



## Sexual Harassment Administrative Policy 1.10

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### **Policy**

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Midwestern Baptist Theological Seminary (“MBTS” or the “Seminary”) is committed to providing and maintaining a positive learning, working, and living environment that is free from discrimination, harassment, and sexual misconduct. The Seminary is therefore dedicated to enforcing these Non-Discrimination and Anti-Harassment Policies and Complaint Procedures at all levels, and will work to stop harassment before it rises to the level of violating federal law. Discrimination or harassment based on race, gender, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, pregnancy, genetic information, marital status, citizenship status, or on any other legally prohibited basis is unlawful and undermines the character and purpose of the Seminary. Such behavior violates Seminary policy and will not be tolerated at any level – student, employee (i.e. supervisory or non-supervisory), or anyone associated with MBTS in any capacity. A harasser may be male or female, of the same sex or opposite sex, a co-worker, administrator, faculty member, student, or prospective student, family member of a student or employee, visitor, guest, vendor, consultant, or any other person with whom an employee comes into contact in the performance of his/her work and/or educational activities.

### **Scope**

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This policy applies to all departments and employees of MBTS.

### **Discrimination**

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Defined as adverse treatment of any employee based on the protected class or category of persons to whom he/she belongs, rather than on the basis of his/her individual merit, with respect to the terms, conditions, or privileges of employment including, but not limited to hiring, firing, promoting, disciplining, scheduling, training, or compensation.

### **Harassment**

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Unwelcome verbal, written, or physical conduct directed at, or preferential treatment of a person or group based on race, gender, color, creed, age, national origin, ethnicity, disability, veteran or military status, sex, pregnancy, genetic information, marital status, citizenship status, or any other legally protected basis, where the offensive behavior is intimidating, hostile or demeaning or could or does result in mental, emotional, or physical discomfort, embarrassment, ridicule, or harm.

It is impossible to anticipate each and every behavior that may constitute prohibited harassment. Below is a non-exhaustive list of conduct and/or comments that violate the Seminary’s policy:



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- Offensive or degrading remarks, verbal abuse, display of racially offensive symbols, or other hostile behavior such as insulting, teasing, mocking, degrading, or ridiculing another person or group
- Negative stereotyping based on race, national origin, disability, age, or any other protected status
- Written or graphic material that shows hostility or aversion toward an individual or group that is exhibited anywhere on the Seminary's premises or circulated in the workplace or educational environment, including through Seminary e-mail
- Unwillingness to train, evaluate, assist, or work with an employee
- Physical assault or stalking

### Sexual Harassment

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Is a violation of Title VII of the Civil Rights Act of 1964 and the Missouri Human Rights Act, and a harassed person can bring a lawsuit against both the Seminary and the alleged harasser. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that adversely affects the terms and conditions of employment when:

1. Submission to the conduct is made either explicitly or implicitly a condition of employment;
2. Submission to or rejection of the conduct is used as a basis for an academic or employment decision affecting the harassed employee; or
3. The sexual conduct substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

It is impossible to anticipate and identify every act that may constitute sexual harassment. The following is a non-exhaustive list of examples of prohibited conduct:

- Threat, advance, pressuring for or suggestion of sexual favors/relations/contact.
- Threats or insinuation that the person's employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances.
- Repeated requests for social engagements or interactions, when prior social invitations have been refused or when the person has otherwise indicated such invitations are unwelcome.
- Continual or repeated verbal abuse of a sexual nature including graphic commentaries regarding a person's body; comments regarding sexual behavior; sexually degrading words to describe a person; sexually suggestive gestures, including staring, leering, or ogling the person's body; unwelcome requests for sexual behavior; lewd comments, sexual innuendoes and other vocal activity such as catcalls, wolf whistles, etc.



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- Unwanted touching, rubbing, patting or other physical contact
- Displaying or distributing sexually explicit drawings, pictures, or written materials, including but not limited to email or Internet materials
- Performing sexual gestures or touching oneself sexually in front of others
- Derogatory or stereotypical comments about members of one sex versus another
- Sexual jokes or innuendo

The Seminary expects management level personnel to serve as models of appropriate conduct for other employees, and will hold them to a higher standard of accountability. Management personnel must not only refrain from actions that violate this policy, but also refrain from any activity that would give the appearance of impropriety.

### Reporting

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MBTS encourages individuals to bring forward any concerns under this policy before they rise to the level of severe or pervasive behavior, or violating the federal, state, and local laws.

Any administrator, faculty or staff member who becomes aware of alleged violations of this policy must report the situation immediately. Any individual who believes he or she has been a victim of discrimination, harassment, or retaliation prohibited in this policy, or any employee who has witnessed such discrimination, harassment, or retaliation, should immediately report the circumstances according to the procedure below.

- Complaints should be filed in writing with the Office of Human Resources as soon as possible after the event occurs. Failure to do so may affect the ability of MBTS to investigate complaints. Furthermore, failure to file a complaint within 180 days after the offensive conduct may affect the employee's administrative remedies.
- Complaints may be filed in person at the Office of Human Resources or sent via e-mail to [gcrutcher@mbts.edu](mailto:gcrutcher@mbts.edu).
- Suspected violations may also be reported anonymously by calling the MBTS Anonymous Reporting Line at 816.414.3875. Anonymous complaints are not encouraged, however, because of the serious implications of harassment charges, the difficulties associated with their investigation, and the questions of credibility involved.
- It is imperative that managers and supervisors set the tone for the enforcement of this policy. Managers and supervisors have a special obligation not to engage in discrimination, harassment, or retaliation, and are required to promptly report any such behavior they observe, learn about from others, or reasonably suspect has occurred with respect to an employee.



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### **Investigation**

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The Seminary will conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate. The Seminary will make every effort to complete its investigation within [30] days of a report being filed. The investigator may find it necessary to extend the time period for completing an investigation in some circumstances. If this occurs, the investigator will provide the complainant, the alleged wrongdoer, and the appropriate managers and supervisors with notice of any extension and provide a new timetable for investigation completion.

The investigation will include an interview with the alleged victim, and may include interviews with the person who made the initial report, the complainant (if not the alleged victim), the alleged wrongdoer and/or any other person who may have information regarding the incident, each of whom is encouraged to cooperate with any investigation. The investigator may also review relevant documents. The investigation process is strictly internal to MBTS.

The investigator will report his or her findings to the person who made the initial report, the alleged victim, the alleged wrongdoer, and relevant impartial managers and supervisors.

Each complaint will trigger the creation of an investigatory file. This file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, along with any documents created or used during the investigation.

### **Corrective Action**

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In the event the investigator determines a violation of this policy has occurred, the relevant department and/or manager, after consultation with the Office of Human Resources, will take prompt and appropriate action, including disciplinary action. Disciplinary action may include (but is not limited to): reprimand/verbal counseling, training, censure, removal of privileges, letters of warning or suspension, and dismissal. Discipline for a violation of this policy need not be progressive, so a first violation of this policy may warrant suspension or discharge. Management in the appropriate department must ensure the prescribed action, including disciplinary action, is implemented and documented. Managers must provide confirmation to the Office of Human Resources as soon as is practical after the recommended action has occurred.

Either party may, within ten (10) working days, choose to appeal the finding of the Office of Human Resources or any disciplinary action proposed by the appropriate MBTS administrator through established grievance procedures. The grievance procedure may be found in the Faculty or Staff Handbook.



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Management is also responsible for regular monitoring to ensure that all remedial and/or disciplinary steps are completed and no further prohibitive behavior occurs. Corrective action may also be taken with regard to any employee who does not properly carry out his or her responsibilities under this policy.

The Office of Human Resources will contact the complaining party 10 days after the remedial and/or disciplinary action has taken place to verify that no further harassment or retaliation by any person has occurred. Upon receipt of this confirmation, the Office of Human Resources will close the investigatory file.

The complaining party should be asked to describe in writing with sufficient detail any incidents which the complaining party alleges to have occurred after the original allegations were filed.

The investigatory file will be retained by the Office of Human Resources for 3 years.

Measures to correct the effects of harassment may include restoration of leave (annual, sick, etc.), expungement of negative evaluations, reinstatement, apology from harasser, or compensation for losses.

### **Confidentiality**

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The Seminary will maintain the confidentiality of the complainant and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by law.

### **Non-Retaliation**

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Any form of retaliation against anyone who has complained of or formally reported discrimination or harassment, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates both this policy and applicable law. Examples of retaliation include termination, demotion, refusal to promote, or any other adverse action that would discourage a reasonable person from opposing perceived discrimination.

This policy does not replace an employee's right to file an EEO complaint.