



# Institutional Policy

## Sexual and Other Unlawful Harassment

**Approved By:** Board of Trustees

**Date Approved:** March 29, 2018

1. **Summary:** This policy establishes and provides a procedure for resolving complaints of Sexual and Other Unlawful Harassment.
2. **Rationale:** Criswell College has a moral and legal obligation to provide an environment that is free of Sexual Harassment and any other form of Unlawful Harassment. The purpose of this policy is to maintain such an environment and to comply with all applicable legal requirements prohibiting Sexual and Other Unlawful Harassment against members of the College community, including but not limited to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.
3. **Entities Affected:** all constituents and visitors of the College
4. **Definitions:** Sexual Harassment is a violation of Title VII of the Civil Rights Act of 1964 and the Texas Human Rights Commission Act. It is against the policies of Criswell College for any employee, male or female, to sexually harass an employee, student, vendor or client by:
  1. Making unwelcome sexual advances, innuendos or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's employment, their status in a College course, program or activity, or contractual relationship with Criswell College;
  2. Making submission to or rejections of such conduct the basis for employment decisions affecting the employee or other status in a College course, program or activity; or
  3. Creating an intimidating, humiliating, hostile or sexually offensive working, academic, residential, or social environment under both an objective (a reasonable person's view) and subjective (the complainant's view) standard.

### **Sexual Harassment**

Sexual Harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and/or that, therefore, interferes with our work effectiveness. Sexual Harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include the following:

- Verbal: Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats, etc.
- Non-verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures, etc.
- Physical: Unwanted physical contact, including touching, pinching, brushing the body, and/or coerced sexual intercourse or contact, assault, etc.

Sexual violence is a form of sexual harassment which includes conduct that is criminal. There are many types of sexual violence, including but not limited to:

- Rape
- Sexual assault or battery
- Sexual coercion
- Unwanted touching
- Dating violence
- Stalking

Sexual Harassment may be overt or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the workplace or on the campus of Criswell College. However, whatever form it takes, verbal, non-verbal, or physical, Sexual Harassment is insulting and demeaning to the recipient and cannot be tolerated in the workplace or on campus. **Sexual Harassment by any officer, director, employee, manager, supervisor, or non-employee will not be tolerated. All officers, directors, employees, managers, and supervisors will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.** Appropriate disciplinary action will be taken against any person who violates this policy against Sexual Harassment. Persons found to have engaged in sexually harassing conduct will be appropriately disciplined depending upon the nature of the conduct involved. Such disciplinary actions may include letters of counseling or reprimands (which copies will be maintained in the employee's personnel file), leave without pay, suspension, or termination.

Both men and women can be victims of Sexual Harassment from either gender. Further, making employment decisions based on sexual favoritism or on the basis of gender is strictly prohibited.

Retaliation against any person making a Sexual Harassment complaint or complaint against any other form of Unlawful Harassment, assisting, or testifying in an harassment investigation is strictly forbidden and will not be tolerated.

#### **Other Unlawful Discriminatory Harassment**

In addition to Sexual Harassment, other forms of Unlawful Discriminatory Harassment can occur at the work place or on campus. This can occur when either conduct or actions taken or words are spoken which are based upon other grounds for which employees are protected such as racial or religious harassment. In the same way that a hostile work environment can be created by sexual innuendoes, jokes, and/or actions so the same can be created with the same activity in the other protected areas of race, national origin, disability, age, and religion. Racial jokes, specifically, are inappropriate and will not be tolerated even if it does not rise to the level of being considered legally Unlawful Harassment. However, merely talking about a protected category (such as race or religion) does not constitute Unlawful Harassment.

Unlawful Discriminatory Harassment arises when the actions and/or environment rises to the level of being insulting and demeaning to the recipient and would be so to a reasonable person in a similar situation. Such conduct cannot and will not be tolerated in the workplace or on campus. **Any other types of Unlawful Discriminatory Harassment by any officer, director, employee, manager, supervisor, or non-employee will not be tolerated. All employees, managers and non-supervisors alike, will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.**

Appropriate disciplinary action will be taken against any person who violates this policy. Such disciplinary actions may include letters of counseling or reprimands (which copies will be maintained in the employee's personnel file), leave without pay, suspension, or termination.

## **5. Policy:**

### **Scope**

This policy applies to all members of the Criswell College community, including trustees, faculty, staff, students, volunteers, vendors, and visitors.

### **Reporting Options**

The College encourages students and staff to report prohibited conduct or a potential violation of this policy to the Title IX Coordinator, the Criswell College Police Department, and/or to local law enforcement. An individual may make a report to the College, to law enforcement, to neither, or to both. Campus Title IX processes and law enforcement investigations operate independently of one another, although the College will coordinate information with the campus Police Department.

Anyone can make a report as follows:

- Make a report to the Title IX Coordinator in person, by telephone, by email, or online at [www.criswell.edu/title-ix/](http://www.criswell.edu/title-ix/).
- If on campus, contact the Criswell College Police Department for assistance.
- If off campus, contact local law enforcement to file a criminal complaint at 911.

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue a Title IX report and a criminal complaint). When initiating any of the above options, an individual does not need to know whether they wish to request any particular course of action nor how to label what happened.

### **Anonymous Reporting**

Anyone can make an anonymous report by submitting information on the Criswell Title IX website: [www.criswell.edu/title-ix/](http://www.criswell.edu/title-ix/). Based on the nature of the information submitted, the College's ability to respond to an anonymous report may be limited.

### **Requests for Anonymity**

Once a report has been shared with the Title IX Coordinator, a complainant may also directly request that their identity remain private (request for anonymity), that no investigation occur, or that no disciplinary action be taken.

### **Criswell College Title IX Coordinator**

Russell Marriott  
rmarriott@criswell.edu  
214-818-1318  
4010 Gaston Ave  
Dallas, TX 75246

### **Secondary Contact**

Daisy Reynolds  
dreynolds@criswell.edu  
214-818-1360  
4010 Gaston Ave  
Dallas, TX 75246

Such reports must be made in good faith. The College will not tolerate intentional false reporting of incidents. However, filing a complaint or providing information which a party or witness genuinely believes is accurate, but which is ultimately dismissed due to insufficient evidence or found to be untrue, does not constitute intentional false reporting. Members of the College community are encouraged to seek assistance even if they are unsure that what they are experiencing is Sexual or Other Unlawful Harassment.

All inquiries, complaints, and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. However, the identity of the complainant usually is revealed to the accused and witnesses. All individuals contacted in connection with a complaint will be counseled that any information pertaining to the complaint must be held in confidence.

No member of the College community may retaliate against another member for filing a complaint of Sexual or Other Unlawful Harassment or for cooperating in an investigation of a harassment complaint. Retaliation includes things any like intimidation, threats, or hostile actions based on someone's complaint or participation in this process or any change in the terms and conditions of an individual's employment. Any such retaliatory behavior should be reported immediately to the College's Title IX Coordinator.

### **Review and Resolution**

A member of the College community often can stop or prevent Sexual Harassment or Other Unlawful Harassment by immediately and directly expressing their disapproval of an individual's attention, statements, or conduct. In many cases, an informal warning by an appropriate college administrator to an alleged harasser, combined with appropriate follow-up supervision and monitoring of the harasser's behavior might be sufficient to prevent or stop Sexual Harassment or Other Unlawful Harassment.

If the matter is not resolved and a complainant wishes to proceed with a formal complaint, the College will conduct a formal investigation according to the following guidelines:

1. The complainant must submit a formal complaint in writing to the College's Title IX Coordinator;
2. The Title IX Coordinator is responsible for appointing an investigative team to resolve the complaint;
3. After receiving a formal complaint in writing, the investigative team will schedule meetings with both the complainant and the alleged harasser in which the complainant and alleged harasser will be informed of the guidelines of this policy;
4. The investigative team will seek to resolve the complaint promptly, confidentially, impartially, and with all due diligence;
5. The investigative team will maintain records of all proceedings related to its investigation and will archive the documents upon completion of the investigation;
6. Any alleged harasser found guilty of violating the College's Sexual or Other Unlawful Harassment Policy immediately will be subject to appropriate disciplinary action, which may include but is not limited to:

- a. Disciplinary warning
- b. Disciplinary sanctions
- c. Disciplinary probation
- d. Housing suspension
- e. Disciplinary suspension
- f. Disciplinary dismissal

**Criswell College has established, in addition to the above procedure, a hot line to report any such Sexual or Other Unlawful Harassment. Please contact Russell Marriott at 214-818-1318 or Daisy Reynolds at 214-818-1360.**

#### **Mediation/Arbitration of Unresolved Complaints**

In the event that the matter is unresolved to any party's satisfaction, including but not limited to the complainant, the victim, or the accused, satisfaction after compliance with all of these steps then the matter shall be referred to an independent Christian mediator for resolution (at no cost to the complainant).

In the event that the dispute cannot be resolved through mediation, the parties agree to participate in binding arbitration through a mutually agreeable Christian arbitrator. In the event of lack of an agreement as to an arbitrator, arbitration will be conducted through the auspices of the Institute for Christian Reconciliation (located in Billings, Montana) using the American Arbitration Association's National Rules for the Resolution of Employment Disputes and at no cost to the complainant. Such arbitration will be conducted in lieu of any other legal remedies available. The decision of the arbitrator will be final and binding upon the parties. Such arbitration will be conducted pursuant to the Federal Arbitration Act.

#### **Requirement to Follow Policy**

Criswell College recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a factual determination based on all facts in the matter. Given the nature of this type of discrimination, Criswell College recognizes that false accusations of sexual or Other Unlawful Harassment can have serious effects on innocent individuals. We trust that all employees, students, and vendors of Criswell College will continue to act responsibly to establish and maintain a pleasant working environment, free of discrimination, for all.

For Criswell College to effectively address Sexual Harassment or Other Unlawful Harassment, it must know about it. It is the responsibility of those involved to report alleged harassment as soon as possible using one of the above notification procedures. Further, all employees must cooperate in any investigation of a complaint of Unlawful Harassment.

Each employee shall be provided a copy of this policy and be required to become aware of its contents. Each employee will sign an acknowledgment of receipt of the policy, agreeing to abide by the policy as a continued requirement of their employment. **See Appendix 1.**

#### **6. Procedure:**

- a. **Implementation:** The procedure for implementation of this policy is embedded within the policy.
- b. **Responsibility for Compliance:** Vice President of Enrollment and Student Services

- c. **Notification:** Constituents of the college will be notified of this policy in accordance with all state and federal requirements.
- d. **Review:** This policy will be reviewed at least every biennium in accordance with state requirements.

For the Office of Institutional Effectiveness and Research only:

Policy version: 2.0	Policy number: 1.002
Related policies: Employee Responsibilities Policy, Gender and Marriage Policy, Student Conduct Policy	

Policy History

Version 1.0	October 30, 2014
Version 2.0	March 29, 2018

Appendix 1



# Sexual Harassment and Other Harassment Acknowledgement Form

**Instructions:** The signed original copy of this Acknowledgment must be given to the Human Resource Manager where it will then be maintained in your personnel file.

I, the undersigned employee, did on this \_\_\_\_ day of \_\_\_\_\_ receive a copy of the Sexual and Other Unlawful Harassment Policy of Criswell College. I hereby acknowledge that observance of the said policy is a condition of my continued employment and/or relationship with Criswell College. Further, I acknowledge that neither this policy nor the implementation of the same alters or creates any other rights or status and that the employment relationship between myself and the Firm and that I remain an employee-at-will.

I understand that the policy applies to me and every other employee and student and my conduct towards them and/or any vendor. I agree that I will abide by and follow the policy and procedures as outlined therein including the commitment to resolve any disputes through the procedures outlined in the policy. **I further agree to cooperate in any reasonable investigation of harassment claims as needed by Criswell College and that any unresolved dispute involving harassment must be resolved through mediation and/or binding arbitration as stated in the policy.**

I further acknowledge that strict adherence to the said policy is required of all employees and that I might lose valuable rights or claims if I refuse to either abide by the said policy or fail to utilize the policy by following its procedures.

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee's printed name