



McCormick

Theological Seminary

Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure

A. POLICY STATEMENT

McCormick Theological Seminary (the “Seminary” or “McCormick”) promotes a productive working and learning environment and does not tolerate verbal or physical conduct by any employee or student that harasses, disrupts, or interferes with another’s work or academic performance or that creates an intimidating, offensive, or hostile environment. Such harassing treatment is unacceptable and contrary to our policy and the basic commitment to treat one another fairly, with dignity and mutual respect.

The Seminary strictly enforces its policy against all forms of prohibited harassment involving members of the Seminary Community. No form of harassment will be tolerated. The Seminary cannot stress enough that it will not tolerate any form of prohibited harassment, nor will it tolerate retaliation against individuals who, in good faith, complain of or oppose prohibited harassment or participate in a harassment investigation.

B. WHO IS PROTECTED?

The rules and procedures set forth below apply to the entire Seminary Community. The Seminary Community includes, but may not be limited to, Seminary employees (full time, part time, exempt, non-exempt, hourly or contract staff, outsourced independent contractors, faculty, and adjunct faculty, and student field site supervisors), students (including cross-registered students), Board members, and applicants for employment and admission into the Seminary. The Seminary Community may also, from time to time, include prospective new students, third-party service providers, consultants, and other visitors. The Seminary will not tolerate harassment from any source or against any person in the Seminary Community.

C. PROHIBITED CONDUCT UNDER THIS POLICY

1. *Discrimination.*

a) It is a violation of this Policy to discriminate, permit discrimination, or create a discriminatory academic or work condition on the basis of a person's race, color, national origin, age, religion, disability status, citizenship, sex, sexual orientation, gender identity, gender expression, marital status, veteran status, or other protected status in matters of admission to the Seminary, employment, Seminary housing, benefits, privileges or other services provided by the Seminary.

b) Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including but not limited to Title VII of the Civil Rights Act 1964; Title IX of the Education Admendment of 1972, the Immigration Reform and Control Act of 1986, the Age Discrimination Act of 1975; the Americans With Disabilities Act of 1990, the ADA Amendments Act of 2008, and the the Illinois Religious Freedom Protection and Civil Union Act of 2011. This Policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

c) Discrimination in violation of this Policy will be subject to sanctions up to and including termination.

Note: The discrimination provisions of this Policy as set forth above do not in any way restrict or limit McCormick's lawful admissions or employment requirements.

2. *Harassment.*

Harassment, including sexual harassment, is prohibited by federal, state, and local laws. This Policy prohibits harassment of any kind, and the Seminary will take appropriate action to swiftly address any violations of this Policy. Harassment includes any electronic, written, verbal, or physical act toward an individual which is based on any actual or perceived trait or characteristic of that person and is designed to threaten, intimidate or coerce. Also, verbal taunting (including racial and ethnic slurs) which, in the complaining party's good faith opinion, impairs his or her ability to perform his or her job or academic work.

Examples of harassment may include, but are not be limited to, the following:

a) Comments, epithets, slurs, and negative stereotyping.

that denigrate or show hostility regarding a person's race, color, national origin, age, religion, disability status, citizenship, sex, sexual orientation, gender identity, gender expression, marital status, veteran status, or other protected status.

b) Distribution, display or discussion of any written, electronic or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual, or group because of race, color, national origin, age, religion, disability status, citizenship, sex, sexual orientation, gender identity, gender expression, marital status, veteran status, or other protected status.

3. *Sexual Harassment.*

Sexual harassment in any form is prohibited under this Policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964.

What is sexual harassment? Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

- a) Is made explicitly or implicitly a term or condition of employment or academic standing, or
- b) Is used as a basis for an employment or academic decision, or
- c) Unreasonably interferes with an employee's or student's work or academic performance or creates an intimidating, hostile, or otherwise offensive environment.

Everyone should be aware of the possible consequences of entering into romantic relationships with individuals over whom they have academic, professional, or supervisory responsibility -- even if by mutual consent. Faculty and Students must also comply with applicable codes of conduct set forth in their respective published handbooks.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is **unwelcome**, that is personally offensive, that lowers morale and, therefore, interferes with work and academic effectiveness. Sexual harassment may take different forms.

Examples of conduct that may constitute sexual harassment include, but are not limited to, the following:

(i) Verbal: Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats.

(ii) Non-verbal: The distribution, display, or discussion of any written, electronic or graphic material, that is sexually suggestive, or shows hostility toward an individual or group because of sex;

(iii) Physical: Unwelcome, unwanted physical contact, including but not limited to, touching, tickling, pinching, patting .

4. ***Retaliation.***

The Seminary feels very strongly that it is important to provide faculty, staff, and students with a sensitive, respectful, non-threatening process for registering their concerns **without fear of retaliation**. Therefore, no adverse employment or academic action will be imposed on an employee, student, or other complainant, as punishment for:

- a) Reporting or responding to a good faith complaint of harassment; or
- b) Appearing as a witness in the investigation of a complaint; or
- c) Serving as an investigator.

Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to severe sanctions up to and including termination.

D. Relationship to Freedom of Inquiry and Expression.

McCormick is committed to the principles of free inquiry and free expression. Discussion and debate are fundamental to the mission of the Seminary and this Policy is not intended to restrict or limit teaching methods or freedom of expression. However, discrimination, harassment, sexual harassment, and retaliation are neither legally protected expression nor the proper exercise of academic freedom. Violations of this Policy compromise the integrity of the Seminary, its tradition of intellectual freedom and the trust placed in the members of our community.

E. Reporting.

The Seminary can respond to specific instances and allegations of harassment only when we are made aware of them. The Seminary therefore requires anyone who believes that he or she has witnessed or been subjected to discrimination or harassment to promptly come forward with inquiries, reports or complaints and to seek assistance from the Director of Human Resources or the Chief Business or Financial Officer of the Seminary.

To the extent the complaint involves either the Director of Human Resources or the Chief Business or Financial Officer of the Seminary, complaints shall be submitted to the Seminary President who will manage the complaint and any investigation in a matter consistent with this Policy.

In addition, any supervisor who becomes aware of instances or allegations of harassment, including but not limited to sexual harassment, by or against a person under his or her supervisory authority must report it to the Director of Human Resources or Chief Business, Financial, or Administrative Officer of the Seminary.

What should you do if you believe you are a victim of harassment or sexual harassment or have witnessed harassment?

F. Complaint Procedure.

1. Reporting Complaints and Concerns.

a) If you are the recipient of any unwelcome gesture or remark of a sexual or non-sexual nature, **DO NOT REMAIN SILENT**. You are empowered to make it clear to the individual engaging in the offensive conduct that you find such conduct offensive and unwelcome and state clearly that you want the offensive conduct to stop at once.

b) If you find it uncomfortable confronting the individual engaging in the offensive conduct or, the conduct does not stop, notify your supervisor, the Vice-President of your department (e.g., the Dean of Faculty, the Dean of Students, Chief Financial or Business Officer), hereafter referred to as the “Department Head”), Classroom Instructor, or the Director of Human Resources. Any such complaint received by any supervisor, Department Head, or Classroom Instructor shall be immediately reported by that person to the Director of Human Resources, or, to the extent the complaint involves the Director of Human Resources, to the Chief Business, Financial, or Administrative Officer of the Seminary.

c) The report/complaint can also be made directly to the Director of Human Resources. The Director of Human Resources and her/his Department Head have the primary responsibility of implementing this policy. The Director of Human Resources will respond to all inquiries and complaints regarding discrimination, sexual harassment, other harassment, or retaliation; maintain records of these inquiries and complaints as well as their resolution, and keep the President advised of them, unless the complaint involves allegations about the President, in which case, the Director of Human Resources and her Department

Head shall consult and advise the Chair of the Board of Trustees or her/his designee.

It is very important that you register your complaint as soon as possible following the behavior or incident giving rise to your complaint. It is extremely important that complaints are made within a reasonable period of time following the behavior or incident giving rise to the complaint. Timely reporting of complaints will help us all maintain a productive and respectful workplace, as well as insure that relevant testimony and witnesses will be available to assist in the investigation of the complaint. The Director of Human Resources will make a written record of your complaint and initiate an investigation of the complaint. The Director of Human Resources may, under certain circumstances, utilize the assistance of one or more Department Heads as well as outside professionals, to conduct the investigation. The investigation shall be carried out as confidentially and as promptly as possible.

2. Investigative Process, Resolution, and Disciplinary Action

The Seminary shall conduct investigations of reports and complaints as follows:

a) The Director of Human Resources and, in some cases, her/his Department head and/or legal counsel, will interview the individual or individuals bringing forward the complaint, the individual alleged to have violated our Policy, and any necessary witnesses, as well as review any relevant documentation to determine the nature and extent of the conduct giving rise to the complaint.

b) As soon as practicable after receiving the complaint, but in no event more than 10 business days following receipt of the complaint, the Director of Human Resources, and her/his Department Head and/or legal counsel will conclude the investigation and submit a report of their findings to the President of the Seminary, with copies to the appropriate Department Head.

c) If the investigation reveals sufficient evidence to reasonably conclude that harassment or retaliation in violation of the this policy took place, the Director of Human Resources, in conjunction with his/her Department Head, will recommend to the President of the Seminary (or, to the extent the complaint involves the President of the Seminary, the Chair of the Board of Trustees) the appropriate disciplinary action to be taken by the Seminary. The appropriate action may take the following factors into consideration: **(i)** The severity, frequency and pervasiveness of the conduct; **(ii)** Prior complaints made by the complainant; **(iii)** Prior complaints made against the respondent; **(iv)** The quality of the evidence (first hand knowledge, credible corroboration etc.). To the extent

that the President concurs in that recommendation (or, the chair of the Board of Trustees in the event the complaint involves the President), the recommended disciplinary action shall be carried out.

d) If the investigation does not reveal sufficient evidence to reasonably conclude that harassment or retaliation took place, or it is determined that there has been no harassment or retaliation in violation of this Policy, but some potentially problematic conduct is revealed, preventative/corrective action may be taken.

e) Within 5 business days after the investigation is concluded, the Director of Human Resources will meet with the respondent, in order to notify him or her in person of the findings of the investigation and to inform them of the action being recommended by the Director of Human Resources and approved by the President (unless the complaint involves the President in which case, the Chair of the Board of Trustees). The Director of Human Resources or his/her designee will also meet with the complainant to notify the complainant about the findings and, to the extent permitted in light of privacy concerns, the action(s) taken to resolve the complaint.

f) In the event the Seminary receives a complaint or complaints under this Policy involving a member of the Faculty covered by the Seminary's Faculty Handbook, to the extent that Faculty member disagrees with the resolution of the complaint and/or the disciplinary action to be implemented, that Faculty member may invoke his or her right to file a written grievance in accordance with the procedures set forth in the Faculty Handbook.

G. CONFIDENTIALITY

The Seminary will work to protect the privacy of all those involved in a complaint of harassment or discrimination to the extent it is possible. The Seminary will, to the extent permitted by law, keep confidential all records of complaints, responses, and investigations. Allegations of harassment will not be placed in a personnel file unless, after appropriate investigation, such allegations have been investigated and found more likely than not to have been accurate. Written records of complaints and all other materials relating to such complaints will be marked "confidential" and will be retained in a separate and secure file by the Human Resources department.

H. DISSEMINATION OF POLICY

The Seminary shall make this Policy available to all employees and students and review it annually with staff, faculty and students. Periodic notices sent to students, employees, and supervisors about the Seminary's anti-harassment policy will include information about the complaint procedure and will refer individuals to designated offices/officials for additional information.

The Seminary reserves the right to modify and/or amend any and all of the procedures outlined herein at any time, in its sole discretion. In the event that the Seminary determines that the circumstances warrant modification/amendment of any part of these procedures, timely notice of same will be given to all relevant and affected parties.

The Seminary will make every reasonable effort to ensure that employees have received the appropriate training related to this Policy. All employees, faculty and staff are required to take Anti-harassment training, biennially. All incoming McCormick students are required to take Anti-harassment training; returning students are not required to repeat training during their course of study at McCormick. Any supervisor who believes additional training may be beneficial to his or her unit should feel free to request the services of the Human Resources department.

***ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF MCCORMICK
THEOLOGICAL SEMINARY ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND
COMPLAINT PROCEDURE***

I acknowledge receipt of a copy of the Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure on the date listed below. I understand that it is my obligation to read this policy. I understand that I may consult with the Human Resources Department regarding any questions I may have about this policy. I understand that McCormick takes its obligation to maintain a respectful and harassment-free environment seriously, and I understand that abiding by this policy is required by McCormick.

I understand that nothing stated within this policy is intended to change or alter the at-will employment relationship between McCormick and any of its employees. I understand that this policy is subject to change and that McCormick will make reasonable efforts to communicate any such changes to its staff.

Signature _____ Date _____

Name _____