



## **Policy Against Discrimination and Harassment**

**2020/2021**

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

Meadville Lombard Theological School is committed to fostering the full humanity of all its members. All forms of discrimination and harassment are prohibited at this institution. Meadville Lombard Theological School 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 Meadville Lombard Theological School'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 school will make every effort to assure and protect these rights, and shall undertake no action that threatens or compromises them.

### **Harassment**

All forms of harassment by any member of the Meadville Lombard community are prohibited. These include, but are not limited to, harassment regarding sex, race, color, ethnicity, religion, national origin, age, disability, gender identification, or affectional orientation. The intent is to prevent actions that subvert the mission of the School and threaten the well-being, educational experience, and careers of students, faculty, and staff.

### **Title IX – Prohibition of Sexual Discrimination**

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106, the School's Title IX Coordinator has primary responsibility for coordinating the School's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this School, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual misconduct against students, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX Coordinator oversees the School's response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the School can address issues that affect the wider school community. Additional information on

preventing and responding to sex offenses can be found in the Safety and Security Information Report.

Inquiries regarding Title IX should be referred to Meadville Lombard's designated Title IX Coordinator(s):

**Title IX Coordinator**

Manny Dotel  
Director of Enrollment Management  
312-212-0673  
mdotel@meadville.edu  
610 S. Michigan Avenue, Chicago, IL 60605

## **Harassment**

All forms of harassment by any member of the Meadville Lombard community are prohibited. These include, but are not limited to, harassment regarding sex, race, color, ethnicity, religion, national origin, age, disability, gender identification, or affectional orientation. The intent is to prevent actions that subvert the mission of the School and threaten the well-being, educational experience, and careers of students, faculty, and staff.

This policy also prohibits such harassment of students by individuals who are not Meadville Lombard faculty members, students, or employees (such as donors, visitors, and vendors), and vice versa. If you have any questions about what constitutes prohibited harassment, do not hesitate to ask the Title IX Coordinator(s). Meadville Lombard also strictly prohibits sexual harassment.

## **Sexual Harassment**

### **Definition of Sexual Harassment**

For purposes of this policy, sexual harassment is any Quid Pro Quo by an employee, unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal education access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Sexually harassing behavior may include physical, verbal, and nonverbal behavior.

Examples of inappropriate sexual behavior include, but are not limited to:

- Sexual advances
- Inappropriate touching or other physical contact
- Demands for sexual favors in exchange for promotion, retention, or tangible employment or educational action
- A decision made because of an individual's compliance with or failure to comply with sexual demands
- Repeated sexual jokes, flirtations, advances, or propositions, or discussions of sexual activity (whether in conversation or through electronic or other means)
- Abuse of a sexual nature or suggestive, insulting, or obscene comments or gestures
- Display of sexually suggestive objects or pictures

These and similar behaviors are unacceptable at Meadville Lombard and in other related settings such as Meadville Lombard social events. The Meadville Lombard sexual harassment policy prohibits sexual harassment by individuals who are not Meadville Lombard faculty members, students, or employees (such as donors, visitors, and vendors). If you have any questions about what constitutes sexual harassment, do not hesitate to ask the Title IX Coordinator.

### **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 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 school, the professor-student relationship may often be comparable to the relationship of a professional and client.

### **Retaliation**

Meadville Lombard strictly prohibits any retaliation against any student because they have, in good faith, made a report or complaint or participated in any investigation under the Policy Against Discrimination and Harassment. Retaliation is a serious violation of this policy and can result in disciplinary action, up to and including discharge or expulsion. 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 the Title IX Coordinator.
  - a. There are two types of notice: Formal Notice and Informal Notice
    - i. Formal Notice is when the complainant either emails the Title IX Coordinator from their Meadville Mail account or when the complainant submits a signed written statement with their harassment complaint. Formal Notice is what triggers the School's Harassment investigation and decision making procedure.
    - ii. Informal Notice is when the complainant verbally notifies a Person of Authority (Title IX Coordinator, Staff or Faculty) at the School. Please note that Informal Notice **does not** necessarily trigger the School's Harassment investigation and decision making procedure, but interim measures to support the complainant can be addressed.

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 staff or faculty member as soon as possible after the alleged act of

discrimination, harassment, or retaliation to discuss the available options for proceeding. Please note that until formal notice is given to the Title IX Coordinator, the School can not start our harassment procedures.

2. The School 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 a Formal Resolution process as outlined below.
3. The School will attempt to complete investigations within 60 days of the filing of a complaint or the date on which the school becomes aware of a suspected violation of this policy, unless the school determines in its discretion that more time is required to complete the investigation.

Meadville Lombard Theological School 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 school'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 school's access to information relevant to the alleged or suspected violation of this policy. The school 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 school's ability to conduct an investigation and take any corrective action deemed appropriate by the school.

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

5. The school reserves the right to suspend any member of the school community suspected or accused of violating this policy or to take any other interim measures the school deems appropriate, pending the outcome of the investigation. Such interim measures can include, but are not limited to, modifying course schedules and issuing a "no contact" order.
6. The school 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 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 either party to the extent possible.

## 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 School elects to use the formal resolution process in any matter when the School deems doing so appropriate.

When the formal resolution process is invoked, the Vice President of Finance and Administration will conduct the investigation. If the Vice President of Finance and Administration is accused of a violation of this policy, the President will appoint a replacement; 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 Investigator 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 school 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. After an initial investigation, the Vice President of Academic and Student Affairs will oversee a live (on Zoom or in person) hearing. If the Vice President of Academic and Student Affairs is accused of the violation, the President will name a replacement.
2. The School 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 Respondents 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 or have parties speak on their 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 have their party cross-examine the complainant/accused.
  - 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.
3. 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 School'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.
4. Oral and written statements shall be gathered from the parties involved in the alleged policy violation, and from others who may have pertinent information.
  5. The standard used to determine whether the policy has been violated is clear and convincing.
  6. In a timely manner, both the complainant and the respondent will be informed in writing of the outcome of the investigation and hearing, including whether there has been a determination that this policy has been violated. This written notice will be issued concurrently to the complainant and respondent unless the school determines in its discretion that concurrent notification would not be appropriate. If there is a finding that this policy has been violated, the school 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.
  7. The Vice President of Academic and Student Affairs must deliver written opinion to the appropriate school 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 clear and convincing evidence.

If there is a finding that this policy has been violated, the School 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.

- a. The appropriate school bodies are defined as follows:
  - i. Reports regarding students are submitted to the Vice President for Academic and Student Affairs and are addressed according to the Student Handbook;
  - ii. Reports regarding staff members are submitted to the Vice President for Finance and Administration and are addressed according to the Staff Handbook;
  - iii. Reports regarding faculty members are submitted to the Vice President for Academic and Student Affairs and are addressed according to the Faculty Handbook;

- iv. As the School 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. No Contact Order
    - vi. Suspension
    - vii. Dismissal from the school.
- 8. Appeals: Normal appeals procedure as outlined in student, staff, administrative and faculty manuals and handbooks of Meadville Lombard Theological School will be followed. In matters involving allegations of discrimination or harassment (including sexual assault and sexual violence), both the complaining party and the responding party will be afforded the right to appeal on the following bases:
  - a. Procedural irregularity that affected the outcome of the matter
  - b. Newly discovered evidence that could affect the outcome of the matter
  - c. Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter

## **School Discretion**

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