

# TITLE IX AND ANTI-HARASSMENT



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## PITTSBURGH THEOLOGICAL SEMINARY TITLE IX POLICY AND PROCEDURES

Updated Nov. 5, 2021

### I. NOTICE OF NONDISCRIMINATION

Title IX of the Education Amendments of 1972 states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Title IX includes protections against sexual harassment, gender-based discrimination, and sexual violence. Definitions of gender-based discrimination, sexual harassment, and sexual violence are set forth in Section IV of this policy. Further information about Title IX and how it may affect you can be found at the Department of Education website: <https://www2.ed.gov/policy/rights/guid/ocr/sex.html>. Pittsburgh Theological Seminary is committed to modeling ways of being with one another that exemplify the recognition that we are all created in the image of God and are to be treated with dignity and respect. Our community, just as the larger world, contains diversity in many forms. For the sake of the unity of the church and our witness to the world, we are committed to embodying respect across differences. Therefore, in accordance with the witness of holy scripture and the Christian tradition, as well as Title IX, Pittsburgh Theological Seminary forbids discrimination on the basis of gender, sexual harassment, and sexual violence. Pittsburgh Theological Seminary likewise prohibits retaliation for raising a concern or complaint of gender discrimination,

sexual harassment, or sexual violence and is committed to helping to provide protection, help, and safety to anyone who raises a concern or complaint under this policy.

This policy is intended to provide more information about how the Seminary addresses issues of gender discrimination, sexual harassment, and sexual violence and to describe the Seminary's process for responding to complaints about violations of this policy in a manner that is prompt, fair to all parties, pastoral, and mirrors the Seminary's commitments to gender equality and to an environment that is free from harassment and discrimination.

## II. COMMUNITY COMMITMENT AND SCOPE OF POLICY

Pittsburgh Theological Seminary (the "Seminary") is an educational institution that forms and equips persons for ministry, with a commitment to scholarship. It seeks to be a generous and hospitable community that fosters intellectual inquiry, theological reflection, reconciliation, and justice. Gender discrimination, sexual harassment, and sexual violence are contrary to the Seminary's mission and vision and will not be tolerated within the Seminary community. Therefore, all students, faculty, employees and vendors are subject to this Title IX policy.

Learning and a free exchange of ideas cannot occur where there is discrimination, harassment, or violence. Likewise, living fully into the Seminary's Vision of the Seminary as a place that teaches reconciliation and justice requires all within the Seminary's community to speak out whenever another member of the community is belittled, threatened, or discriminated against. Anyone within the Seminary community, including students, faculty, and employees, who witness any violation of this policy must report the violation as outlined in Section VI below. Prompt disclosure of any violation of this policy places the Seminary in the best position to support any persons harmed by a violation of this policy and to remedy any situation or conduct that undermines the safety and integrity of the Seminary community.

The procedure for raising a complaint under this policy is not intended to be a substitute for any other right or remedy that might be available. The Seminary has a limited ability to force cooperation in the investigation of any complaint under this policy, and full redress for certain conduct that violates this policy may only be found by using a court of law. The Seminary strongly encourages anyone who believes that s/he is a victim of sexual violence to notify law enforcement immediately, because the criminal justice system offers remedies that are unavailable under this policy.

The Seminary shall also communicate its Title IX policy, offer appropriate bystander and other training under it, and strive to eliminate gender discrimination, sexual harassment, and sexual violence from its educational programs and activities. The Seminary shall also offer educational programs and communications designed to prevent violations of this policy. This policy applies to conduct that occurs (i) on Seminary property or (ii) off Seminary property, if the conduct was either in connection with a Seminary or Seminary-recognized program or activity or the conduct may have the effect of creating a hostile environment for a member of the Seminary community.

## III. TITLE IX COORDINATORS

Title IX Coordinators are responsible for ensuring compliance with Title IX and for the enforcement of this policy, including overseeing all complaints of gender discrimination, sexual harassment, and sexual violence brought under Section VI of this policy and offering the training necessary to implement this policy. The Seminary's Title IX Coordinators are available to speak with anyone who wants to raise a concern under this policy. The Seminary has designated the below individuals as Title IX Coordinators:

Title IX Co-Coordinator  
Ayana Teter, Associate Dean of Students and Formation  
Long Hall, Room 211  
412-924-1398

[Click to view e-mail](#)

Title IX Co-Coordinator  
Dr. Josie Hoover, SHRM-CP, Director of Human Resources  
McNaugher Hall, Room 206  
412-924-1420

[Click to view e-mail](#)

## IV. DEFINITIONS

### A. Gender Discrimination

An adverse action or decision that is based on or motivated by an individual's gender, sexual orientation, gender identity, and/or gender expression. Female, male, and gender nonconforming persons are protected under this policy.

## B. SEXUAL VIOLENCE

Sexual violence is engaging in any physical sexual act against a person's will, or where the person does not or cannot give clear voluntary consent. Persons who are impaired due to being under the influence of drugs or alcohol or who have intellectual disabilities are customarily viewed as being unable to give voluntary consent. As used in this policy, "sexual violence" includes attempted or completed sexual assault (including rape, fondling, incest, and statutory rape), stalking, verbal or physical sexuality-based threats or abuse, domestic violence, dating violence, and intimate partner violence.

## C. SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature (collectively, "Sexual Conduct"). "Sexual harassment" as used in this policy includes quid pro quo behavior, hostile environment, and gender-based harassment.

*Quid pro quo* harassment is when submission to or rejection of any Sexual Conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement in a course, program, or activity.

*Hostile environment* is when Sexual Conduct is sufficiently serious and/or pervasive that it objectively interferes with or limits a person's ability to participate in or benefit from the Seminary's educational programs or activities. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

*Gender-based harassment* is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the Seminary's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this policy.

Sexual harassment may be based upon a power differential, the creation of a hostile environment, or retaliation. Sexual violence, as defined above, is also a form of sexual harassment.

## V. IN THE CASE OF SEXUAL VIOLENCE

An act of sexual violence is typically also a crime. **Any victim of a crime is strongly encouraged to report the crime to the police. The Seminary will provide support for any person who wishes to report a crime to the police through the Title IX Co-Coordinators.** Victims of a crime often need additional support and guidance. In the case of a specific type of sexual violence called "sexual assault" (which includes attempted or completed rape, incest, fondling, and statutory rape), there are special resources available to support the victim and certain actions that should be taken to preserve evidence.

The Seminary offers the below information to help ensure that its students, and the Seminary community in general, have important information to bring any perpetrator to justice and are aware of resources that are available to victims. The information is not intended to detract from or substitute for the complaint process described in this policy. A victim of a sexual violence can file a criminal charge with law enforcement and also bring a complaint under this policy.

If you have been sexually assaulted, *it is not your fault*. No matter the circumstances, it is not your fault. Being sexually assaulted is never your fault.

*Get to a safe place.* Call campus security at 412-889-2208 or Pittsburgh Police at 911.

*Reach out for support.* Contact a friend, trusted administrator or call Pittsburgh Action Against Rape at 1-866-363-7273 (1-866-END-RAPE) if you are the victim of a sexual assault.

*Get medical attention.* Go to the nearest emergency room. Where there has been a sexual assault, ask to speak with an in-person advocate or contact Pittsburgh Action Against Rape at 1-866-363-7273 (1-866-END-RAPE).

*Have evidence collected.* If you choose to report the sexual assault or pursue legal options, physical evidence can be important. Forensic evidence can be collected up to 5 days after the assault. Valuable evidence may remain on your body or clothing. Try not to change your clothes. Try not to bathe, shower, eat, drink, brush your teeth or go to the bathroom before going to the emergency room. In other crimes of sexual violence where the victim has been physically harmed, physical evidence is likewise important and should be preserved by calling the police and seeking treatment immediately at an emergency room.

*Report the crime.* Call 911 to contact Pittsburgh Police.

*There are remedies outside of the criminal justice system.* In cases of sexual assault where police do not conduct an

investigation, the Seminary may still conduct its own investigation. Any student, staff member, or faculty member found to have committed sexual assault either by the courts or by the Seminary's internal review is subject to expulsion and/or termination.

*Seek support from a mental health professional or victim's support group.* Call Pittsburgh Action Against Rape at 1-866-363-7273 (1-866-END-RAPE) in an instance of sexual assault and the Women's Center and Shelter of Greater Pittsburgh at 412-687-8005 in other instances of sexual violence for further help.

*In the case of a mental health crisis, seek immediate help.* Call RESOLVE at 1-888-796-8226 (1-888-7 YOU CAN) to obtain confidential telephone counselling or an evaluation on-site or at home by a mobile crisis team. RESOLVE also has a walk-in assessment center and crisis residential facility (no appointment needed) at 333 North Braddock Avenue, Pittsburgh, PA 15208. In addition to Western Psychiatric Institute and Clinic of UPMC (WPIC), certain area emergency rooms (including St. Clair Hospital and Forbes Regional Hospital) also have mental health professionals who can make an evaluation and assist in identifying the right level of mental health care and intervention.

*Take advantage of counselling services offered through the Seminary.* Seminary students are able to obtain private mental health treatment through Pittsburgh Pastoral Institute, in many cases free of charge. Call 412-661-1239 to make an appointment.

## **VI. PROCEDURE FOR RAISING AND ADDRESSING CONCERNS AND COMPLAINTS**

### **A. OVERVIEW**

Except as described in Section VII below, the procedure described in this Section VI is intended to address gender discrimination, sexual harassment, and sexual violence where the student is the victim. The Seminary community is best served by a procedure that is neither complicated nor intimidating. Persons who handle complaints shall be specifically trained for the task and clearly identified for the community. The Title IX Co-Coordinators is responsible for oversight of complaint procedures and for the designation, training, and supervision of Harassment Complaint Advisors (as that role is described below).

### **B. CONFIDENTIALITY**

The Seminary will respect and take measures to keep any complaint of gender discrimination, sexual harassment, or sexual violence as confidential as possible. However, because of the Seminary's commitment to investigating and addressing any conduct that violates this policy, while also acting in a manner that is fair to the respondent, some or all of the contents of the complaint may need to be disclosed, including the identity of the complainant, to others, including the respondent.

C. Initiating the Procedure for Addressing a Violation of This Policy – Filing a Complaint Asserting a complaint under this policy shall be governed and addressed as follows:

1. A person who wishes to raise a violation of this policy may do so by (a) speaking personally with the Title IX Co-Coordinators, or any Harassment Complaint Advisor or (b) submitting a written complaint to any of these persons. A complaint may be made anonymously, as described in #7 below.
2. A written complaint must be filed with the Title IX Co-Coordinators before a Hearing Team (as described below) will be convened. A form for filing a written complaint and a current list of Harassment Complaint Advisors shall be published in the Student Handbook and made available in the office of the Title IX Co-Coordinators. The Title IX complaint form is also available on the Seminary's MyPTS website and can be filed electronically. (A written or electronically filed complaint using the Seminary's designated form are referred to as a "Complaint"). Where the complaint was initiated by speaking with the Title IX Co-Coordinators, or a Harassment Complaint Advisor, such person shall either assist the complainant in filing a written Complaint or, upon receiving permission from the complainant, draft and submit the written Complaint on behalf of the complainant no later than three (3) days<sup>1</sup> from receiving permission to draft the Complaint.
3. Intimidation of persons and acts of reprisal against persons filing a Complaint or raising a concern that this policy has been violated are forbidden. Any violation of this anti-retaliation policy shall be brought before the Title IX Co-Coordinators and Dean of Faculty.
4. If a Harassment Complaint Advisor receives either a verbal or written complaint, the Advisor shall inform the Title IX Co-Coordinators immediately.
5. If personal safety or emotional health is an issue or if immediate action is otherwise required, the President or any Dean of the Seminary shall be so informed immediately and shall determine the appropriate measures to be taken, including, but not limited to, assisting with the safety of the complainant and any others, restricting the respondent's activities and/or presence on the Seminary's campus (including, but not limited to, banning the respondent and complainant from having any contact with one another), changing class schedules, providing medical and counselling services, making different housing assignments, and accelerating any aspect of the procedure described below.

6. The Seminary strongly encourages victims and witnesses to come forward immediately after the incident, if possible, and in the case of a hostile environment sexual harassment complaint, as soon as the complainant believes that a hostile environment is present. Prompt complaints enable the Seminary to address a situation before it worsens, and it is usually more effective to conduct an investigation while recollections of the parties and witnesses are still fresh and evidence has not been lost.

7. The Seminary strongly urges victims and witnesses to come forward so that the Seminary can prevent a recurrence of prohibited activity and bring about healing and reconciliation as quickly as possible. The Seminary also understands that in some instances, the conduct prohibited under this policy can be so severe or upsetting that a victim or witness is either unable or unwilling to attach his or her name to an allegation that this policy has been violated. In those instances, the victim or witness can make an anonymous written Complaint to the Title IX Co-Coordinators using the form published in the Student Handbook and made available in the office of the Title IX Co-Coordinators or on the Seminary's MyPTS website. The investigation of an anonymous Complaint shall be undertaken in any manner that the Title IX Co-Coordinators directs, in consultation with Seminary leadership having supervisory authority over the respondent. Depending upon the circumstances relating to the anonymous Complaint, certain of the procedures described below may not be possible or realistic to follow. In determining whether this policy's Title IX procedure should be altered to address an anonymous Complaint, due consideration shall be given to what is in the best interest of the Seminary community, to the existence of a potential serial offender/offense, to the requirements of Title IX and goals of this policy, and to the need for a fair and prompt resolution of the matter for all parties.

8. Whenever a Title IX Coordinator, Deputy Title IX Coordinator, any Dean or any Officer of the Seminary becomes aware of a violation of this policy, the matter must be reported and investigated, even if no victim or witness has reported the matter.<sup>2</sup> In such situations, the Title IX Coordinator or Deputy Coordinator shall meet with any witness or victim that has been identified, as well as with the person who has allegedly violated this policy. If neither the victim nor witness wishes to file a written Complaint, the matter will be treated as an anonymous complaint (as described in #7 above) and the Title IX or Deputy Title IX Coordinator shall file a written Complaint in accordance with this policy within five (5) days of concluding the meetings with the victim(s), alleged violator(s), and witness(s).

9. A complainant may decline to file a written Complaint or may choose to stop participating in the complaint process or withdraw the Complaint at any point. In that event, the Title IX Coordinator shall consult with the Dean of Faculty, Associate Dean of Students, and respondent about whether to proceed with the process and how, if at all, the process should be altered. In making such assessments, due consideration shall be given to what is in the best interest of the Seminary community, to the existence of a potential serial offender/offense, to the requirements of Title IX and goals of this policy, and to the need for a fair and prompt resolution of the matter for both the complainant and respondent.

#### **D. THE HARASSMENT COMPLAINT ADVISORS**

The Harassment Complaint Advisors are convened by the Title IX Co-Coordinators in consultation with the Dean of Faculty. The purpose of the Harassment Complaint Advisors is to serve as the group from which Hearing Teams (see below) shall be drawn. Twelve persons shall be chosen to serve as Harassment Complaint Advisors in consultation with and among the President, Dean of Faculty, Associate Dean of Students, and Title IX Coordinator. The Harassment Complaint Advisors shall include at least three (3) members each of faculty, students, and staff. The names and contact information for each of the Harassment Complaint Advisors shall be regularly communicated so that every member of the Seminary community knows who they are and how to reach them. The Title IX Coordinator shall act as secretary to the Harassment Complaint Advisors, maintain the list of Harassment Complaint Advisors, ensure that vacancies are filled, and encourage diverse representation in the selection of Harassment Complaint Advisors. The Title IX Coordinator shall also be responsible for ensuring that the Harassment Complaint Advisors receive regular training and understand the procedure and duties required under this policy for addressing complaints.

#### **E. THE HEARING TEAM**

The Title IX Coordinator or Deputy Coordinator, in consultation with the Associate Dean of Students and Dean of the Faculty, shall promptly assess any written Complaint to determine whether it is appropriately filed under this policy (meaning that the facts set forth in the Complaint, if assumed to be true, are sufficient to assert a claim of gender discrimination, sexual harassment, or sexual violence and that the alleged conduct occurred within the scope of this policy). If the written Complaint is appropriately filed under this policy, the Complaint shall be brought before a Hearing Team of three members chosen by the Title IX Coordinator, in consultation with the Dean of the Faculty and Associate Dean of Students, from the Harassment Complaint Advisors. A different Hearing Team will be selected for each specific case. The Title IX Coordinator shall also designate the presiding member of the Hearing Team. The Deputy Coordinator, or in his or her absence, the Dean of Faculty shall be a non-voting fourth member of the Hearing Team and shall act as its secretary. The following additional considerations and expectations relate to the formation of the Hearing Team:

1. The Title IX Coordinator shall make every effort to ensure that a fair and impartial Hearing Team hears the matter. There shall be a representative from the campus class of the complainant and of the campus class of the respondent, campus classes being student, staff, and faculty. In cases where both the complainant and respondent are from the same campus

class, it is permissible that at least one (1) Hearing Team member be of that class. Two (2) Hearing Team members of the same campus class is permissible, but three (3) members of same campus class should be avoided.

2. If a Harassment Complaint Advisor received or assisted in processing the initial complaint, that Advisor shall not serve as a member of the Hearing Team.

3. If a conflict of interest or other valid reason prevents a Harassment Complaint Advisor from serving on the Hearing Team, the Title IX Coordinator shall select a substitute from the same class of Harassment Complaint Advisors. To preserve the fairness of the process and the impartiality of the Hearing Team, Harassment Complaint Advisors must err on the side of caution and immediately advise the Title IX Coordinator of a conflict or potential conflict of interest.

4. The Hearing Team members must be appointed within three (3) days of the Title IX Coordinator's or Deputy Coordinator's determination that a written Complaint is appropriately filed under this policy.

5. The Title IX Coordinator shall provide the complainant and the respondent with written notification of the identities of the persons serving on the Hearing Team within two (2) days after the selection of all the Hearing Team. The complainant and the respondent may file a written objection with the Title IX Coordinator regarding the service of any Hearing Team member within five (5) days of receipt of the notice of the Hearing Team members. After reviewing the written objection, the Title IX Coordinator may, but need not, replace any member of the Hearing Team with another Harassment Complaint Advisor of that same class within three (3) days of receipt of the objection.;

## **F. PROCEDURE FOR CONSIDERING COMPLAINT**

The procedure for considering and addressing a complaint of a violation of this policy shall follow the below steps:

1. Within two (2) days of determining that a Complaint is appropriately filed, the Title IX Coordinator shall advise the respondent(s) of the complaint and provide a copy of the written Complaint.

2. In a timely manner after its selection, but within three (3) days of setting the final members of the Hearing Team, the Hearing Team shall meet with the complainant in order to:

a. Hear the allegations of the complainant(s) directly; and

b. Outline the process which will be followed in response to the Complaint, emphasizing the fact that no determination will be made until both parties have been fully heard.

3. The Hearing Team shall then meet with the respondent(s) within three (3) days after meeting with the complainant(s) in order to:

a. Hear the initial response of the respondent(s) to the Complaint, which response can be supplemented and expanded in the written response described in 3c below;

b. Outline the process which will be followed in response to the Complaint; emphasizing the fact that no determination will be made until both parties have been fully heard; and

c. Request a written, signed, and dated response to the Complaint within a deadline that is mutually agreed upon between the Hearing Team and respondent, but with due regard to the overall timing for completing the investigation.

4. The Hearing Team shall fully investigate the Complaint through information and documentation obtained from the complainant(s), the respondent(s), and other relevant and appropriate sources. Such investigation can include further interviews of the complainant and respondent and interviews with witnesses. In deciding whether to interview witnesses, including character witnesses, the Hearing Team shall weigh the value and need of the witness's input against keeping the existence and allegations of the Complaint as confidential as possible. While the Hearing Team has discretion in deciding what information to gather and witnesses to interview, it must treat the complainant and respondent equally and provide the same or like opportunity to be heard and provide supporting information and witnesses.

5. The complainant and the respondent may bring a non-speaking accompaniment person for support throughout the process.

6. The Hearing Team will not request a face-to-face meeting or a mediation as part of its investigation without carefully considering the facts and circumstances surrounding the Complaint and each party's willingness to participate in such an effort. No party to a Complaint can be forced to participate in a face-to-face meeting or mediation and a refusal to do so will not count against that party. In matters involving sexual violence, a face-to-face meeting or mediation is never appropriate and is therefore prohibited.

7. A record of the process will be placed in a secure file maintained by the Title IX Coordinator that contains a record of the Complaint and investigation.

8. Hearing Team members must observe appropriate levels of confidentiality in connection with their efforts, both during an investigation and after its conclusion. The written Complaint and any written materials must not be left in the open where

others can see them, and the investigation cannot be discussed or acknowledged outside of persons involved with the investigation. Any witnesses and accompaniment person brought for support must likewise be cautioned about preserving confidentiality during and after the investigation. It shall not be a violation of this confidentiality provision if disclosures are made pursuant to a valid subpoena or order of court. However, in the event that any Hearing Team member receives a subpoena or court order seeking disclosure, the member must immediately notify the Title IX Coordinator and Dean of Faculty.

9. The parties to the Complaint are strongly encouraged to preserve the confidentiality of the Complaint and complaint process to lessen the adverse impact of the proceedings upon the Seminary community and to protect the reputation of the parties. However, the complainant and respondent are permitted to consult with others in good faith to gather evidence and witnesses, investigate the allegations in the Complaint, gather character witnesses (if the Hearing Team will accept such evidence), and obtain legal advice, and/or mental health or spiritual counselling.

10. During the proceedings, the respondent will be deemed and treated as though s/he is innocent of the allegations described in the Complaint until the completion of the process. Credibility determinations must be objective and cannot be based upon the individual's status as a complainant or respondent. The proceedings shall be subject to a preponderance of the evidence standard, meaning that the respondent shall be found to have committed a violation of this policy only if, based upon an objective view of the evidence, it is more likely than not that the respondent's conduct violated this policy.

11. In situations where the conduct forming the basis of the Complaint could also be punished as a crime (as for example, would be the case in a Complaint involving sexual violence), the respondent is strongly urged to seek qualified legal counsel immediately and to assess whether, and to what extent, s/he should participate in any proceedings under this policy. When the allegations in the Complaint are also subject to a pending criminal proceeding, legal counsel for the Seminary shall confer with legal counsel for the respondent to assess whether the procedures set forth in this policy should be amended, consistent with Title IX and the goals and purpose of this policy, to avoid undue prejudice or hardship to the defense of the criminal proceeding.

12. Throughout the process, and including instances where the complainant has chosen to stop participating in the process, to withdraw a Complaint, or to refuse to file a Complaint, the Title IX Coordinator, Deputy Coordinator, and Hearing Team (if appointed) shall consider and institute appropriate measures to provide support and guidance to the complainant and respondent. All such measures shall be documented as part of the Title IX file on the Complaint.

13. The timeframes set forth in these procedures may be delayed or extended by the Hearing Team for good cause and with written notice to all parties.

14. No knowingly false statements shall be made to the Title IX Coordinator, Deputy Coordinator, or to any Hearing Team member. False statements are subject to serious sanction as may be recommended by the Hearing Team (or Title IX Coordinator, if a Hearing Team is not finalized) and imposed by the President of the Seminary.

## **G. HEARING TEAM RECOMMENDATION**

Based upon the investigation it conducts and its deliberations, the Hearing Team shall, using its best judgment, recommend action customarily within 30 days of receipt of the respondent's written response to the Complaint (or the deadline for submission of a written response, if the respondent does not provide one). The recommendation shall be in writing and contain a sufficiently detailed account of the facts and conclusions so that the complainant, respondent, and President of the Seminary can understand the conclusions that the Hearing Team reached and the factual basis for the conclusions (the "Recommendation").

1. IF THE COMPLAINT ALLEGATIONS ARE NOT SUBSTANTIATED by the Hearing Team, the Recommendation shall set forth steps to exonerate the respondent. Such steps may range from taking no further action to issuing a public statement of exoneration. The latter, because of its potential detrimental impact upon future reporting of violations of this policy, is to be recommended only in very rare and extreme cases. The Recommendation shall also respond with care and concern to the complainant(s) and respondent(s) as appropriate and may recommend emotional or other supports and accommodations, as well as follow up actions to the President of the Seminary.

2. IF THE COMPLAINT ALLEGATIONS ARE SUBSTANTIATED by the Hearing Team, the Recommendation will recommend to the President of the Seminary one of the following steps, as it deems appropriate. The Hearing Team may recommend:

- a. the issuance of an advisory to any respondent who has demonstrated poor judgment, providing clear guidance to correct the conduct, a record of which will exist in the Title IX file of the Complaint, but nowhere else.
- b. the issuance of a warning to a person who has demonstrated unquestionably inappropriate and unwise behavior, a record of which will exist in the Title IX file of the Complaint, but nowhere else. It is expected that this clear warning will bring a cessation of the behavior.
- c. the issuance of a reprimand for behavior which resulted in minor consequences.
- d. placing the respondent on disciplinary probation for a specified period of time (not to exceed 90 days) in response to conduct which was persistent or resulted in (or could have resulted in) serious harm to others.

e. suspending the respondent temporarily in response to conduct which resulted in harm to others and to the welfare of the community. Protection of others from further harm is paramount. The suspension may include loss of financial aid, housing, etc. It shall continue for a specified period of time or until there is clear evidence of contrition and rehabilitation, at which time the respondent may petition the President of the Seminary for cessation of the suspension. The President, in turn, shall first ensure that any applicable denominational body charged with assessing suitability for ministry re-affirms the appropriateness of the respondent's return to the Seminary, before making any decision on cessation of suspension and reinstatement.

f. dismissing the respondent permanently in response to conduct which resulted in substantial harm to others and, in the face of which, there is little probability of rehabilitation. Protection of others from harm and protection of the integrity of the Seminary are paramount.

Additionally and as important, the Recommendation shall include recommendations on support for the complainant that are designed to return the complainant to full participation in the program and activities of the Seminary. These recommendations can include, but are not limited to, providing counselling, spiritual direction, tutoring, and other spiritual, health, and academic support; where relevant, reviewing any disciplinary actions previously taken against the complainant (under any academic, conduct, or other code or expectation) to assess whether there is a link between the conduct that violated this policy and such conduct that led to disciplinary action against the complainant and correcting such discipline; and ensuring that the complainant is not academically harmed by permitting the complainant to re-take or withdraw from a course without penalty and by reviewing the complainant's grades for evidence of adverse effect from the facts and circumstances relating to the Complaint and suggesting adjustments or notations to grading and/or to the complainant's academic record. In all cases, rehabilitation and/or counseling may also be recommended or mandated for the complainant and/or the respondent within the Recommendation.<sup>3</sup>

3. The President, using his/her best judgment, will determine whether to accept, reject, or modify the Hearing Team's Recommendation. This review and final determination by the President is intended to operate as an automatic right of appeal by both parties. If both parties agree to the Recommendation of the Hearing Team, the Recommendation will become final. Otherwise, the Recommendation of the Hearing Team is reviewed by the President. The President's review is de novo, meaning that the President reviews all materials anew. Thus, neither party is required to set forth any specific disagreements with the Recommendations.

4. In determining whether to accept, reject, or modify the Hearing Team's Recommendation, the President shall meet with each of the parties and meet with any witness identified in the Recommendation as the President deems necessary to gain further insight and information before making a final decision with respect to the Hearing Team's Recommendation. In so doing, the President shall give each party an equal opportunity to be heard and present additional information. The President shall communicate his/her final decision on the Complaint within seven (7) days of receipt of the Recommendation by meeting separately with the complainant(s) and the respondent(s). The decision shall also be communicated in writing to all parties, including all members of the Hearing Team and the Title IX Coordinator. The President shall also determine what, if any, record of his or her final determination is preserved anywhere other than in the investigation file described above and maintained by the Title IX Coordinator.

5. Proof of repeated offense during the period of disciplinary probation or failure to comply with the terms of the Recommendation shall automatically result in the imposition of either temporary suspension or permanent dismissal.

6. For the purposes of this policy, the Chair of the Board of Directors or the Chair's designee shall act for the President whenever the President is a party to a proceeding or where the President is acting for the Title IX Coordinator or the Dean of Faculty (as called for in the following sentence). The President or the President's designee shall act for the Title IX Coordinator or the Dean of Faculty whenever one of these persons is a party to a proceeding.

## **VII. INTEGRATION WITH OTHER POLICIES AND EXPECTATIONS**

This policy replaces the Pittsburgh Theological Seminary Sexual Misconduct Policy and the Seminary's Sexual and Racial Harassment Policy insofar as it addresses sexual harassment or gender discrimination. The Seminary's Professional Conduct Policy, Romantic Relationships remains in force and effect, but shall be modified to substitute any reference to the Sexual and Racial Harassment Policy with this policy.

This policy is to be interpreted and enforced in a manner that is consistent with the Seminary's commitment to academic freedom and free speech while still advancing the purposes and goals of this policy. Additionally, nothing in this policy is intended to supersede any duty on the part of any ordained clergy member or other professional to maintain the secrecy of certain disclosures made in confidence or in a situation in which any legal or ethical privilege applies. The complaint procedure described in Section VI above is designed and intended for conduct and incidents where a student is the complainant. Employees of the Seminary, including faculty, administrators, and staff, who have concerns about the conduct of other employees or Seminary vendors are directed to refer to policies contained in the Seminary's Employee Handbook. However, the Seminary recognizes that the complaint procedure set forth in this policy can be beneficial to resolving complaints and concerns within the Seminary community that do not directly involve or impact students. Accordingly, any employee who wishes to use the procedure described in Section VI to address a complaint of gender discrimination, sexual harassment, or sexual violence against another employee or a Seminary vendor may, at the employee's discretion, request



to use this policy's complaint procedure by filing a written Complaint. The Title IX Coordinator and Deputy Coordinator, in consultation with the complainant, the Vice President or Dean having supervisory authority over the complainant and respondent, and with such other persons that they deem appropriate will decide whether to use the complaint procedure set forth in this policy or other procedure to assess and respond to such a complaint.

## VIII. REPORTING

The Title IX Coordinator and Deputy Coordinator shall provide the President of the Seminary with an annual report of complaints filed under this Policy and the actions undertaken to communicate and provide training under this policy.

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In issuing this policy, the Seminary is not admitting or agreeing that it is subject to Title IX, the Clery Act, or any statute or regulation. The Seminary is adopting this policy in the belief that regardless of, and in addition to, any applicable legal requirements, this policy supports the Seminary's Mission and Vision and enhances its students' educational experience.

Pittsburgh Theological Seminary Title IX Team Effective 06/23/2022

PTS Harassment Complaint Advisors: Name Contact Information

### Staff:

Lisa Bunting; Campus Box 19, 412-924-1449  
Tom Fulton; Campus Box 5, 412-924-1423  
Ashley Johnson; Campus Box 38; 412-924-1414  
Balajiedlang (Bala) Khylllep; Campus Box 48; 412-924-1364  
Tracy Riggle Young; Campus Box 43, 412-924-1423  
Vacant

### Faculty:

Jennifer Kaalund; Campus Box 60, 412-924-1386  
Michelle Spomer; Campus Box 13, 412-924-1408  
Scott Hagley; Campus Box 46, 412-924-1399  
AnneMarie Mingo; Box 62; 412-924-1401  
Tucker Ferda; Box 69; 412-924-1391  
L. Roger Owens; Box 52; 412-924-1458  
R. Drew Smith; Box 57; 412-924-1457

### Students:

Vacant\*  
[\*This policy is under review 9/2023]

### Title IX Co-Coordinator

Ayana Teter, Associate Dean of Students and Formation  
Long Hall, Room 211  
412-924-1398

[Click to view e-mail](#)

### Title IX Co-Coordinator

Dr. Josie Hoover, SHRM-CP, Director of Human Resources  
McNaugher Hall, Room 206  
412-924-1420

[Click to view e-mail](#)

<sup>1</sup> As used throughout this policy, "days" means Monday through Friday. Weekends and days when the Seminary is closed as enumerated by the Business Office are not counted.

<sup>2</sup> A call to the Seminary's Hot Line (412-924-1679) that raises a Title IX violation shall be reported to the Title IX Coordinator within two (2) days of its receipt.

<sup>3</sup> The Seminary strives to follow all applicable laws. For that reason, after the Hearing Team issues its Recommendations and before President reviews them, either the Complainant(s) or Respondent(s) may request a live hearing subject to the same preponderance of evidence standard set forth in this Policy and conducted in accordance with the regulations issued under then Secretary of Education DeVos in May, 2020. The request for a live hearing must be made within five (5) days of the receipt of the Recommendations. Certain of the DeVos regulations are controversial and are anticipated to be amended and/or repealed in the near future. The option to elect a live hearing will only exist as long as the Seminary has a legal duty

to provide it and only to the extent that the Seminary can do so without unduly taxing its limited resources. The Seminary is a graduate school focused upon preparing its students for Christian ministry, and its Title IX policy should not be administered without reference to the possibility of reconciliation through Christ's love. The Hearing Panel's work and Recommendations have historically been an effective process for achieving healing and grace. For that reason, the Seminary trusts that any request for a live hearing under the DeVos regulations will be made only after prayerful consideration and discernment

Pittsburgh Theological Seminary  
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