

# Discriminatory Harassment and Hate Crimes Policy and Response Protocol

## Disclaimer:

Effective July 1, 2011, Allegheny College has moved to an online standard process for reporting discriminatory harassment and/or hate crimes and sexual harassment and/or sexual assault. Please visit the Office of Institutional Diversity, Equity and Access website at <http://sites.allegheny.edu/idea/> to review the online reporting process and directions to complete the form.

IDEA, Dean of the College, Dean of Students, and Human Resources works with Allegheny faculty, staff, and students who believe they may have been subjected to unfair or inequitable treatment for any reason. Each office seeks to address discriminatory and sexual harassment, including but not limited to discrimination on the basis of considerations prohibited by law or official College policy. We assist individuals who believe they may have been harassed or treated differently than others in the same situation.

## PART I. INTRODUCTION

Allegheny College has a no-tolerance policy toward any type of racism, sexism, religious bigotry or other form of hatred, such as insidious discrimination based on sexual orientation, gender identity or gender expression. Allegheny is dedicated to furthering the potential of each member of its community through education and will confront and respond to all forms of hatred. We advocate a diverse community that is not hampered by intimidation, hostility, or other types of offensive behavior.

Allegheny affirms its commitment to the principles of free speech and inquiry. The legitimate exercise of these freedoms in our community does not include either the right to engage in abusive behavior toward others or to curtail the freedom of others to participate in a shared learning experience. Promoting a diverse environment free of discrimination while supporting freedom of speech is not to be viewed as mutually exclusive; these values are to be considered in tandem when addressing incidents of alleged discriminatory harassment. Consistent with the *Statement of Community*, members of the College will respectfully confront conduct inconsistent with this policy.

The reality for Allegheny students and employees is that discriminatory harassment and hate crimes can occur in their living communities, in their classrooms, at co-curricular activities, in employment situations, and at off-campus College-related activities. The College has policies, procedures and protocols in place to respond to different kinds of incidents, enabling the College to attend to the health and safety of students, manage individual complaints or grievances, and adjudicate possible violations of the College's policies.

In establishing this policy statement, the College's purpose is two-fold: (1) that no member of our College community shall be subject to any harassment, abuse or violence based on the individual's race, religion, class, color, age, gender, gender identity, gender expression, national origin or ethnicity, mental or physical disability, or sexual orientation and (2) to provide a means by which the entire College community can be made aware of the deep-seated, corrosive and sometimes hidden nature of racism, sexism, religious bigotry and other forms of group hatred. The College will investigate and respond to any form of alleged discriminatory harassment and/or hate crimes occurring in the College community. Violations of College policy may also constitute infractions of civil and criminal law.

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## PART II. DEFINITIONS

- A. Discriminatory harassment<sup>i</sup> is defined as any verbal, physical, written or symbolic behavior that:
- is directed at an identifiable individual or group and/or their property and is based on that individual's or group's membership (or perceived membership) in a particular demographic group, including race, religion, class, color, age, gender, gender identity, gender expression, national origin or ethnicity, mental or physical disability, or sexual orientation, and
  - interferes with a reasonable person's academic or work performance, creates an intimidating, hostile or offensive situation or environment for a person or that subjects a person to unwanted and unsolicited attention. Such behaviors include, but are not limited to, the use of slurs, epithets, gestures, demeaning jokes, bullying<sup>ii</sup> or derogatory stereotypes. Forms of discriminatory harassment<sup>iii</sup> can be found in the endnotes sections of this policy.
- B. Hate crimes<sup>iv</sup> are motivated by discrimination and they include property damage, personal injury, or other illegal conduct. A hate crime is a form of discriminatory harassment that has risen to the level of a violation of criminal statute.

## PART III. REPORTING PROTOCOL

### A. Immediate Actions/Steps

Regardless of when, where, or how it occurs, individuals or groups who are targets of discriminatory harassment and/or hate crimes are encouraged to take the following action.

1. Get to a safe place. This may mean simply getting *away* from the location of the incident, or seeking support from a friend, Residence Life staff member, or person with whom you are comfortable.
2. If the incident caused physical harm, please seek medical attention immediately. If it was a form of oral/verbal harassment, please write the actual slur, joke, or comment on a sheet of paper. If it was written (for example, a flier or email message), please preserve the evidence.
3. Any student, applicant for employment, employee, or campus visitor who feels harassed; or who knows of or suspects an occurrence of discriminatory harassment should immediately contact one of the following offices:
  - Students: Dean of Students (814) 332-4356
  - Faculty: Dean of the College (814) 332-3393
  - Staff: Office of Human Resources (814) 332-2312
  - Visitors: Safety and Security Office (814) 332-3357
  - After Hours: Safety and Security will coordinate emergency response efforts with on-call Student Life staff members and other campus personnel.
4. Additional campus offices may be contacted in case of discriminatory harassment and/or hate crimes:

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- Chief Diversity Officer/EEO Officer (814) 332-2777
- Office of Diversity Affairs (814) 332-3332
- Office of Spiritual and Religious Life (814) 332-2800

### 5. Meadville Community Agencies and Resources

The following are appropriate Meadville community resources to consult for counsel and advice if you have experienced discriminatory harassment and/or hate crimes. The College can provide assistance or accompany any individual seeking to use these resources.

- Emergency Room-Meadville Medical Center (814) 333-5500
- Meadville City Police (814) 724-6100 or 911 [emergency]
- Women's Services Inc. (814) 333-9766 [24 hour hotline]
- Meadville Crisis Line (814) 724-2732

### 6. Protocols for filing informal and formal complaints are outlined in Sections B and C of this policy.

Allegheny College recognizes its right and responsibility to respond to discriminatory harassment and/or hate crimes. Therefore, any complaint alleging a violation of the College's policy by students, faculty, administrators, staff, or campus visitors will be investigated by those entrusted to carry out the College's policy. The College will respect the wishes of the victim to maintain confidentiality to the greatest degree possible consistent with the need to investigate the matter. However, there are circumstances in which the College must investigate and report on certain matters.

## **B. Informal Complaint and Resolution Procedures**

Reporting discriminatory harassment and/or hate crimes is important. For the welfare of individuals and our College community, it is critical that anyone who believes they have experienced or observed offensive behaviors or acts should report it.

For assistance and support in reporting discriminatory harassment and/or hate crimes, individuals are strongly encouraged to talk to a professional staff member at the College from the list of offices in Section A, Items 3 and 4 (additional community resources are listed in Item 5). These offices serve as a venue in which to explore, informally, questions about discriminatory harassment and/or hate crimes.

Informal resolution may include, but is not limited to listening and providing an impartial sounding board, suggesting strategies for the individual or group to adopt, meeting informally with the accuser and the accused (individual or group representative) with the intent of bringing about resolution, meeting privately with the accused and acting as intercessor, or advising the alleged victim to file a formal complaint. The College official may arrange meetings with the parties if all are willing. In cases where groups are involved, the College official may require that one or two members of the group be authorized in writing to act on behalf of the group in the informal process; all members of the group are bound by the terms of the informal process.

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All consultations are private, with the exception that alleged misconduct which may violate federal, state and/or local law may have to be reported to College officials. During an informal consultation, the identities of the parties involved need not be revealed. Protecting confidentiality at this level allows the accusers to explore their concerns without the detailed information required for formal complaints.

While every effort to protect and assist the accuser will be made, the College official seeks to protect the rights and further the legitimate interests of both the accuser and the accused. The College official will keep confidential records using a standard reporting process and may have to consult with other College officials when appropriate.

Official records of the alleged harassment will be stored in a secure, centralized administrative office within the College in order to protect the privacy and confidentiality, within the limits of the law, of both the accuser and the accused. For students, files will be kept in the Dean of Students Office; for faculty, in the Dean of the College's Office; and for other employees, in the Office of Human Resources.

Normally, complaints raised through the informal process will be resolved within sixty days. The College official may find that some complaints are not appropriate for informal resolution. In such cases, or at any time during or after the informal process, the accuser may make a formal complaint to the appropriate College official (student complaints to the Dean of Students; faculty complaints to the Dean of the College; staff complaints to the Director of Human Resources; in the case where the accuser does not feel comfortable with these respective offices, formal complaints may go to the Chief Diversity Officer/EEO Officer). When an informal complaint is taken through a formal process, the College official who assisted the accuser in the informal process generally would not be asked by the College to serve as a witness or be required to offer evidence or testimony of any sort during the formal process.

### **C. Formal Complaint and Resolution Procedures**

Any member of the Allegheny community or campus visitor who believes they have been a victim of discriminatory harassment and/or a hate crime may file a formal complaint with the offices listed in Part III, Section, Items 3 and 4. The formal complaint must be in the form of a signed statement containing the name(s) of the accused, the nature and date(s) of the incidents and an assertion that the signed statement is a formal complaint. The College official receiving the written complaint will follow the standard reporting process once a signed statement is filed as a formal complaint. The following guidelines govern the formal process:

If the accused is a student or visitor, the formal complaint may be submitted to the Dean of Students, the Director of Diversity Affairs, or directly to the Student Conduct Officer for investigation and further processing. If after the investigation, it is determined that disciplinary proceedings should ensue, the formal complaint will be sent (if not already done so) to the Student Conduct Officer, who will initiate the disciplinary process as outlined by the College Student Conduct System published in *The Compass*.

If the accused is a faculty member, the formal complaint will be submitted to the Dean of the College for investigation. If investigation warrants further action, the disciplinary process as outlined in the *Faculty Handbook* will be initiated.

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If the accused is an administrator or staff member, the formal complaint will be submitted to the Director of Human Resources for investigation. If investigation warrants further action, the disciplinary process established for administrators or staff as outlined in the *Employee Handbooks* will be initiated.

In the case where the accuser does not feel comfortable with these respective offices, formal complaints may go to the Chief Diversity Officer/EEO Officer.

Any formal complaint filed for violation of this policy by faculty, staff, administrator, student, or visitor will be promptly and impartially investigated by those entrusted to carry out this policy. Consequences will be determined on a case-by-case basis, will be appropriate to the case and individuals involved, and may range from personal advising to an official warning, possible suspension, termination, or expulsion. Disciplinary actions that may result from a finding in favor of the accuser or in favor of the accused will be communicated in writing by the appropriate AEC member. Normally, the above process will be completed within thirty days of the receipt of the initial formal complaint. However, some investigations may not be completed in this timeframe due to the nature and extent of the allegations or other extenuating circumstances.

Persons in a position of authority within the College or an affiliated program are expected to provide an educational and work environment free of harassment. In keeping with the guidelines of the Equal Employment Opportunity Commission and the Office for Civil Rights, the College prohibits any retaliation against an individual for filing in good faith a complaint of discriminatory harassment and/or hate crimes.

Official records of the alleged harassment will be collected using a standard reporting process and stored in a secure, centralized administrative office within the College in order to protect the rights of privacy and confidentiality, within the limits of the law, of both the accuser and the accused. For students, files will be kept in the Dean of Students Office; for faculty, in the Dean of the College's Office; and for other employees, in the Office of Human Resources.

### **D. Disciplinary Action and Grievance Procedure**

Where there is a finding that discriminatory harassment and/or a hate crime has occurred, the College will follow its established procedures as outlined in *The Compass, Faculty Handbook*, or *Employee Handbooks*, including taking appropriate corrective action with applicable due process protections for the accused individual(s), to ensure that the discriminatory harassment ceases. The disciplinary actions taken will depend on the facts and circumstances of the case.

Violations of this policy statement may warrant imposition of sanctions. Continued violations of College policy on discriminatory harassment and/or hate crimes will result in those violations being deemed presumptively willful. Continued, repeated, or multiple violations may result in stronger sanctions. Consequences will be determined on a case-by-case basis, will be appropriate to the case and individuals involved, and may range from advising to an official warning, possible suspension, termination, or expulsion.

For a case in which a student or visitor is accused, the Dean of Students or the Student Conduct Officer will implement sanctions. For a case in which a faculty member is accused, the Dean of the College will implement sanctions. For a case in which a staff member is

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accused, the appropriate College official will implement sanctions. For a case in which an administrator is accused, the College President will implement sanctions. For a case in which the College President is accused, the matter will be referred to the Chair of the Board of Trustees who will proceed according to Board guidelines.

Both the accuser and the accused are entitled to the same opportunities to have others present during the campus disciplinary proceedings. Both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a discriminatory harassment~~s~~ and/or hate crime.

The EEO Officer will be informed of any disciplinary action taken by the College. Those, against whom disciplinary action is taken, whether because an allegation has been sustained or because an intentionally false accusation was made, may use the relevant grievance procedure to appeal the disciplinary action imposed.

### E. Appeals

Both the accuser and anyone accused may appeal. The failure to appeal within the stipulated time period as specified in *The Compass*, *Faculty Handbook*, or *Employee Handbooks* shall constitute a waiver of appeal. The appeals process for students, faculty, staff and administrators will follow the established guidelines as outlined in the respective policy documents approved by the College.

### PART IV. READY RESPONSE TEAM

The purpose of convening the Ready Response Team (RRT) is not to respond to more private incidents, especially when victims are uncomfortable with a public response, but rather to *deal with more visible incidents that are likely to significantly affect the community in general*. The RRT may only be convened by the Dean of the College, Chief Diversity Officer, or Dean of Students.

Members of the RRT include: Dean of the College, Chief Diversity Officer/EEO Officer, Dean of Students, Co-Chairs of Campus Climate and Offensive Behaviors Diversity Work Group, Director of Diversity Affairs, Faculty Council Representative, and Sexual Harassment Officer.

- a) The RRT will review available information regarding an incident and may implement a strategy to educate and/or engage the campus regarding the issue when necessary or appropriate.
- b) The RRT will identify the needs of the affected communities as well as those of the larger Allegheny community. Informing the affected communities and the larger community regarding the incident, as appropriate, will be a major function of the response team.
- c) The RRT will be provided with progress reports about the status of the to the extent allowable by law, College policy, and/or the need to preserve the integrity of the investigation. Whenever possible, the team will provide assistance to ensure that all aspects of discriminatory harassment and hate crime activities are examined and that the investigation is handled in a manner that is efficient, effective and culturally sensitive. The intent is to send a clear message that the College has a no-tolerance policy for discriminatory harassment and/or hate crimes and will act in accordance and professionally when such incidents are reported.

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- d) The RRT will serve in an advisory and consultative role to the President of the College.
- e) When notifying the campus community, all appropriate communications will be coordinated through the RRT. Any offensive act or behavior which potentially violates the "Statement of Community" will be addressed swiftly and appropriately. The College is sensitive to anonymity in these circumstances. A two-prong response strategy will be used: first, to alert the campus about the incident; and, second, to offer a follow-up response and concrete actions on how the College is handling the situation.

### PART V. EDUCATION, PREVENTION AND CAMPUS SUPPORT

This policy will be published and disseminated to the College community, included in orientation materials for all new students, faculty, staff, and administrators made available through appropriate campus offices. In addition, educational sessions and workshops will be conducted by the College's EEO Officer and other campus offices to 1) inform the campus about identifying discriminatory harassment and/or hate crimes and the problems they cause, 2) advise members of the campus community about their rights and responsibilities under this policy, and 3) train College staff members who are most likely responsible for its implementation and administration of this policy, protocol, and standard reporting procedures.

While we are all charged with the responsibility for providing an environment free of discrimination and hatred, specific individuals and offices have been identified as resources for information and help with concerns related to discriminatory harassment and hate crimes. These concerns may include actions in which individuals have been involved, incidents that they may have witnessed, or discussions of the climate on the Allegheny College campus. Some of these individuals can offer advising and counseling, as requested by the concerned person. Because the law pertaining to matters addressed in this document may evolve over time, this policy will be reviewed regularly and revised as needed.

### ENDNOTES

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<sup>i</sup> "*Definition of Discriminatory Harassment*," is partly adapted from Denison University's Nondiscrimination Policy (from Allegheny College, DSHP, 2009 version)

<sup>ii</sup> For an explanation and reference to "bullying" consult the U. S. Department of Education's Office for Civil Rights "*Educator's Guide to Controlling Sexual Harassment*" at <http://www2.ed.gov/about/offices/list/ocr/lettersjcolleagues-201010.html>.

<sup>iii</sup> *Forms of Discriminatory Harassment:*

- *Discriminatory behavior:* conduct that could discomfort, humiliate, or demean an individual or group. Behaviors which include physical violence, such as shoves or kicks, and statements and comments such as questions, jokes or anecdotes that are offensive to a person or group's membership (or perceived membership) in a particular group, including race, class, religion, color, age, gender, gender identity, and/or gender expression, national origin/ethnicity, mental or physical disability, or sexual orientation (Allegheny College, DSHP, 2009 version).
- *Verbal insults:* verbal communication which includes lewd or obscene remarks directed at a person or group because of their identities (or perceived identities), including race, religion, class, color, age, gender, gender identity, gender expression, national origin or

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ethnicity, mental or physical disability, or sexual orientation (Allegheny College, DSHP, 2009 version).

- *Written insults*: written or graphic communication that is similarly meant to harass an individual or group. These insults may be in the form of written or electronic means, including printed posters or flyers, electronic mail, internet postings, facsimile documents, wireless communication or similar transmission.

iii Pennsylvania's "hate crime" law is called the "Ethnic Intimidation and Institutional Vandalism Act," and it was enacted in 1982. Pennsylvania considers certain crimes to be more serious when motivated by hatred toward the victims' actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity. When certain crimes are committed (often these are called "underlying offenses") AND it can be shown that a motive for the crime was hatred of the victims' actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity, the additional offense of ethnic intimidation can be charged, subjecting the perpetrator to more severe penalties. The only four victim characteristics currently named in Pennsylvania's hate crime law are race, color, religion and national origin. *Source:*

[http://sites.state.pa.us/PA\\_Exec/PHRC/bias/bias\\_hate\\_crime.html](http://sites.state.pa.us/PA_Exec/PHRC/bias/bias_hate_crime.html).