



## **Complaint Resolution Procedures: Sexual Harassment, Unlawful Discrimination, Unlawful Harassment, Sexual Misconduct, Retaliation**

Any member of the Fuller community who believes he/she has been sexually harassed, unlawfully discriminated against, unlawfully harassed, subjected to sexual misconduct, or retaliated against by a student, authorized student organization, faculty member, administrator/manager, staff-level employee, trustee, agent, vendor, independent contractor, or other person doing business with the seminary, should immediately report the facts of the incident or incidents and the name(s) of the individual(s) involved to the Executive Director of the Office of Student Concerns or his/her designee or the Executive Director of Human Resources or his/her designee.

See the [Policy Against Sexual Misconduct](#) for additional avenues for reporting sexual misconduct. Supervisors and deans have an affirmative duty to immediately report any violation or suspected violation of the seminary's sexual harassment, unlawful discrimination, unlawful harassment, sexual misconduct, or retaliation policies, of which they become aware, to the Executive Director of the Office of Student Concerns, the Executive Director of Human Resources, or designee.

The Executive Director of the Office of Student Concerns or his/her designee will determine the appropriate next steps for investigation and resolution for all sexual harassment, unlawful discrimination, unlawful harassment, sexual misconduct, and retaliation complaints involving students on a case by case basis. The Executive Director of Human Resources or his/her designee will determine the appropriate next steps for investigation and resolution for all sexual harassment, unlawful discrimination, unlawful harassment, sexual misconduct, and retaliation complaints *not* involving students on a case by case basis. In the event the complainant and/or respondent includes both a student or authorized student organization *and* a faculty member, staff-level employee, administrator/manager, agent, vendor, independent contractor, or other person doing business with the seminary, then the Executive Director of the Office of Student Concerns or his/her designee and the Executive Director of Human Resources or his/her designee will normally initially jointly investigate the complaint.

For purposes of this complaint resolution procedure, a student is generally defined as an individual registered for one or more units in the current quarter or within the last four quarters at the time the alleged incident(s) occurred.

If the complaint is about the conduct of the Executive Director of the Office of Student Concerns, the Executive Director of Human Resources, the President, the leader of a division

(i.e., the Provost, the Vice President & Chief of Leadership Formation, or Chief Financial Officer), or a trustee of the seminary, the Executive Director of the Office of Student Concerns or Executive Director of Human Resources, or designee will initially refer the complaint to the Office of the General Counsel (or an individual may contact the Office of the General Counsel directly), which will determine the appropriate next steps for investigation and resolution on a case by case basis.

If it appears at any time that the personal safety, including physical and/or emotional health or wellbeing, of an individual employee, student, or the seminary community as a whole or any part thereof may be threatened, then the Provost or Chief Financial Officer will be consulted. Immediate action(s) as apparently warranted by the circumstances will be taken.

If the complaint is not resolved after the initial/preliminary investigation, the Executive Director of the Office Student Concerns or his/her designee, the Executive Director of Human Resources or his/her designee, or the Office of the General Counsel, as appropriate, will designate a complaint resolution officer/investigator(s) from within or outside the seminary who may then constitute a committee to assist in the investigation, seek the assistance of outside/off-campus professionals, and/or do whatever he/she deems appropriate to ensure that a complete and fair investigation is conducted.

If during the course of an investigation, additional possible violation(s) of a community standard or other seminary policy are noted, the investigation will be expanded to include such possible violation(s). Both parties will be notified of the expanded investigation.

The totality of the circumstances, including the context in which the alleged conduct occurred, will be considered. If the complaint is not otherwise resolved, upon completion of an investigation, the complaint resolution officer/investigator(s) will provide a copy of the findings of the investigation and recommendation(s) for action or non-action by the seminary to the individual making the complaint and to the individual or representative of the authorized student organization about whose behavior the complaint was made. Each individual or organization will then have an opportunity to timely respond in writing to the complaint resolution officer/investigator(s) as to whether or not he/she/it accepts the findings and recommendation(s) and why or why not. Any individual/organizational response, along with the findings of the investigation and recommendations(s) of the complaint resolution officer/investigator(s), will be submitted to one of the following decision-makers:

1. the appropriate dean of a specific school or his/her designee, if the complaint concerns the conduct of a student or faculty member; or
2. the Associate Provost for Enrollment Management and Vocation Formation or his/her designee, if the complaint concerns the conduct of an authorized student organization; or
3. the Provost or his/her designee, if the complaint concerns the conduct of a dean of a specific school or the Executive Director of the Office of Student Concerns; or
4. the Chief Financial Officer or his/her designee, if the complaint concerns the conduct of a staff level employee or administrator/manager, including the Executive Director of

Human Resources, but not including those delineated in number “3” above or number “5” below; or

5. the Chair of the Trustee Affairs Committee or his/her designee, if the complaint concerns the conduct of the President, a leader of a division (i.e., the Provost, the Vice President & Chief of Leadership Formation, or the Chief Financial Officer), or a trustee of the seminary.

A decision will be made: 1) after reviewing the findings of the investigation and the recommendation(s) of the investigator(s), 2) after reviewing the individual responses, if any, and 3) if deemed helpful, after consulting with the investigator(s). A letter of decision will be provided to the individual who made the complaint, to the individual or representative of the authorized student organization whose conduct was complained about, and to those who need to know to carry out assigned seminary responsibilities. Upon a determination that a violation of a seminary community standard or policy has not been shown by a preponderance of the evidence/facts, no disciplinary action based on the complaint will be taken by the seminary. Upon a determination that a violation of a seminary community standard or policy has been shown by a preponderance of the evidence/facts, appropriate disciplinary action will be imposed.

The applicable decision-maker as identified above may impose disciplinary action and/or take such further steps as necessary to facilitate imposition of disciplinary action, if deemed warranted. Corrective actions for students may include disciplinary action up to and including immediate termination of student status (expulsion). Corrective actions for authorized student organizations may include disciplinary action up to and including immediate termination of all rights and privileges as a campus organization. Corrective actions for employees (faculty, administrators/managers, and staff level employees) may include disciplinary action up to and including immediate termination from employment. Correction actions for housing residents may include eviction. Corrective action for trustees may include immediate termination of trustee status.

Appeal of a decision made by the dean of an individual’s school or his/her designee or the Associate Provost for Enrollment Management & Vocation Formation or his/her designee may be made only to the Provost or his/her designee, whose decision is final. Appeal of a decision made by the Provost or his/her designee or the Chief Financial Officer or his/her designee may be made only to the Chair of the Trustee Affairs Committee or his/her designee, whose decision is final. Appeal of a decision made by the Chair of the Trustee Affairs Committee or his/her designee may be made only to the Chair of the Board of Trustees or his/her designee, whose decision is final. The appeal must be made in writing and timely submitted as set forth in the letter of decision. Except as required to explain the basis of new evidence, an appeal is limited to 1) review of the findings of the investigation and recommendation(s) for action by the seminary prepared by the investigator(s); 2) any individual responses timely submitted, as stated above; 3) review of the letter of decision; and 4) review of the letter setting forth the basis of the appeal, which may include new evidence or facts, subject to the qualifications set out in “4” below. Review of the foregoing by the Provost or his/her designee, Chair of the Trustee Affairs

Committee or his/her designee, or Chair of the Board of Trustees or his/her designee will only be for one or more of the following purposes:

1. To determine whether the original investigation was conducted fairly, in conformity with prescribed procedures, and with both the individual bringing the complaint and the individual against whom the complaint was brought having a reasonable opportunity to present his/her position;
2. To determine whether a decision reached that a seminary community standard or policy was violated was supported by a preponderance of the evidence/facts;
3. To determine whether or not any disciplinary action imposed was appropriate for the found violation(s);
4. To consider new evidence sufficient to alter the decision or other relevant facts not brought out in the investigation because such evidence and/or facts were not known to the person appealing at the time the original investigation was completed nor by the time designated for the individual to respond to the findings and recommendation(s) of the investigator(s).

### **Other Related Matters**

**Confidentiality.** The seminary values responsible speech and seeks to create and maintain a redemptive environment. Therefore, the seminary strives to protect the privacy of all involved parties. However, please remember that all deans and supervisors have an affirmative duty to report any violation or suspected violation of the seminary's policies on sexual harassment, unlawful discrimination, unlawful harassment, sexual misconduct, or retaliation that they become aware of to the Executive Director of the Office of Student Concerns, the Executive Director of Human Resources, or designee. Subsequently, disclosure will be made to those who need to know in order to carry out assigned seminary responsibilities, to the individual who made the complaint, to the individual (or representative of an authorized student organization) about whose conduct the complaint was made, and otherwise, only in accordance with applicable state and federal laws. All records of concerns/complaints about the conduct of employees will be maintained by the Office of Human Resources, about the conduct of students or authorized student organizations will be maintained by the Office of Student Concerns, about the conduct of non-student/non-employee residents will be maintained by the Director of Housing Services office, and about the conduct of trustees will be maintained by the Office of the President. All records will be maintained in conformity with state and federal privacy and disclosure requirements and seminary policies and procedures. Such records will be made available to seminary administrators/managers and trustees who have a need to know, and otherwise, only in accordance with applicable state and federal laws.

**Timeliness.** It is the intent of the seminary to resolve allegations of sexual harassment, unlawful discrimination, unlawful harassment, sexual misconduct, and retaliation in as timely a manner as possible. Community members should immediately report violation or suspected violation of these community standards or policies to the Executive Director of the Office of Student Concerns or his/her designee or to the Executive Director of Human Resources or his/her designee. It is recommended that reports should be made no later than 120 calendar days after

the incident or last incident that gave rise to the violation or suspected violation. Because of the difficulty of obtaining evidence and because memory fades with the lapse of time, the seminary reserves the right not to investigate and/or implement these procedures if a report is made more than 120 calendar days after the incident or last incident that gave rise to the report. The foregoing policies are intended to supplement and not replace the rights of seminary employees under federal and state law to be protected from sexual harassment, unlawful discrimination, unlawful harassment, sexual misconduct, and retaliation. Those laws have their own procedural requirements for filing a complaint, including their own time limits. Individuals should keep in mind that initiating the seminary's procedures may not satisfy those legal requirements.

**Continuation of Process.** Upon notice of a sexual harassment, discrimination, unlawful harassment, sexual misconduct, or retaliation complaint, the Executive Director of the Office of Student Concerns or his or her designee or the appointed complaint resolution officer/investigator(s) from outside the seminary community at his or her sole discretion may proceed with investigation and resolution of the complaint, even if the individual initiating the complaint is subsequently unwilling to proceed as a participant in the complaint resolution process.

**Questions.** Questions concerning any of the foregoing procedures should be directed to the Executive Director of the Office of Student Concerns at (626) 584-5678. Questions concerning the foregoing procedures as they relate to the Executive Director of the Office of Student Concerns, Executive Director of Human Resources, the President, the leader of a division (i.e., the Provost, the Vice President & Chief of Leadership Formation, or the Chief Financial Officer), or a trustee should be directed to the seminary's General Counsel at (626) 584-5423.

**Government Assistance.** In addition to notifying the seminary about sexual harassment, unlawful discrimination, unlawful harassment, sexual misconduct, and retaliation, inquiries or complaints concerning the application of Title IX may be referred to the Office for Civil Rights, U.S. Department of Education, 50 United Nations Plaza, Room 239, San Francisco, CA 94102. Inquiries involving employees may also be referred to the federal Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH). Contact information for the EEOC and DFEH can be found on seminary postings or by checking the state or federal government listings in the local telephone directory.

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