, the Academic Dean and the supervisor of the offender, if an employee. In addition, any corrective action shall be taken only following hearing and appeals procedures that apply to the individual offender.

If the results of the investigation do not substantiate the complaint, both the complainant and the alleged offender will be so advised.

If the complainant(s) or the accused believes procedural errors have occurred during the formal procedures, an appeal may be made to the President, whose decision will be final.

False or groundless accusations may result in disciplinary actions.

#### 6. Recording of Investigative Materials

The personnel or student file of the alleged offender will state that an investigation was made and indicate the final outcome of the investigation. In addition, a confidential file shall be established for every sexual harassment complaint made. It should include:

- a. The complainant's name, a copy of the complaint as described by the complainant, the names of witnesses and their testimony, and the name of the alleged offender;
- b. A copy of the Investigative Report and determination of fact and recommendations made; and
- c. An indication of the disposition of the complaint, including any appeal process findings and disposition.

### **POLICY AVAILABILITY**

This policy will be published in the student, faculty and staff handbooks. In addition, a copy of this policy prohibiting sexual harassment which informs the student and applicant for admission of his or her right to raise and how to raise the issue of sexual harassment shall be posted in a conspicuous place for inspection and shall contain a statement that a copy of the policy will be furnished to any student or applicant for admission upon his or her request.