

DISCRIMINATION & HARASSMENT POLICIES

Policy Statement on Discrimination

Washington College does not discriminate on the basis of race, sex, color, national or ethnic origin, age, religion, marital status, disability, sexual orientation, gender identity, gender expression, genetic information, or any other legally protected classification in the administration of any of its educational programs and activities or with respect to admission and employment.

The designated coordinator to ensure compliance with Title IX of the Educational Act Amendments of 1972 is

Greg Krikorian, Dean of Students/Title IX Coordinator
Hodson Hall
Washington College
300 Washington Avenue
Chestertown, Maryland, 21620
(410) 778-7752.

The designated coordinators to ensure compliance with Section 504 of the Rehabilitation Act of 1973 are:

- Greg Krikorian, Dean of Students/Title IX Coordinator and
- Kate Laking, Associate Director of Human Resources, (410) 778-7799

For additional information and/or to file a complaint, contact the

Director of Civil Rights
U.S. Department of Education, Office of Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107

or local fair employment practices agencies.

Policy Statement on Harassment

Harassment in any form, whether based on race, sex, color, national or ethnic origin, age, religion, marital status, disability, sexual orientation, gender identity, gender expression, genetic information, or any other legally protected classification, is unacceptable on the Washington College campus.

For purposes of this policy, harassment means unwelcome verbal, written, or physical conduct based on a protected classification (race, color, sex, disability, etc.) that has the purpose or effect of unreasonably interfering with an individual's work or education (including living conditions, extracurricular activities, and social life), creating an intimidating, hostile, or offensive environment, or constituting a threat to an individual's personal safety.

Statement on Importance of Academic Freedom

The essential importance of academic freedom is recognized, and a standard of reasonableness will guide the College. Only when academic freedom is used to disguise, or as the vehicle for, prohibited conduct will it be questioned.

Washington College believes that ideas, creativity, and free expression thrive and, indeed, can only exist for students, faculty, and staff in an atmosphere free of discrimination and harassment, including sexual harassment and assault.

Definition of Sexual Harassment

- See [Policy on Sexual Harassment and Discrimination](#).

Consensual Relationships

Please see Washington College's policy on [Consensual Relationships](#).

Discrimination or Harassment Based on Disability

The Americans with Disabilities Act (ADA) of 1990, amended in 2008, and Maryland state law prohibits discrimination based on disability. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in programs or activities receiving federal financial assistance. Harassment based on a disability is also prohibited.

Examples of Discrimination or Harassment Based on Disability

- Lack of access to educational programs and facilities
- Denial of academic adjustments or accommodations
- Offensive remarks, jokes, epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to a person's disability

Reporting Discrimination or Harassment

Washington College encourages anyone who has experienced any form of discrimination or harassment to report the incident promptly, to seek all available assistance, and to pursue remedies available through campus judicial or grievance processes. Reporting parties are also encouraged to report incidents to local, state, and/or federal authorities or offices charged with handling unlawful discrimination or harassment.

Reporting a Complaint

Students, employees, or third parties who believe they have been subjected to discrimination or harassment, including sexual violence/assault, by a student or employee of the Washington College community or by another individual for whom the College is or may be responsible (e.g., applicants for admission or employment, alumni, independent contractors, vendors, recruiters) should contact one of the following persons for assistance with resolving a complaint:

- Title IX Coordinator or Assistant Coordinator(s)—for matters involving discrimination or harassment based on sex or gender (please refer to the **Sexual Harassment and Discrimination Policy**).
- 504 Coordinator or Assistant Coordinator(s)—for matters involving discrimination or harassment based on disability
- Professional Staff in Student Affairs (Including Residential Life) for any matters of discrimination or harassment
- Department of Public Safety for any matters of discrimination or harassment
- Human Resources Department for any matters of discrimination or harassment

Complaints alleging sexual discrimination or harassment (including sexual assault/violence) should be submitted to

Gregory H. Krikorian
Dean of Students and Title IX Coordinator
Casey Academic Center
Washington College
300 Washington Avenue
Chestertown, Maryland, 21620

(410) 778-7752. For information on the College's policy on sexual harassment and discrimination, go **here**.

Complaints alleging disability discrimination or harassment should be submitted to:

- Greg Krikorian, Dean of Students/Title IX Coordinator or
- Kate Laking, Associate Director of Human Resources, (410) 778-7799

When a Washington College student is the subject of a discrimination or harassment complaint, the matter will be referred to the Honor Board or other appropriate hearing body (see the Washington College **Honor Code and Student Conduct System sections** found earlier in this Handbook).

When a Washington College employee or third party is the subject of a formal written complaint, the matter will be reviewed by the Washington College Discrimination Dispute Resolution Committee (DDRC). Students, employees, or third parties alleging discrimination or harassment may submit a complaint in writing using the Discrimination/Harassment complaint form. Complaint forms are available in Public Safety, Student Affairs, Human Resources, and Title IX Coordinator's Office or **for download and printing from the College website**.

Interim Measures

The appropriate campus administrators may impose interim measures to be taken during an investigation or inquiry. Interim remedial actions can include (but are not limited to) the following:

- No contact orders (mutual no contact orders are permitted)
- Interim suspension
- Administrative leave (employee)
- Reassignment of housing
- Reassignment of job
- Class schedule change
- Prohibited or restricted participation in extracurricular activities
- Prohibited or restricted access to campus for third parties
- Relocation of a residential assignment

Investigating a Complaint

All complaints of harassment or discrimination will be investigated in a manner that is fair, appropriate, reliable, and impartial. All parties involved in the investigation will be treated with dignity, respect and sensitivity by college officials throughout the process. Investigations may be conducted by trained Public Safety staff, the Section 504 Coordinator or Assistant Coordinators (for ADA/Section 504-related matters), Human Resources staff, or another trained investigator (including external investigators) appropriate to the situation and in accordance with all College policies and legal requirements.

For matters involving discrimination or harassment based on disability (covered by ADA/Section 504), the Section 504 Coordinator will ensure the investigation complies with all Section 504 requirements.

The responsibility to conduct an investigation shall not be altered by the fact that a criminal investigation of the incident is pending or has been concluded, although the investigation may be delayed or suspended at the request of law enforcement while the law enforcement agency is gathering evidence. In the event the investigation is delayed at the request of the law enforcement agency, appropriate steps will be taken to provide for the safety of the Complainant and the College community and to prevent retaliation by any individual.

The steps may include changes to the schedule, housing assignment or work location of the Responding Party, or summary suspension/leave from the College issued to the Responding Party

Investigation Process

The Complainant will be contacted by a College administrator designated by the appropriate College administrator or ADA/Section 504 Coordinator to schedule a meeting at which time the administrator will go over the investigative process.

Any person identified by the Reporting Party or Responding Party who has relevant and non-cumulative information that pertains to the allegation will be contact by the investigator(s).

The person designated to conduct the investigation shall prepare a written report and will report on the status of the investigation to the Reporting Party, the Responding Party, and the Section 504 Coordinator (or other appropriate administrator).

At the conclusion of the investigation, designated College administrator will meet with the Reporting Party to review the written report and inform him/her of the next steps in the process. The designated College administrator will also contact the Responding Party to review the written report and explain the next steps in the process. Either party may provide a written response to the written report within five (5) days after reviewing it.

The written report is a summary of the investigation and, along with the parties' responses, will be forwarded to the appropriate administrator. The administrator will then forward the report to the Honor Board or the Discrimination Dispute Review Committee (DDRC) for review and any action deemed appropriate in accordance with the procedures of each.

Nothing in these procedures or in the procedures of the Honor Board or DDRC limits the right of any person to pursue other avenues of recourse, which may include filing charges or a complaint with local, state, and federal authorities responsible for addressing unlawful discrimination and harassment.

Resolving Complaints

The Section 504 Coordinator, or other appropriate College administrator will ensure that steps are taken to address and resolve any instance where an investigation and subsequent review (by either the Honor Board or the DDRC) concluded that discrimination or harassment occurred.

Informal Resolution

Mediation and informal resolution options, such as facilitated apologies, educational program, academic or residential modifications, continued no contact orders or restricted access, and restorative practices, may be utilized if the following conditions are met:

1. the reporting student requests an informal resolution,
2. all parties involved in the complaint, and the College, agree to an informal resolution in writing,
3. staff must be trained in informal resolution, and
4. any party involved may end the informal resolution and move to formal resolution at any time.

Where the parties and College have agreed that a matter is satisfactorily resolved through informal resolution, upon the Responding Party satisfying the agreed upon informal resolution terms, the matter will be considered closed, and may not be reopened or referred for formal resolution. Accepting an informal resolution does not mean that the Responding Party admits responsibility, nor does it reflect a finding of a policy violation.

Formal Resolution

The standard of proof used in determining responsibility is the "more likely than not" standard. In other words, if the information presented during the process leads a panelist to believe that it is more likely that the Responding Party committed the violation than not, the panelist will vote for responsibility.

Resolution outcomes include actions to remediate the instance of discrimination or harassment and, where needed, actions to prevent future recurrence and to correct discriminatory effects on the Reporting Party and others.

Remedial actions include (but are not limited to):

- College warning
- Suspension/expulsion
- Probation
- Termination of employment
- Protection from retaliation
- Counseling for the Reporting Party
- Other steps to address the impact of harassment or discrimination on the Reporting Party, any witnesses, and the College community

Discrimination and Dispute Resolution Committee (DDRC)

The Washington College Discrimination Dispute Resolution Committee (DDRC) is used when the subject of a formal written complaint is an employee or third party. The DDRC will consist of faculty and staff who are trained to review matters involving discrimination and harassment. A hearing panel consisting of three members of the DDRC will be facilitated by the Director of Human Resources (or designee) for complaints against staff members or the Provost (or designee) for complaints against faculty. Hearings where there is a staff Responding Party will include two staff members and one faculty member on the hearing panel. Within 15 days after the hearing, the panel will issue a written decision that includes a review of the information relevant to the case and sanctions assigned if it is found to be “more likely than not” that the subject of the complaint violated College policy. The DDRC will continue to function whenever the College is open, even if classes are not in session.

In cases of discrimination and harassment, Reporting Parties may also obtain information and/or file a complaint by writing

the Director of Civil Rights
U.S. Department of Education, Office of Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107

or local fair employment practices agencies.

Records

Records of complaint investigation and any corrective action will be entrusted to the Title IX Coordinator or ADA/Section 504 Coordinator and will be maintained in an electronic system accessible throughout the College on a confidential basis consistent with College’s legal requirements and appropriate legal requests for said documents.

Making an Appeal

Appeals in Sexual Harassment or Discrimination complaints will follow the policy outlined in **that policy**. For all other cases, the Reporting or Responding Parties may appeal decisions of the DDRC or Honor Board by submitting a written appeal request within five business days of receiving written notification of the outcome of the hearing. **Appeal forms can be downloaded here**. Only appeals that are based on one or more of the following grounds will be considered for review:

- Procedural error(s) that prevented fundamental fairness
- New information or evidence that was not available at the hearing
- An imposed sanction that is disproportionate to the violation and/or the conduct history of the Responding Party

Letters of appeal for Honor Board decisions must be sent to the Vice President for Student Affairs (or designee). The Vice President for Student Affairs (or designee) will determine whether the appeal meets the above criteria and/or if the case will be referred to the appeal board. More information on the student appeal process can be found in the Honor Code and Student Conduct section of the Student Handbook. Letters of appeal for DDRC decisions must be sent to the President of the College (or designee). The President of the College (or designee) will determine whether the appeal meets the above criteria. If any of the criteria are met, the case will be reviewed and a decision made; if the case does not meet at least one of the criteria, there will be no further review. The appellant(s) and the other party shall be notified of the outcome of the appeal. All appeals will be conducted in an impartial manner and by an impartial decision-maker.

Retaliation

All members of the Washington College community are advised that retaliation against anyone for filing a complaint of discrimination or harassment or for participating in an investigation of discrimination or harassment is strictly prohibited by law and by College policy.

Confidentiality

All parties involved, especially those charged with carrying out the above policies, are enjoined to work in confidence to the extent legally permissible and practically possible.

In cases of discrimination and harassment, Reporting Parties may also obtain information and/or file a complaint by writing

the Director of Civil Rights
U.S. Department of Education, Office of Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515

Philadelphia, PA 19107.

Such complaints generally must be filed within 180 days.

Bias Incident Policy Statement and Protocol

Purpose

Bias activity has the potential to adversely affect the members of the Washington College community and to undermine the climate of civility and respect necessary to achieve and maintain a diverse and inclusive community. Washington College has developed a protocol designed to outline steps to support individuals and groups who believe they are targets of a bias incident. This policy statement will establish procedures and protocols that students, faculty, and staff can utilize to identify, process, and respond to bias incidents in an efficient manner.

Policy Statement

Washington College does not tolerate conduct that may be considered a bias incident toward any of its students, faculty, staff, and community members. The College expects its students, faculty, and staff to refrain from acts of intolerance directed at other members of the community, including (but not limited to) harassment, hate speech, and discrimination. The College does not seek to limit freedom of speech, but rather wants to ensure all of its members can participate fully in College events and activities without fear of bias, intimidation, or harassment due to their identity.

Clery Act Hate/Bias Crime Definitions

As defined by the Clery Act, a **hate crime** is any crime that manifests evidence that a victim was selected because of his/her/their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense motivated by the offender's bias. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability, the crime is classified as a hate crime. **Click here for more information** on the definition and classification of hate/bias crimes.

A bias incident can occur whether the act is intentional or unintentional and may or may not warrant legal action. In identifying a bias incident, the focus is on the impact on an individual or group, not the intention or motivation of the actor. The following provides an overview of different forms of bias incidents that could be reported:

1. **Contained Bias Incident:** a comment, activity, or event that is seen or heard by a small number of people, does not violate a College policy or law, or is of no interest to media or larger investigative bodies.
2. **Community Bias Incident:** a comment, activity, or event that is seen or heard by many, violates College policies or laws, or garners interest from the media or larger investigative bodies.

Any of the following may be considered a bias incident:

Discrimination

Conduct that denies any individual or group equal privileges or access to a particular activity or opportunity because of the individual's or group's actual or perceived age, ancestry, ethnicity, national origin, ability (physical, psychological, cognitive), sex, gender identity or expression, citizenship or immigration status, marital status, socioeconomic class, race, religion, religious practice, sexual identity, or veteran status.

Harassment

Unwelcome behavior based upon individuals' or groups' actual or perceived age, ancestry, ethnicity, national origin, ability (physical, psychological, cognitive), sex, gender identity or expression, citizenship or immigration status, marital status, socioeconomic class, race, religion, religious practice, sexual identity, or veteran status that unreasonably interferes with the person's work or educational performance or creates an intimidating or hostile work or educational environment. Examples may include (but are not limited to) epithets, images, slurs, jokes, electronic communication, or other verbal, graphic, or physical conduct.

Acts of Intolerance

Conduct motivated by discriminatory bias or hatred toward other individuals or groups based on perceived or actual characteristics of age, ancestry, color, race, religion, culture, gender, gender identity expression, sexual orientation, ability (physical, emotional, or intellectual), national origin, veteran status, or other attribute.

Hate Speech

Such speech refers to speech, gestures, conduct, writing, text, images or displays (written and/or spoken) that are designed to incite hatred, violence, contempt, prejudicial actions or which disparage or intimidate members of a group or individuals on the basis of their membership in the group, racial, religious, or other groups. Hate speech intends to intimidate or incite fear or terror among the College community. Incidents of hate speech will be subject to a violation of the Student Code of Conduct.

First Amendment Rights

While not a governmental actor subject to the First Amendment, the Washington College community values the freedom of speech and expression rights guaranteed to all individuals in the First Amendment of the Constitution of the United States. However, these rights are not absolute. The College has an obligation and right to respond to incidents where speech or expressions violates the law and/or College policy, such as hate speech, or biased/harassing speech, in a manner consistent with its duty of promoting a climate of tolerance, respect, inclusion, and dialog. It is imperative

for Washington College to foster discussions with its members about the impact of bias and hate speech in the College community in order to create and maintain a just and inclusive learning community. Consistent with the College's **diversity statement**, also noted in the Student Handbook, "We will empower all members to contribute ideas, ask questions, contest assumptions, and revise points of view through civil debate; We will confront and challenge attempts to dehumanize others through prejudiced attitudes, behaviors, and practices that exclude, demean, or marginalize any individual or group."

Institutional Response and Jurisdiction

1. The Bias Incident Policy Statement shall apply to conduct that occurs on campus, at Washington College-sponsored activities, and/or when the student, faculty, or staff member is representing Washington College. For students, the conduct jurisdiction policy states that "students are responsible for observing applicable laws, regulations, and rules of the larger community as well as the Honor Code at all times." The College reserves the right to investigate reports of any student misconduct that occurs on or off campus, including during periods between semesters or breaks in enrollment. If the College becomes aware that a student has been arrested and/or charged with a crime or has engaged in other conduct that is detrimental to the interests of the College or the welfare of others, the College may choose to initiate disciplinary proceedings against the student. Employees **should refer to this link regarding Washington College policies**.

Washington College officials shall have discretion to extend jurisdiction over conduct that occurs off campus when the conduct adversely and significantly affects the learning environment or Washington College community and would be a violation of this policy and/or any applicable campus policy or code of conduct had the conduct occurred on campus. In determining whether to extend jurisdiction, Washington College may consider, among other factors, its ability to gather information and effect a resolution. Washington College may extend jurisdiction over off-campus conduct if the alleged conduct by the student or employee:

- Involved discrimination, harassment, or produced a reasonable fear of physical harm to any member of Washington College's community.
 - Involved any other members of Washington College's community or any academic work, records, documents, or property of Washington College.
2. Each student shall be responsible for their conduct from the time of acceptance for admission through the actual awarding of a degree.
 3. Employees are responsible for their conduct during work hours, while on campus, at Washington College-sponsored activities, and/or when the employee is representing Washington College. The employee will also be held accountable to this policy if their conduct is in violation of the bias protocol outlined above, regardless of whether such conduct occurs on campus or off campus.
 4. This policy also applies to any potential violation committed by a person who is both a student and an employee at Washington College, arising out of, or in connection with, conduct in either or both of those capacities. Any violation of this policy may subject the person to disciplinary action, as applicable, in either or both of those capacities.

Reporting

Students, faculty, and staff members may report any bias in a variety of ways. The report will then be forwarded for review by members of the Bias Education Response Team (BERT) Team. Additionally, Washington College's community will have access to a website that will provide information on identifying bias and resources for Washington College community members affected by bias. Anyone wishing to report a bias incident may do so in the following ways:

- Call Public Safety at 410-778-7810.
- Email Stephanie Gilmore, Director of Student Intercultural Affairs and Chair of the BERT, at sgilmore2@washcoll.edu
- **Submit an anonymous tip to Public Safety.** The Director of Intercultural Affairs will assist individuals in making reports and identifying appropriate resources for support and guidance.
- Additionally, a group of Washington College community is trained on bias incident responses and reporting. These individuals include (but are not limited to) Resident Assistants, Peer Mentors, Human Resource Department staff, and Student Affairs staff.

Bias Education Response Team (BERT)

Consistent with the values of Washington College and its commitment to diversity, inclusion, and developing global citizens, the College's response to bias incidents will be an educational process focused on understanding what harms may have been done and why, who has been affected, and how the harm can be repaired. It is important to respond to people who have experienced bias in a timely, caring manner, regardless of whether the incident violates policy or the intent of the actions of the individual(s) of the bias incident. All parties involved in a bias incident will be treated with respect and a willingness to hear their perspectives.

This team is charged with reviewing bias incidents and providing educational resolutions that encourage the growth of the individual that address historical injustices and social inequities. Additionally, the team may refer incidents to student conduct, or the Office of Human Resources, for appropriate disciplinary action.

In addition to reviewing bias incidents, the BERT team will:

- make recommendations to administration as how to best foster a welcoming and inclusive campus climate;
- prepare an annual report detailing the number and type of incidents reported. The report will include how incidents were addressed; and

- develop and distribute information defining bias incidents including the bias education response protocol. Publications will remain current and consistent with the student and employee handbook.

Bias Incident Response and Support

Every bias incident has a unique context that requires consideration before developing a response. The nature of the incident, the impact on and desires of those reporting the incident, the impact on other community members, and the larger association are examples of factors that should be reviewed when considering a response. Whether it is a contained or a community bias incident, timely and transparent response to the immediate concerns and follow-up will be implemented.

When a bias incident is reported, a review of the information provided and a response from the BERT, if deemed appropriate, will be coordinated as outlined in this policy. The BERT is also responsible for reviewing and revising the Bias Incident Policy on an on-going and annual basis.

The BERT consists of representatives from the following areas/departments:

- Department of Residential Life and Housing
- Office of Human Resources
- Department of Public Safety
- Office of Student Intercultural Affairs
- Athletics Department
- College Communications
- Academic Affairs

At any time, the BERT may contact other campus and community resources that can aid in either responding to the incident report or helping any campus community member involved in the bias incident. These resources include, but are not limited to, the following:

- Academic Affairs
- Academic Deans
- Greek Life
- Athletics Department
- General Counsel
- Counseling and Health Services
- Public Safety/Chestertown Police Department
- The Office of the Vice President for Student Affairs and Dean of Students
- Office of Student Intercultural Affairs
- Residential Life and Housing
- Title IX Coordinator

Process & Tracking of Bias Incident Reports

The following steps will guide the BERT Team in response to the bias incident:

1. In consultation with the Office of Student Conduct and/or the Office of Human Resources, the Director of Student Intercultural Affairs will conduct an initial review of the bias incident report.
2. Either the Director of Student Intercultural Affairs, or the BERT, will review the information which may include meeting with the Reporting and Responding parties to determine appropriate next steps.
3. The Director of Student Intercultural Affairs, or the BERT, will determine what, if any, educational responses are warranted after their full review. If educational resolutions are assigned to the part(ies), the Director of Student Intercultural Affairs will notify the Reporting and Responding parties in writing of the results of the review, the educational assignment and monitor the outcome(s).
4. Information obtained about the complaint will be treated as confidentially as possible, as guided by federal and state laws such as FERPA and the Clery Act. Please refer to the Privacy Statement below for more information.
5. The Director of Student Intercultural Affairs and/or the BERT, in consultation with appropriate college office, may develop and implement a communication plan with the broader community.
6. The Director of Student Intercultural Affairs, and or the BERT, may collaborate with other offices such as Student Affairs, Human Resources, and Public Safety, recommendations for student conduct or employee disciplinary actions.

Bias Incidents Resolutions

The BERT team has developed resolutions that will assume an educational role in fostering a climate that is inclusive, civil, and has mutual respect for all individuals in the Washington College community. The educational resolutions from the BERT team may include, but are not limited to:

- **Reflection paper/project on incident.** The paper/project will include answers to reflection questions that are specific to the incident that occurred. The reflection paper/project aims to foster growth with the student, ensure that they have processed the incident that took place, have critically thought about their role, and describe what they have learned.
- **Immersion experience with reflection.** The goal of the immersion experience is to expose the student to environments where they can learn from experiences that are different from their own. The immersion experience will also have a reflection paper/project component to highlight what was learned.

Privacy Statement

The privacy of any individual involved with a reported bias incident will be maintained to the highest degree possible. Information will be disclosed on a need-to-know basis and will be shared only in order to assist the review of information and response to the incident, including support for the individuals involved. Any person reporting a bias incident may wish to request confidentiality. In the event of such a request, the privacy of those involved will be respected to the fullest extent possible, and reasonable steps to review the incident and respond consistently with this request will be made, to the extent permitted by law and College policy.

Should confidentiality be requested, the person reporting should be made aware of possible limitations to the review and response.