



## SEXUAL HARASSMENT POLICY

Westminster Theological Seminary is a Christian community that seeks biblical answers to situations of conflict within the community. It is important for those within the community to respond to each other with the awareness and behavior required of God's people as found in the Scriptures.

The Bible alone provides standards for each of us to follow as we relate to one another. It will be those standards that will guide the Seminary with respect to any issues or concerns relating to sexual harassment. We are committed to wisely upholding confidentiality and to showing sensitivity toward all parties involved. If the situation should arise that someone from our community believes him/herself to have been sexually harassed or accused of sexual harassment, we encourage the individuals involved to seek wise and godly counsel, to prayerfully commit to be open to truth, and to seek an honest and swift resolution characterized by a spirit of healing. In this context, the following policy has been developed to help facilitate just and compassionate resolution to conflicts of sexual harassment that may arise within the Seminary community.

Westminster is committed to providing a healthy learning and working environment for all students, staff, and faculty members. Sexual harassment or other forms of sex discrimination on campus undermines the educational environment, and thus the Seminary is committed to eliminating all such harassment and discrimination in seminary life. Sexual harassment, along with all other forms of sexual discrimination, is incompatible with the basic goals of the Seminary and destroys the atmosphere of trust upon which the educational process depends. The Seminary is committed to creating an environment free from all such behavior, and will hold accountable any individual who engages in sexual harassment. Anyone who engages in such behavior will be subject to disciplinary action. This policy applies to all staff, faculty, and students of the Seminary. The Seminary does not condone any acts in violation of its Sexual Harassment Policy involving any employees and third parties or contractors.

### I. Definitions

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other written, verbal, or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment or academic evaluation, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) 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 learning environment.

Examples of sexual harassment may include, but is not limited to, touching, propositions, and advances; abusive, suggestive language of a sexual nature; suggestive jokes or comments about a student's or employee's body or clothing or jokes of a sexual nature which demean or offend individuals on the basis of their sex; and display of sexually suggestive cartoons or pictures.

The absence of intent to harass is not determinative of whether harassment has in fact occurred. Comments or conduct that one person finds merely amusing may be offensive to another person, and could constitute sexual harassment.

Although sexual harassment often takes place in situations where there is a power differential between the persons involved, as between faculty and student or between supervisor and employee, sexual harassment may also occur between persons of similar status such as two students or two employees.

Sexual harassment can also occur within the context of a seemingly consensual relationship between parties of unequal status. In such cases, the unequal status of the parties draws into question whether the relationship is truly mutually consensual. Please refer to the policy on dating relationships on campus, following, which was approved by the Faculty.

## II. Sexual Offense Education and Awareness Program

The Seminary shall distribute this policy annually to all students and employees together with printed materials to educate about and to increase awareness of the nature of sexual offenses and to make clear appropriate procedures if any such offenses occur. Annually, the Administration will conduct a meeting with the faculty and staff in order to review this policy and to answer questions regarding sexual harassment.

## III. Confidentiality

Confidentiality is a vital component in reporting and investigating sexual harassment complaints for the respect of the persons involved as well as for the health of the entire Seminary community. The complainant, the alleged offender, and all other persons involved must maintain strict confidentiality with regard to the complaint and investigation. Information regarding the complaint will be limited to those who need to know in the process of investigation and with the goal of maintaining the respectful privacy of both the complainant and the respondent. All documentation surrounding the investigation will be maintained and stored in a confidential manner.

## IV. Informal Resolution of Complaints

Whenever possible, the person (complainant) who believes that he or she was sexually harassed should communicate in person to the alleged offender (respondent) the nature of the offense and request that the actions or words in question be stopped and not repeated.

If the complainant finds it too difficult to communicate the offense to the respondent alone, the complainant may seek the help of one other person to accompany him/her.

Whenever possible, the complainant should communicate directly with the respondent, even if the complainant has asked another person to accompany him/her. If the complainant cannot face the respondent, the complainant may have his/her helper communicate the offense on his/her behalf.

This communication of the offense and the request that the offense not be repeated should occur as soon as possible after the incident, but within 120 days of the occurrence.

If the complainant wishes to utilize administrative help to make this communication, he/she may request assistance from one of the Deans of Students, the Administrator for Academic Affairs, or a Faculty member.

If the two parties can agree upon a resolution that is mutually acceptable, the matter will be considered resolved at the informal level.

## V. Formal Resolution of Complaints

If the alleged harassment does not stop, or if the complainant is not satisfied with the results of the informal meeting, or if the level of offense is beyond resolution by an informal process, the complainant must provide in writing a full account of the offense including all attempts that have been made toward resolution. The complainant should confide in the designated administrator (see below). The administrator will help the complainant throughout the formal complaint process and will assist with preparation of the written complaint, along with other documentation as needed.

The designated administrators for the complaint process are as follows:

Employee complaints:	Director of Human Resources
Student complaints:	One of the Deans of Students
Faculty complaints:	Academic Dean

[If the alleged offender is either the Employee Representative or the Dean of Students, the appropriate administrator is the Chief Operating Officer. If the Chief Operating Officer, Academic Dean, or a Vice President is the alleged offender the matter should be reported to the President. If the President is the alleged offender, the matter should be reported to the Chairman of the Board of Trustees].

Complaints will be responded to promptly, thoroughly, and confidentially. Confidentiality will be strictly maintained, however, it may be necessary to share some information during the process of investigating the complaint. At all times, the sharing of information regarding the complaint will be limited to those who need to know in the process of the investigation and with the goal of maintaining the respectful privacy of both the complainant and the respondent. Staff or faculty members involved in the complaint or investigation must fully maintain the confidentiality of all those involved. Anyone who suspects a breach of confidentiality has occurred should report it immediately to the Sexual Harassment Officer.

The complaint process:

1. The complainant, with the help of the designated administrator, will prepare a detailed written complaint.
2. The complaint will be given to the Sexual Harassment Officer who will begin an investigation of the complaint. The Sexual Harassment Officer will be a person selected annually by the Administrative Council, and the community will be informed each September of the name of the Sexual Harassment Officer. The person selected to be the Sexual Harassment Officer will be required to attend annual training for the effective understanding and processing of sexual harassment complaints.
3. The Sexual Harassment Officer will take immediate steps to ensure that no further contact occurs between the complainant and the respondent during the investigation.
4. The Sexual Harassment Officer will convene a Findings Committee to investigate the complaint. The Findings Committee will consist of three members and will likely include, in addition to the Sexual Harassment Officer, members such as the Dean of Students (if students are involved), the Academic Dean (if faculty are involved), the Director of Human Resources (if staff are involved), or other appropriate investigators as selected by the Sexual Harassment Officer. The committee will include at least one male and one female member and will be led by the Sexual Harassment Officer.
5. The Sexual Harassment Officer will present the alleged sexual offense to the respondent.
6. The respondent and the complainant will each be entitled to a fair hearing before the Findings Committee.
7. Both the complainant and the respondent will have the opportunity to have an advocate who will serve as a liaison and assist them with communication regarding the process.
8. The Findings Committee will investigate the complaint thoroughly and determine a finding. The Findings Committee will complete its investigation in less than 30 days.
9. If the Findings Committee determines that no harassment occurred the issue will be considered resolved.
10. If the Findings Committee determines that sexual harassment has occurred, the committee will inform the President and also make a recommendation regarding disciplinary action. The President and the responsible Vice President over the area in which the respondent is employed (or the Student Discipline Committee) will initiate the process for determining a disciplinary action as per Seminary policy (faculty policies, student policies, employee policies).
11. The Seminary will take prompt, appropriate disciplinary action, which may include but not be limited to actions such as a formal written warning, accountability procedures, mandatory counseling, suspension (from employment or educational program), or termination of employment or expulsion from the educational program. The goal of the action to be taken is for the dual purposes of justice and restoration of persons and relationships to the extent possible.
12. The Sexual Harassment Officer will communicate the results of the Findings Committee orally and in writing to both the complainant and the respondent. The Complainant will be informed, if appropriate, of the form of disciplinary action that will be taken if sexual harassment has been found.
13. The Sexual Harassment Officer will hold all documentation related to a sexual harassment investigation in a file, separate from other employee or student records. These will be kept confidential to protect both parties involved. Sustained charges of sexual harassment will be entered into the permanent record of the respondent.

The appeal process:

1. The complainant and the respondent each have the option of appealing the results of the Findings Committee.
2. If the complainant or the respondent chooses to appeal the results of the Findings Committee, he or she must make the appeal in writing to the President within 30 days of receiving the communication from the Sexual Harassment Officer. The nature of the appeal concerns only the determination of whether or not sexual harassment occurred.
3. Neither the complainant nor respondent may appeal the disciplinary action taken.
4. The President's decision concerning the appeal will be communicated in writing to both the complainant and the respondent within 30 days of receiving the appeal.

5. The complainant and the respondent each have the option of making one further appeal.
6. If the complainant or the respondent chooses to appeal the President's decision, he/she must make the appeal in writing to the Executive Committee of the Board of Trustees within 30 days of receiving the written decision of the President.
7. The decision of the Executive Committee of the Board of Trustees will be communicated in writing to the complainant and the respondent within 60 days of receiving the appeal.

As a Christian institution, we believe that the Bible commands us to make every effort to live at peace and to resolve disputes with one another in private or within the Christian church (see Matthew 18:15-20 and 1 Corinthians 6:1-8). Therefore, any claim, dispute, or appeal arising from the decisions of the combined Findings Committee and Administrative Council should be settled by biblically based mediation and, if necessary, legally binding arbitration in accordance with the Rules of Procedure of Christian Conciliation of the Institute for Christian Conciliation, a division of Peacemaker Ministries (a complete text of these rules is available at [www.HisPeace.org](http://www.HisPeace.org)).

#### VI. Continued Harassment

If a claim of Sexual Harassment has been substantiated and further harassment by the respondent is reported, the Seminary will investigate the additional complaint according to the complaint process above and will, if possible, utilize the same Findings Committee.

#### VII. Observed Sexual Harassment

If a member of the community becomes aware of a perceived pattern of offensive behavior by any other member of the community, the person who thinks he/she perceives this pattern shall in the spirit of Matthew 18, communicate her/his concerns to the person who is perceived to be exhibiting this behavior. If it is not possible or comfortable to do so, then the person who perceives this pattern will communicate it to the Sexual Harassment Officer who will begin an informal process of communicating the complaint with the person who is perceived to be engaging in sexual harassment. If the Sexual Harassment Officer believes it is warranted, a formal investigation process will be initiated.

#### VIII. Other

The respondent may choose to resign his/her position or withdraw from his/her academic program at the Seminary rather than participate in an investigation. If such a resignation is received in the context of allegations, the Faculty or the Board of Trustees may determine to report the allegations to the ecclesiastical judicatory of the respondent.

Disciplinary action will be taken against anyone found to be making an intentionally false accusation. However, no one who makes a complaint in good faith, even if it is inaccurate or mistaken, will be subjected to disciplinary action.

Westminster will not engage in any type of retaliatory action against an individual who brings a sexual harassment complaint in good faith according to the process described above.

#### IX. Counseling Services

The Seminary has established an agreement with the Christian Counseling and Educational Foundation (CCEF) for the initial counseling of any student or employee who has been or believes himself/herself to have been subjected to a sexual offense. The Seminary will pay the cost of at least the initial visit and possibly, upon recommendation by the Executive Director of CCEF, the cost of subsequent visits. If a student or employee prefers to seek counseling from a source other than CCEF, he/she may request this of the Seminary. If approved, the Seminary will supply this benefit as described above.

Approved by Westminster Board of Trustees, May 2000

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