

Washington College Discrimination and 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, genetic information, or any other legally protected classification in the administration of

Rights, The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, Pennsylvania 19107. 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, 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. Sexual harassment includes sexual violence/assault.

Policy Statement on Sexual Harassment

Washington College will not tolerate sexual harassment in any form. Sexual harassment includes sexual violence/assault/misconduct. The goal of this policy is to create a community free of sexual harassment. Sexual harassment committed in connection with any College program, whether on or off campus, is prohibited. This applies to academic, educational, extracurricular, athletic, residential, and other College programs. Sexual harassment may be a violation of state and federal laws as well as a violation of this policy. Individuals who feel they have been sexually harassed may have the right to bring legal action, in addition to making a complaint to the College. Legal action and an internal complaint can be pursued at the same time. Retaliation against an individual who brings a complaint, participates in an investigation of sexual harassment, or pursues legal action is prohibited.

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 sexual harassment and assault.

Definition of Sexual Harassment

Federal Law (Title VII of the Civil Rights Law of 1964 and Title IX of the Education Amendments of 1972) provides that sexual harassment shall be considered a form of gender discrimination. Maryland Law also prohibits gender discrimination and sexual harassment.

Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature which has the purpose or effect of interfering with one's academic or work performance or social world by creating an intimidating, hostile, offensive, or violent environment. Sexual violence/assault is also considered sexual harassment.

Examples of Sexual Harassment:

- Action of an individual in a position of institutional power or authority who misuses that position to subject an individual to unwanted sexual attention of either a verbal or physical nature when that conduct is either explicitly or implicitly a term or condition of a person's employment or academic status.
- Demanding sexual favors accompanied by implied or overt threats or promises concerning grades, recommendations, or evaluations.
- Inappropriate sexual conduct that interferes with an individual's work performance or educational experience by creating an uncomfortable environment. This prohibition applies to all relationships at the institution between members of the College community.
- Inappropriate conduct against an individual that interferes with an individual's work performance or educational experience by creating an uncomfortable environment that would not occur but for the sex of the individual.

Consensual Relationships

Washington College policies prohibit unreciprocated and unwelcome relationships. However, persons in positions of power, authority, and control over others should be aware of and sensitive to problems that may arise from mutual relationships that are inherently unequal. Individuals in these situations are urged to examine such relationships before engaging in them, especially in terms of emotional health, self-esteem, and respect for the freedom of others.

Apparently consensual sexual relationships, particularly those between individuals of unequal status, may be or become a violation of this policy. Anyone who engages in a sexual relationship with a person over whom he or she has any degree of power or authority must understand that the validity of the consent involved can and may be questioned. The College particularly abhors the abuse potentially inherent in sexual relationships between faculty members and students and between staff supervisors and their student employees.

Reporting Discrimination or Harassment

Discrimination or Harassment Based on Disability

The Americans with Disabilities Act (ADA) of 1990, amended in 2008, 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.

Examples of 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

Discrimination or Harassment Complaints

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 3.0026.6Te0.004nJ

- Prohibit or restrict participation in extracurricular activities
- Prohibit or restrict 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 adequate, reliable, and impartial. Investigations may be conducted by trained Public Safety staff, trained Title IX Investigators, the Title IX Coordinator or Assistant Coordinators (for Title IX matters), the Section 504 Coordinator or Assistant Coordinators (for ADA/Section 504 related matters), Human Resources staff, or another trained investigator appropriate to the situation and in accordance with all College policies and legal requirements.

For matters involving discrimination or harassment based on sex or gender (covered by Title IX), the Title IX Coordinator will ensure that the investigation complies with all Title IX 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 -8(ai)2(c2r)-6(i)2C / 0 Tw

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.

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

The Reporting Party or Responding Party 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 from the following website <http://www.washcoll.edu/title-ix/>. 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 of Student Affairs (or designee). The Vice President for Student Affairs or designee will determine whether or not the appeal meets the above criteria. If any of the criteria are met, the case will be referred to the appeal board; if the case does not meet at least one of the criteria, there will be no further review. More information on the student appeal process can be found in 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 or not 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

- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Silence without demonstrating permission does not constitute consent.
- Consent CANNOT be given if a person's ability to resist or consent is incapacitated because of a mental illness or physical condition (by alcohol or other drugs, unconsciousness, sleep, or blackout) or if there is a significant age or perceived power differential.

Sexual activity with someone who the Responding Party should know to be, or based on the circumstances should reasonably have known to be, mentally or physically incapacitated (by alcohol or other drugs, unconsciousness, sleep, or blackout) is sexual activity without consent.

Interim Measures

By decision of the President of the College, the Vice President of Student Affairs, or a designee of either, an individual who is the subject of a sexual assault complaint may, without prejudice, be removed from the campus or subjected to other forms of restriction with regard to the Reporting Party, pending formal judicial action or criminal procedures, to avoid additional conflict within the community and/or to protect the safety of jecoq70.

Education and Training

The Office of Prevention Education and Advocacy is responsible for developing and coordinating educational and training programs for students about sexual assault and sexual violence. To address issues of sexual assault and sexual violence proactively, the College will distribute these policies to and provide training for students and employees. In addition, these policies will be communicated at appropriate opportunities in classes, meetings, programs, and publications.

Sexual Assault Amnesty Protocol

Washington College encourages the reporting of sexual misconduct. The College recognizes that individuals who have been drinking and/or using drugs (whether use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, sexual misconduct or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. An individual reporting sexual violence to College officials or a bystander reporting such violations, provided that their behavior did not place the health and safety of any person at risk, will not be subject to disciplinary action for violations of alcohol and other drug policies occurring at the time of the sexual misconduct.

Sexual Assault Campus Climate Survey

In compliance with Maryland House Bill 571, Washington College conducted a sexual assault campus climate survey in March of 2016 and will do so every two years.

People to contact for more information:

- Sarah Feyerherm, Vice President of Student Affairs, ext. 7752
- Candace Wannamaker, Associate Vice President for Student Affairs/Title IX Coordinator, ext. 7752
- Ursula Herz, Associate Dean of Students and Director of Residence Life, ext. 7752
- Rachel Boyle, Director of Prevention Education and Advocacy and Sexual Assault Response Coordinator, ext. 7277
- Lisa Marx, Director of Health Services, ext. 7261
- Miranda Altman, Director of Counseling Services, ext. 7289
- Jerry Roderick, Director of Public Safety, ext. 7810
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