

**The Seattle School of Theology & Psychology**  
**Nondiscrimination, Harassment, Sexual Harassment, and Sexual Violence Policy**

**1. General Policy Statements.**

- 1.1 **Federal Law.** To the extent required by federal law, it is the policy of The Seattle School of Theology & Psychology (*The Seattle School*) not to discriminate on the basis of race, color, national origin, ethnicity, sex, age, religion (except in the case of employment), disability, or genetic information in its admissions, educational programs or activities, or employment. Consistent with federal law, The Seattle School will provide reasonable accommodations to persons with disabilities. As a religious educational organization, The Seattle School reserves the right to prefer employees and prospective employees on the basis of religion. The phrase “*educational programs or activities*” includes instruction, grading, financial aid, training programs, internships, externships, social and recreational activities, and other aspects of the educational programs or activities at The Seattle School. Discrimination in employment prohibited by this policy includes discrimination in hiring, compensation, promotion, transfer, retirement, evaluation, discipline, benefits, termination, and other employment practices. “*Discrimination*” is defined in *Section 3.1* below. “*Harassment*” is a form of discrimination, and is also prohibited by this policy.
- 1.2 **Other Prohibited Discrimination and Harassment.** It is also the policy of The Seattle School not to discriminate against its students and student applicants in its admissions or other educational programs or activities on the basis of sexual orientation, marital status, or honorably discharged veteran or military status. The term “*sexual orientation*” means heterosexuality, homosexuality, bisexuality, and gender express or identity. As defined by the Washington Law Against Discrimination, the term “*gender express or identity*” means “having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.”
- 1.3 **Prohibition Against Sexual Harassment and Sexual Misconduct.** Although covered above by the prohibition against sex discrimination, The Seattle School emphasizes that it prohibits sexual harassment, which is a form of sex discrimination. Sexual harassment also includes sexual misconduct, which is also prohibited by this policy. Both of these terms are defined below in *Sections 3.4* and *3.5*, and those sections include examples of sexual harassment and sexual misconduct. Dating violence, domestic violence, sexual assault, and stalking, as defined in *Section 3.5*, are forms of sexual misconduct and are prohibited.
- 1.4 **No Retaliation.** The Seattle School not only prohibits discrimination and harassment (including sexual harassment), but it also prohibits retaliation against

any person for making a complaint about discrimination or harassment; assisting, testifying, or otherwise participating in any discrimination or harassment investigation; or otherwise opposing discrimination or harassment prohibited by this policy. This includes any retaliation against any witness or bystander who reports or provides any information about alleged discrimination or harassment, or who intervenes to stop or attempt to stop any discrimination, harassment, or sexual misconduct. “**Retaliation**” means any adverse action that might dissuade or deter a reasonable person from making or supporting a complaint of discrimination or harassment. Examples of retaliation include intimidation, threats, coercion, termination of employment, unjustified negative grades or evaluation, reduction in pay, denial of a promotion, physical assault, and any other conduct that constitutes prohibited discrimination or harassment under this policy. Retaliation against any person thought to have engaged in any activity protected by this *Section 1.4*, whether or not the person actually engaged in any protected activity, is also prohibited by this policy.

- 1.5 **Awareness and Prevention.** In an effort to prevent sexual harassment and sexual misconduct as described in this Policy, The Seattle School annually provides awareness and prevention training to staff and students. All of The Seattle School’s nondiscrimination Policies and Procedures are available online and in hard copy from the Title IX Coordinator or Director of Human Services.

## 2. **Reporting Violations; Discrimination Grievance Procedures.**

- 2.1 **Where to File a Complaint.** Any student or employee who believes he or she has suffered discrimination, harassment (including sexual harassment or sexual misconduct), or retaliation in violation of this policy, should contact one of the following individuals to file a complaint:

Title IX Coordinator (currently Becca Shirley)  
(206) 876-6137  
[cchristmas@theseattleschool.edu](mailto:cchristmas@theseattleschool.edu)  
2501 Elliott Avenue  
Seattle, WA 98121

Director of Human Resources (currently Kartha Heinz)  
(206) 876-6131  
[kheinz@theseattleschool.edu](mailto:kheinz@theseattleschool.edu)  
2501 Elliott Avenue  
Seattle, WA 98121

- 2.2 **Discrimination Grievance Procedures.** Violations of this policy will be addressed through the Discrimination Grievance Procedures. Hard copies of the Discrimination Grievance Procedures are also available from the Title IX Coordinator and the Director of Human Resources.

- 2.3 **Consequences of Violating this Policy.** Consequences for violating this policy will depend on the facts and circumstances of each particular situation.
- (A) Sanctions and corrective action could include the following: a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct; a reprimand; a no-contact order; denial of a merit pay increase; reassignment; removal from class; suspension; termination or expulsion, or other appropriate sanction, remedy, or response.
  - (B) The severity of the sanction or corrective action may depend on the frequency and severity of the offense and any history of past discriminatory, harassing, or retaliatory conduct.
  - (C) A finding of discrimination, harassment that creates a hostile environment or resulted in any tangible action (either in the employment or educational setting), or sexual misconduct may be cause for disciplinary action, up to and including discharge in the case of an employee and expulsion in the case of a student. The Seattle School may also report any criminal conduct to a law enforcement agency.
  - (D) The Seattle School may take immediate steps to protect the complainant from further discrimination, harassment, or retaliation before completion of its investigation or the process outlined in the Discrimination Grievance Procedures. For example, in the case of a sexual harassment or sexual misconduct complaint, The Seattle School may take steps to separate the accused harasser from the complainant.
  - (E) The Seattle School may also take appropriate action even if it does not find discrimination or harassment that creates a hostile environment or results in a tangible action, but The Seattle School finds that the respondent engaged in disruptive behavior or determines that action is necessary or appropriate to prevent the creation of a hostile environment or a situation that may result in a tangible action or other form of unlawful discrimination or harassment.
- 2.4 **Off-Campus Conduct.** Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy. For example, if off-campus discrimination or harassment has continuing effects that create a hostile environment on campus, then the discrimination or harassment violates this policy. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the attention of The Seattle School.
- 2.5 **Mandatory Reporting by Employees of any sex-based discrimination, sexual harassment, or sexual misconduct involving students.** The Seattle School

wants to stop and respond effectively to instances of sex-based discrimination, sexual harassment, and sexual misconduct involving its students. Therefore, any employee receiving any information about any alleged or possible sex-based discrimination, sexual harassment, or sexual misconduct involving students, must report that information to the Title IX Coordinator or the Director of Human Resources (each a “**Grievance Officer**”) within 24 hours of receiving that information. Employees who are statutorily prohibited from reporting that information are exempt from this reporting requirement, including any licensed counselor who receives the information in his or her capacity as a licensed counselor. After receiving a report of alleged or possible sex-based discrimination, sexual harassment, or sexual misconduct, the Grievance Officer will evaluate the information received and determine what further actions should be taken. The Grievance Officer will follow the procedures described in the Discrimination Grievance Procedures. The Grievance Officer will take steps, either directly with the complainant or through a reporting employee, to provide information about the Discrimination Grievance Procedures, as well as available health and advocacy resources and options for criminal reporting (if applicable).

2.6 **Voluntary Reporting by Students.** The Seattle School strongly encourages its students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students.

3. **Important Definitions.** The following definitions are important to understanding The Seattle School’s policies against discrimination and harassment, including sexual harassment and sexual misconduct. Some of the definitions include examples of the prohibited conduct.

3.1 “**Discrimination**” or “**discriminate**” means unfavorable treatment because of the person’s protected characteristic (see *Sections 1.1, 1.2, and 1.3*). Unfavorable treatment in employment includes unfavorable treatment regarding hiring, firing, pay, job assignments, benefits, promotion, training, and any other term or condition of employment. For example, discrimination in employment based on race includes not hiring a person, firing a person, or not giving a person a certain raise or benefits because of that person’s race. Unfavorable treatment of students in The Seattle School’s educational programs and activities includes unfavorable treatment in admissions, grading, financial aid, instruction, training programs, internships, externships, and social or recreational activities. For example, unfavorable treatment of a student based on sexual orientation includes giving the student an unjustified lower grade or not granting the student an internship placement based on the student’s sexual orientation.

3.2 “**Harassment**” is a form of discrimination, and is unwelcome conduct that is based on a person’s protected characteristic. Harassment becomes unlawful when enduring the offensive conduct becomes a condition of the work or academic environment, or when the conduct is severe, persistent, or pervasive enough to

create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive. Offensive conduct may include offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults, offensive objects or pictures, or interference with work or academic performance, or any other conduct that may be harmful or humiliating.

- A. The harasser may be anyone, including the victim’s supervisor, professor, co-worker, fellow student, a visitor, an employee of an outside vendor, or any other non-employee or non-student.
- B. The victim of harassment does not have to be the person harassed, but may be anyone affected by the offensive conduct. Harassment does not have to include intent to harm.
- C. Harassment need not necessarily involve repeated incidents, depending on the severity of the harassment.
- D. Petty slights, annoyances, and isolated incidents (unless sufficiently severe) do not rise to the level of illegal conduct.
- E. The Seattle School reserves the right to discipline its employees and students for offensive conduct based on a person’s protected characteristic even if that conduct does not meet the definition of unlawful discrimination or harassment.

3.3 “**Retaliation**” is defined in *Section 1.4*, above.

3.4 “**Sexual harassment**” is a form of sex discrimination. Sexual harassment is unwelcome conduct of a sexual nature. It can include unwelcome sexual advances, a request for any sexual favor, or other verbal or physical conduct of a sexual nature. Sexual harassment includes sexual assault (defined below) or other acts of sexual violence or sexual misconduct (defined below). Sexual harassment can involve persons of the same or opposite sex. Consistent with the law, this policy prohibits two types of sexual harassment: the first is “tangible action,” and the second is “hostile environment.” The Seattle School reserves the right to discipline its employees and students for offensive conduct even if that conduct does not meet the definition of unlawful sexual harassment.

A. “**Tangible action**”

- 1) This type of sexual harassment is the type of sexual harassment that occurs when
  - a) submission to any unwelcome sexual advance or any request for any sexual favor is made an explicit or implicit term or condition of

employment or instruction or participation in any educational programs or activities; or

- b) submission or rejection of any unwelcome sexual advance or any request for any sexual favor by an individual is used as the basis of any employment or academic decision affecting that individual.
- 2) Generally, the perpetrator of this type of harassment has some authority from The Seattle School (for example, a supervisor, in the case of an employee, or a professor or academic administrator, in the case of a student).

B. *“Hostile environment”*

- 1) Hostile environment sexual harassment exists:
  - a) in the case of a student, when the harassment based on sex is sufficiently serious (in terms of severity, persistence, or pervasiveness) that it interferes with or limits and the student’s ability to participate in or benefit from any of The Seattle School’s educational programs or activities; and
  - b) in the case of an employee, when unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is sufficiently severe or pervasive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, hostile, or offensive working environment.
- 2) A hostile environment can be created by any employee or student of The Seattle School, and even campus guests.
- 3) A hostile environment can be created by a single incident or multiple incidents. The more severe the conduct, the less need to show multiple incidents.
- 4) In order to determine whether hostile environment sexual harassment exists, both subjective and objective factors must be considered. The conduct must be considered from the perspective of a “reasonable person” (based on a reasonable person of the same gender) and the individuals involved. The following factors must be considered:
  - a) the degree to which the conduct affected one or more student’s education or individual’s employment;

- b) the nature, scope, frequency, duration, and location of the incident or incidents;
- c) the identity, number, and relationships of the persons involved; and
- d) the nature of higher education.

C. **Examples.** Examples of the types of conduct that could violate this policy (if unwelcome and sufficiently severe, persistent, or pervasive) include the following:

- 1) sexual advances or propositions;
- 2) grabbing, groping, kissing, fondling, inappropriately long hugs;
- 3) sexually suggestive touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body;
- 4) leering, making sexual gestures, and displaying sexually suggestive objects, pictures, cartoons, or posters;
- 5) sexually explicit or suggestive e-mail or voice-mail messages;
- 6) gossip regarding one's sex life, body, sexual activities, deficiencies or prowess;
- 7) questions about another's sex life or experiences;
- 8) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of gender and that is placed on walls, bulletin boards, or elsewhere on the premises of The Seattle School, or circulated in the workplace or educational setting (including by email, text messaging, social media, or voice mail);
- 9) epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts that relate to sex, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; and
- 10) any other unwelcome or offensive words or conduct of a sexual nature.

3.5 **“Sexual Misconduct”** is a form of sexual harassment, and includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, dating violence, domestic violence, stalking, and other sexual misconduct. As used below,

“**consent**” is informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol or drugs, or being asleep or unconscious. There is no consent if the alleged consent is gained by use of force, duress, or deception. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing or future consent. Whether a person has taken advantage of a position of influence or authority over an alleged victim may be a factor in determining whether consent was given. The phrase “**sexual contact**” means any touching of the intimate parts of a person for the purpose of gratifying the sexual desire of either party or a third party. The phrase “**intimate parts**” means a person’s genital area, groin, anus, inner thigh, buttock, and breast.

A. “**Sexual assault**” means an actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes:

- 1) any sexual contact when the victim is unable to consent or has not given consent;
- 2) intentional and unwelcome touching of a person’s intimate parts;
- 3) forcing or coercing a person to touch another person’s intimate parts;
- 4) sexual intercourse without consent, including acts commonly referred to as rape. The term “**sexual intercourse**” (a) has its ordinary meaning and occurs on any penetration, however slight, (b) also means any penetration of the vagina or anus however slight, by an object (except for medically recognized treatment or diagnostic purposes), and (c) includes any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another.

B. “**Sexual exploitation**” occurs when a person takes nonconsensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited (and the behavior is not sexual assault, as defined above). Examples of sexual exploitation include:

- 1) prostituting another person;
- 2) nonconsensual recording or broadcasting of sexual activity (whether a recording or broadcasting of images or sound);
- 3) nonconsensual distribution of photographs or other images of or information about another person’s sexual activity, nakedness, or intimate



parts, with the intent or effect of embarrassing the subject of the images or information;

- 4) engaging in nonconsensual voyeurism;
- 5) knowingly transmitting a sexually transmitted disease without disclosing one's STD status; or
- 6) exposing one's genitals in nonconsensual circumstances (for example, "flashing").

- C. "**Dating violence**" means any crime of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship is determined based the reporting person's statement and consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.
- D. "**Domestic violence**" means any crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Washington; or by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of Washington. Domestic violence is further defined in RCW 26.50.010.
- E. "**Stalking**" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. Stalking is further defined in RCW 9A.46.110.
- F. "**Other sexual misconduct**" means any sexual offense under the laws of the State of Washington (Revised Code of Washington, Chapter 9A.44), any crime involving indecent exposure -- prostitution (Chapter 9A.88 RCW), any crime of obscenity and pornography (Chapter 9.68 RCW), and any crime involving the sexual exploitation of children (Chapter 9.68A RCW) that do not meet the definition of sexual assault or sexual exploitation, above.