



## **Policy on Sexual Misconduct**

### **CBTS's Commitment**

All students and employees of CBTS should expect to feel safe and respected at all times in their associations with this school, fellow students, and with faculty, staff, administrators, and Board members. If for any reason you do not, CBTS will provide resources for supporting you and helping you take action.

CBTS is committed to providing educational and working environments characterized by civility and mutual respect, enabling students, faculty, administrators, and staff to relate with each other through bonds of intellectual dependence and trust. Sexual misconduct is antithetical to such community and will not be tolerated.

Title IX regulations are enforced throughout the CBTS educational system, with the Provost's and CFAO's offices holding special responsibilities for ensuring compliance with the seminary's policies regarding sexual misconduct.

CBTS's sexual misconduct policies apply to all members of the CBTS community, including third parties (i.e., individuals who are neither students nor employees, e.g., guests, consultants, contractors, etc.). Conduct that occurs in the process of application for admission also falls under these policies. In addition to CBTS's policies, many forms of sexual misconduct are prohibited by federal, state, and local laws and could result in criminal prosecution and other penalties.

### **Reporting Sexual Misconduct**

Complaints of sexual misconduct may be reported to and/or pursued with the Provost or CFAO. Forms for this purpose are available in the Employee Handbook, Faculty Guidelines and Expectations (handbook), Student Catalog, and the CBTS.edu website or might be reported in person or via phone contact. Depending upon the identity of the person making the report, the complaint might be referred to a designated Seminary Counselor or other CBTS professionals trained to give support and guidance relative to matters of sexual misconduct. CBTS exercises care to ensure that matters of gender, language, race, ethnicity, or other factors will not be barriers to the reporting person's sense of safety and support in making a complaint and in freely explaining what has occurred. Referring to qualified CBTS personnel enables us to match the person reporting with an official with whom she or he can feel comfortable. If the complaint is from a student or employee at a distance teaching site, every effort will be made to provide local support either through the site director or some other suitable trained local person.

The Provost, CFAO, all staff in these offices, all site directors, and all standing faculty receive comprehensive annual training on:

- relevant laws, regulations, and disciplinary codes
- the dynamics and patterns of sexual misconduct
- the importance of confidentiality
- fair process and impartiality
- safety considerations when determining interim measures, and
- appropriate criminal and disciplinary sanctions

You might choose any of these persons to assist you with a complaint of sexual misconduct. (see the section of this document explaining the complaint process once activated)

### **Definition of Sexual Misconduct**

Sexual misconduct encompasses a range of behaviors including sexual harassment, sexual assault, intimate partner violence, stalking, voyeurism, and other actions of a sexual nature that is nonconsensual or has the purpose or effect of threatening, intimidating, or coercing a person. Disparagement on the basis of gender or sexual identity is a form of sexual misconduct.

Sexual misconduct frequently includes nonconsensual contact of a sexual nature, but this does not define the limits of this behavior. Threatening speech if sufficiently severe or pervasive might be construed as sexual harassment and therefore could constitute sexual misconduct. Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent constitutes sexual misconduct. In addition, sharing such recordings or other sexually harassing electronic communications without consent is a form of sexual misconduct.

Both men and women of all ages, ethnicities, sexual identities, and student or employment status are protected from sexual misconduct. Sexual misconduct is prohibited regardless of the gender of the harasser. Violations of CBTS's Policy on Faculty-Student Consensual Relations and Policy on Relationships between Staff Members are also forms of sexual misconduct.

### *Sexual Harassment*

Sexual harassment consists of nonconsensual sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature at any CBTS location or function when:

- submission to such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing; or
- submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades, or advancement; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating or hostile academic or work environment.

Sexual harassment might be found in a single episode as well as in persistent behavior. Both women and men are protected from sexual harassment, and sexual harassment is prohibited regardless of the gender of the harasser.

### *Sexual Assault*

Sexual assault is any kind of nonconsensual sexual contact including rape, groping, or any other nonconsensual sexual touching.

### *Sexual Consent*

CBTS expects all students and employees to model Christian moral conduct, including sexual behavior. Defining sexual consent does not mean other expectations for moral sexual conduct do not apply.

Sexual activity requires consent, which is defined as positive, unambiguous, and volunteer agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a “no”; a clear “yes” verbal or otherwise is necessary. Consent to some sexual acts does not constitute consent to others, nor does past consent to a given act constitute present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Consent cannot be obtained by threat, coercion, or force. Consent cannot be obtained from a person who is in any way physically or mentally incapacitated due to alcohol, drugs, sleep or some other condition. Physical and/or mental incapacitation exists when a person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know (or reasonably should know) to be incapacitated constitutes sexual misconduct.

### *Intimate Partner Violence*

Intimate partner violence occurs when a current or former intimate partner uses or threatens physical or sexual violence. This may also take the form of a pattern of behavior that attempts to establish power and control by causing fear of physical or sexual violence.

### *Stalking*

Stalking is repeated or obsessive unwanted attention directed toward an individual or group that is likely to cause harm, fear, or substantial emotional distress. Stalking may take many forms, including lying in wait, monitoring, and pursuing contact. It may occur in person or through a medium of communication (such as letters, email, text messages, telephone calls, or similar methods). Under certain circumstances two or three instances of such behavior could be sufficient to constitute stalking.

### **CBTS Policy on Faculty-Student Consensual Relations**

CBTS understands that members of the Seminary community (regardless of location or mode of interaction) and any persons with whom they have (or may have) a professional responsibility, are in a covenantal relationship based upon the purpose of theological education and life together in the Church. Romantic and sexual involvements, even if consensual, distort these covenantal relationships, violate professional policy, and create conflicts of interest.

Professional relationships between faculty and students are crucial to the integrity of the learning environment, and thus romantic or sexual relationships between faculty and students, even of a “consensual” nature, are always a violation of Seminary policy. For purposes of this policy, “faculty” might include any person in direct supervision of a student (on or off a CBTS teaching location or via digital or other means) such as course teaching, examining, grading, advising for a formal project (e.g., thesis or research), supervising internships, research, or other academic activity, program administrator, and recommending roles like recruitment, admissions, grant administration, etc. This also includes

graduate and professional students when serving as part-time instructors or similar roles. “Student” refers to any person enrolled in any and all educational and training programs of CBTS.

Romantic or sexual involvements between a supervisor and anyone for whom he/she has a supervising role, even if consensual, will be considered a violation of Seminary policy and will normally lead to disciplinary action up to and including termination. Exceptions to this policy apply in the rare cases when a member of a married couple is in a supervisor/supervisee relationship. These unusual job arrangements are subject to the approval and mediation of the President.

### **CBTS Policy on Relationships between Staff Members**

CBTS staff are expected to avoid romantic or sexual relationships with other CBTS employees for whom they have or might reasonably expect to have supervisory responsibilities. This applies to all locations and modes of supervisory interaction. If such a relationship exists or develops, the individuals should immediately disclose this to the Provost or the CFAO. Arrangements will be made to address any issue of conflict of interest. Any decision affecting any aspect of employment must be made by disinterested and qualified supervisory personnel. Violations of this policy will normally lead to disciplinary action up to and including termination.

Employees with questions about this policy regarding any relationship in which they are or anticipate being involved which could violate the policy are encouraged to consult with their supervisor, the CFAO, or the Provost.

### **Strategies for Preventing Sexual Misconduct**

#### *General Strategies*

- Pay attention to the conduct of people with whom you associate. You are safest in communities that share values of mutual respect for all persons. Don't tolerate disrespect or pressure in your community of associates. Even small incidents of disrespect can contribute to a negative community climate.
- If you see or hear something that causes you concern, check it out. Call on friends, associates, supervisors, and others to help if necessary.
- If you are in a position of authority over another person or group, you have a responsibility to establish and maintain a respectful environment. If you are a supervisor, you must report any sexual misconduct that comes to your attention to a Title IX coordinator (the Provost's or CFAO's office).
- Watch for patterns, not just isolated actions. Sexual misconduct can take the form of patterns of conduct that might not be concerns in isolation. Pay attention to repeated disrespect, intimidation, and threat even if these actions seem small in isolation.

#### *Strategies for Preventing Sexual Harassment*

- Model respectful behavior at all times. Be respectful in peer and collegial relationships. Think about how words and actions could hurt someone else, even if they seem insignificant to you. Respect does not require that you agree, only that you share differing perspectives in ways that respect the personhood of the other

- Commit to CBTS's value that all are entitled to study and work in a respectful environment. If elements are present that feel hostile, look for ways to intervene. Seek the support of colleagues, supervisors, administrators, and faculty if you need help doing this.

### *Strategies for Preventing Stalking*

- Although stalking might seem merely annoying (or possibly even flattering), you should take this unwarranted behavior seriously. This behavior can escalate to a threatening situation quickly. Don't dismiss concerns, whether your own or those of another person.
- If the threat is immediate, call the police. If you need to make a longer-term plan for your safety, seek the support of colleagues, supervisors, administrators, and faculty who can seek or recommend resources to assist you.

### *Strategies for Preventing Intimate Partner Violence*

- Pay attention to threatening situations of friends in close or domestic relationships. People often are reluctant to get involved in a situation related to a friend's or colleague's intimate relationships. If you need help deciding, contact a supervisor, administrator, or faculty member to help you evaluate the situation and locate the needed resources.
- Be alert to patterns. Intimate partner violence can be difficult to identify. Be attentive to patterns of isolation, control, and intimidation that could be warning signs of this form of sexual misconduct.

### *Strategies for Preventing Sexual Assault*

- Take sexual pressures seriously. Sexual assault frequently begins with low-level sexual pressure. While sexual pressure and disregard don't always lead to assault, you have the right to have your boundaries respected, not pushed.
- In sexual relationships, always pay attention to any signs of reluctance, including nonverbal signals. Do not assume aggression is ok simply because forceful rejection or refusal is not demonstrated. Consideration and respect for the feelings of the other person in a relationship always should be practiced.

### *Bystander Intervention*

Sexual violence often is permitted by cultural patterns of disrespect, pressure, and aggression. We can interrupt those patterns through small (or large) interventions:

#### **Prelude to Intervention**

- In community life, be attentive to things that make you feel uncomfortable. Watch for signs of sexual pressure, unwanted attention, or disrespect. Don't ignore "little" things.
- Decide whether someone should intervene. Does someone need help? Is the situation moving in a bad direction? If possible, confer with the person you think is in need of help.
- Make a plan. Determine who might be in the best position to take action, you, a friend, an official, or someone else.
- Follow through with action. Be attentive to others trying to help, and determine whether joint action might be better than your individual action alone. Begin with the smallest

possible intervention that seems reasonable for the situation and increase the level as conditions warrant.

### **Options and Rights Should You Experience Sexual Misconduct**

Sexual misconduct in its various forms can seriously impact personal, professional, and academic life. Should you experience sexual misconduct, CBTS encourages you to take action to secure the help and support you need. Such action might include filing a grievance with the Provost's office or the Executive Vice President's office and thereby pursuing disciplinary sanction, and/or filing a police report and pursuing criminal investigation.

### **Steps to Consider Taking Should You Experience Sexual Misconduct**

- Get support – the Provost and Executive Vice President and others at CBTS can provide information and advocacy as well as support, all in strict confidence (unless a federal or state law has been violated and requires us to report the offense to authorities).
- Seek medical treatment – If you have experienced physical or sexual violence, you should get medical care as soon as possible even if you feel okay. Among other things, the first hours after an assault are important for collecting forensic evidence and treating for possible diseases.
- Collect and preserve evidence – in addition to medical and forensic evidence, voicemail, emails, and text messages can be important. Even if you do not initially think you will pursue disciplinary or criminal complaints, it is good to keep those options open by securing evidence.
- Report the incident – if you or someone you know has experienced sexual misconduct involving a member of the CBTS community, you may file a report through the office of the Provost or the CFAO. This allows administrators to respond appropriately to your case and to broader patterns of inappropriate behavior. The Provost and CFAO will be able to supply you with written materials outlining your options, rights, and available services. Making a report usually does not commit you to pursuing a complaint. In rare occasions where serious threat exists to an individual or the larger community, administrators might be required by law to take independent action.
- Pursue a complaint – the process for pursuing a complaint and the complaint options are described below. You have a range of options to pursue: criminal and disciplinary, formal and informal.
- Continue getting support – the impact sexual misconduct might have on you can ebb and flow over time as different settings and challenges arise. Don't conclude that having overcome the initial trauma means you will not need additional support later.

### **Seeking Accommodations, Remedies, and Protective Measures**

If you experience sexual misconduct, CBTS can take steps to help minimize the impact of the incident(s), decrease the likelihood of recurrence, and provide a safe educational and work environment. Many steps can be taken regardless of whether or not you choose to pursue a complaint. Measures can include no contact orders, changes to employment or academic assignments, and temporary suspensions. Use the help available through the Provost's or CFAO's offices to seek accommodation when needed.

## Processes for Pursuing a Complaint

Complaints of sexual misconduct may be reported to and/or pursued with the Provost or CFAO. Forms for this purpose are available in the Employee Handbook, Student Catalog, and the CBTS.edu website or might be reported in person or via phone contact. (See the section on “Reporting Sexual Misconduct” for additional information)

Depending upon the degree of urgency the situation might require, the following steps might be taken in response to a complaint:

1. If you or someone you know is in immediate threat or danger of violence, call 911 and seek help from local authorities. You might later consult with administrative personnel and/or file a complaint report with CBTS if you would choose to do so, but the immediate safety of all parties should be your first concern.
2. Every effort is made to safeguard the privacy of the complainant, but some types of sexual misconduct might require notification of authorities. When you report misconduct be aware that CBTS personnel must abide by federal laws and the laws of the state in which the misconduct occurred.
3. You have two options when filing a report of sexual misconduct:
  - a. Informal Complaint – this complaint would initiate action either by the Provost’s office or the CFAO’s office to conduct an informal resolution process. This would not include formal investigation or a formal hearing. It also would not result in a formal finding or discipline, but could result in other remedial actions. The choice to pursue an informal resolution does not preclude the complainant’s option of pursuing a formal complaint in the future.
  - b. Formal Complaint – the formal complaint process can involve several stages and procedures:
    - i. Initial Inquiry: When any charges of sexual misconduct are brought by a student or academic personnel, the Provost and a committee of two (2) faculty members and/or a staff member (depending upon the persons involved in the complaint, the committee members are chosen to ensure a fair hearing) appointed by the Provost, will conduct an informal inquiry to establish the facts in the complaint and to determine what further actions are needed. If the informal inquiry determines that a Hearing Committee is needed, one will be formed and the complaint will move to the formal inquiry stage. If the complaint does not involve students or academic personnel, the CFAO will initiate a comparable process from that office.
    - ii. Formal Inquiry: The following actions are involved in a formal inquiry:
      1. The Provost will inform in writing all persons included in the complaint of the charges involved. If the complainant is a non-academic employee, the CFAO will form the committee.
      2. A Hearing Committee of CBTS persons trained in sexual misconduct matters will be formed to conduct the formal inquiry. In the academic division that committee will include the Provost as chair and three (3)

faculty and/or academic staff members. If outside the academic division, the CFAO will form the committee. In that case the committee will consist of the CFAO (chair) and three other employees chosen by the CFAO.

3. The Hearing Committee will conduct a formal inquiry to hear the charges and the accused's defense. A record of the proceeding will be maintained. The Hearing Committee will prepare its findings regarding the grounds for disciplinary action in writing. If CBTS policy has been violated, disciplinary actions might be imposed including required special awareness training, censure, probation, leave of absence, or dismissal from the seminary (if a student). Or reassignment or termination (if an employee).
4. The formal complaint process normally should be concluded within 60 days. If special circumstances require more time, all parties will be notified in writing of the new timeframe.

iii. Appeal

1. Either the complainant or the respondent might appeal a decision of the Hearing Committee to the President of CBTS. The President might either review the records of the Hearing Committee's findings and decide the appeal on the basis of existing information or form an Appeals Fact-finding Committee and conduct an Appeals Hearing. There will be a written record of the hearing and testimony.
2. The Appeals Fact-finding Committee will prepare its findings regarding the actions and decisions of the former Hearing Committee together with additional finding they might secure and will convey these findings to the President.
3. The President will examine all records and reports, requesting additional interviews and testimony if needed, and render a decision either to uphold the earlier Hearing Committee's decision or to modify or reverse that decision. This decision is final.
4. The appeals process normally should be concluded within 60 days. If special circumstances require more time, all parties will be notified in writing of the new timeframe.
5. There should be an avoidance of public statements by all parties involved in the complaint until the proceedings are complete and announcements of the final decision have been made.

**Sexual Misconduct Orientation and Training**

1. All CBTS students in all locations and all mediums of delivery will receive orientation on how to prevent and respond to sexual misconduct at the beginning of their program of study. This might occur as part of an initial orientation class or as part of the Foundations for Seminary Studies or correlated classes.



2. All CBTS employees, including faculty and staff, will receive orientation on how to prevent and respond to sexual misconduct either in person or via digital conferencing technology in August of each year.
3. The following persons and selected others receive special training in August of each year preparing them to support and advise persons reporting sexual misconduct. The Provost, CFAO, all staff in these offices, all site directors, and all standing faculty receive comprehensive annual training on:
  - a. relevant laws, regulations, and disciplinary codes
  - b. the dynamics and patterns of sexual misconduct
  - c. the importance of confidentiality
  - d. fair process and impartiality
  - e. safety considerations when determining interim measures, and
  - f. appropriate criminal and disciplinary sanctions