

# Non-Discrimination, Harassment and Retaliation Policy

## Policy/Procedure

### **Eliminating All Forms of Discrimination**

Dickinson College is an intellectual and social community that values justice, free inquiry, diversity, and equal opportunity. It is a fundamental policy of the college to respect pluralism, civility and mutual understanding within its community. The college does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, sexual orientation or any other protected class.

This Anti-Discrimination, Harassment and Retaliation Policy is intended to keep the college in compliance with state and federal laws and regulations, including but not limited to the Pennsylvania Human Relations Act, Title VI and VII of the Civil Rights Acts, Section 504 of the federal Rehabilitation Act, and the Americans With Disabilities Act, the Age Discrimination and Age Discrimination in Employment Acts, and the Genetic Information Non-Discrimination Act. This policy applies to all faculty, staff and students.

Because this is a vibrant community with a plethora of policies and procedures, it is possible that other policies may directly or indirectly deal with the same subject matter. Therefore, if Dickinson has any other policy or procedure that more specifically addresses any of the issues outlined herein, the more specific policy or procedure controls. Any conflicts between policies or procedures will be resolved by the vice president or provost over the division in question, in consultation with general counsel.

Dickinson College provides equal employment opportunity for qualified applicants and employees, as well as equal opportunity for all individuals partaking in its academic programs and activities - and promotes the full realization of such equal opportunity through positive, continuing programs in every department. This commitment applies to not just college administrators, but also every member of the Dickinson community, as we are all charged with respecting the rights of others. To this extent, even when not specifically required to do so by law, Dickinson implores its community to be respectful of each other and to not harass, discriminate, or otherwise exhibit bias against each other on the basis of any immutable (or alternatively, not easily changed) characteristic. As such, we must all work together to ensure continued success of these ideals, whether legally mandated or aspirational in nature. What follows are the procedural steps Dickinson College will take to provide for the prompt, fair and impartial consideration of all complaints of discrimination, harassment and retaliation.

### **Eliminating All Forms of Discriminatory Harassment**

Harassment based upon a person's race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, sexual orientation, or any other protected class is strictly prohibited. These characteristics are personal in nature and are protected under federal and state laws. The college prohibits all forms of harassing conduct based upon these protected characteristics. No person should be subjected to harassment or discriminated against because he or she is a member of a certain group.

Certain conduct that may constitute discriminatory harassment includes, but is not limited to: preferential or derogatory treatment based upon protected characteristics; using severe or pervasively insulting or degrading language that would reasonably offend members of a given race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, sexual orientation, or any other protected class; distributing or displaying any written or graphic materials that would be offensive to members of any protected group; and using racial, religious, or ethnic epithets.

The college is committed to eliminating all forms of discriminatory harassment from campus. While some discriminatory stereotypes and prejudices unfortunately still exist in our society, no supervisor, manager or employee may express or act upon such unacceptable feelings and beliefs in the workplace or while conducting business. Any employee or student who commits or condones discriminatory harassment may be subject to disciplinary action, up to and including termination or expulsion.

All members of the Dickinson community play an extremely important role in our efforts to eliminate discriminatory harassment from our workplace. They must be the college's eyes and ears. It is necessary that employees and students inform the college immediately if they experience or observe any discriminatory harassment.

### **Dealing with Discrimination and Harassment**

If you believe you have been discriminated against or harassed, you have several options available to you at Dickinson College. You do not have to deal with the situation alone. The following options are available: 1) You can try to resolve the problem directly with the person whose behavior you deem inappropriate, by letting him/her know that you find the conduct unwelcome. Making clear that the behavior is unwelcome may end the behavior. 2) If despite this effort the conduct continues, or you are uncomfortable doing that, you can ask the Director of Equity and Inclusivity, Title IX Coordinator, your divisional Vice President/Provost or Director of Human Resource Services to convey this message for you. 3) You can speak to a Counselor in Counseling Services if you are a student, or to a member of the College's Employee Assistance Program staff if you are a faculty, staff, or administrative member of the College. If you speak with one of these individuals your conversation is confidential. 4) You can choose to pursue an informal or formal resolution to your complaint.

If you choose options 2 or 4, you need to understand the legal obligations of agents of the College (agents of the College are staff, personnel, faculty, and resident advisors). See "Confidentiality regarding sexual harassment complaints" below. It is important to note that the College cannot take appropriate action unless a responsible officer of the College is informed of the situation.

In addition to the options above, the college has established a reporting system that offers a choice concerning the avenue for making such a report. An individual can report discrimination or harassment to any of the following college representatives:

1. Employee's supervisor
2. Director of HR Services
3. Dean of Students
4. Director of Equity and Inclusivity
5. Title IX Coordinator

## 6. Provost/Dean of the College

Anonymous concerns can also be raised via the college's various [online reporting systems](#). While anonymous concerns are taken seriously and investigated promptly, and many of our systems allow for anonymous follow-up contact with the reporting party, it may be difficult to fully investigate and appropriately remedy the issue without the ability to directly communicate with the reporting party.

When making a report of discriminatory harassment, it is important that the person provide as much information as possible, including the details of the alleged harassing conduct, any physical evidence of the harassment that may exist and the names of everyone involved in the harassment, any others who may have experienced similar harassment and any individuals who observed or witnessed the harassment. The college will, to the fullest extent possible, protect the confidentiality of the information provided - consistent with the obligation to conduct a thorough and appropriate investigation.

Prompt and appropriate action will be taken pending an investigation to ensure that any discriminatory harassment that might exist does not continue. If the investigation indicates that discriminatory harassment may have occurred, the college will take prompt and appropriate remedial measures to bring the harassment to an end.

### **Confidentiality Regarding Discrimination and Harassment Complaints**

Once any college agent, including a resident adviser, faculty member, administrator, supervisory staff member, or other employee in a position of authority learns of a serious discrimination or harassment complaint, written or unwritten, that official is required to report the situation and the college is required by law to investigate and to take action consistent with the law and its policies and procedures. During such investigations, every effort will be made to protect the privacy of all parties in a manner consistent with a thorough investigation. However, privacy and confidentiality cannot be guaranteed.

### **Informal Complaint**

Mediation and/or Facilitated Discussions (hereafter referred to as conciliation) are an informal process that involves a trained facilitator who will assist in effecting a voluntary resolution of the dispute. The objective of a conciliation process is to come to an agreement that is fair and meets the needs of the parties involved in the conflict. The process is intended to be confidential and is conducted in a confidential setting. Note, however, that if the conciliation is handled by a Dickinson employee not specifically designated by a mediator or conciliator job title, the conversation may not be able to remain confidential, especially if it involves potential legal violations that the college has an obligation to remedy. Also, conciliations do not waive the rights of any aggrieved party to seek resolution of the complaint through formal avenues.

If one or both parties are interested in pursuing conciliation as an option, they should contact Human Resource Services or the Office of General Counsel. Both parties involved in the dispute must agree to voluntarily participation in order to proceed. Reasonable attempts will be made to arrange for the

mediation /facilitated discussion within ten (10) working days of the request. The conciliator will facilitate the discussion between the disputing parties to help find a mutually agreeable solution to the conflict. The conciliator may make recommendations on how to resolve the dispute but will not impose a solution, will not share any of the recommendations to resolve proffered by anyone involved in the process, and will not be subjected to being called as a witness by either party in a later hearing, grievance or similar process. The mediator will keep no records of the proceedings except for a general document outlining whether the parties participated in the conciliation and a copy of any negotiated agreement reached by the parties. At any time during the process, either with or without reaching an agreement, a party may opt out and request to proceed with a formal complaint.

### **Formal Complaint**

A formal complaint requires an appropriate college officer to carry out a thorough investigation, to determine the facts of the case, and, where discrimination or harassment has occurred, to take appropriate actions which may include disciplinary and corrective actions designed to prevent future occurrences. This is the proper course of action if either party is dissatisfied with the outcome of informal processes, or if formal charges are filed without pursuing informal resolutions. While complaints can be taken to a myriad of college leaders, generally the following positions will be involved with the cases as referenced below:

- Complaints concerning sexual harassment and misconduct - Title IX Coordinator
  - Contact Information: Kat Matic, 717-254-8316, TitleIX@dickinson.edu
- Complaints concerning student disability accommodations - Director of Access and Disability Services
  - Contact Information: Marni Jones, 717-245-1734, access@dickinson.edu
- Complaints concerning all forms of discrimination, harassment, disability accommodations and retaliation impacting employees – Director of Human Resource Services
  - Contact Information: Dennette Moul, 717-245-1026, mould@dickinson.edu
- Complaints concerning all forms of discrimination, harassment and retaliation impacting students – Director of Equity and Inclusivity
  - Contact Information: Donna Bickford, 717-245-1966, bickford@dickinson.edu

Note that allegations of sexual harassment are processed in accordance with the Sexual Harassment and Misconduct policy. If an employee is a complainant or respondent in an alleged sexual harassment case, and there is a reasonable basis to believe that the case is governed in whole or in part by Title IX regulations, the Title IX Coordinator will manage the process, and a member of Human Resource Services will participate in the investigation process and/or assist with the adjudication of the matter as a member of the Review Panel.

Complainants who believe that separation or other protection is necessary during the process of a formal complaint or appeal may, as part of their complaint or by separate letter, specifically request that the college arrange for separation (meaning either temporary or permanent removal from campus or on-campus physical separation from the respondent to provide adequate space to navigate campus

with less fear or concern) or other protection. The investigating officer, in consultation with the divisional vice president/provost and any other college employee with a need to know and be involved in the decision, will determine the necessity and arrange for such protection pending the completion of the complaint and appeal. A decision to arrange for such separation or other protection need not be based on a finding of fault and shall not be interpreted as a finding of fault. Separation may be especially prudent if a person in a position of authority is alleged to have violated the college's anti-harassment and discrimination policies.

When an allegation is made against a faculty, staff, or student in positions of authority, there will be an assessment regarding the individual's ability to remain in their current position and, if it is determined that a conflict exists, the individual will be either moved to a different position or suspended with or without pay until the investigation is complete and a decision on the underlying case is made. The assessment will include considerations such as the nature of complaint itself, the proximity and direct or indirect control or influence between the complainant and the respondent, and the availability of temporary alternate assignments that are capable of keeping the complainant as whole as possible during the pendency of the investigation.

Once the investigation is complete, the investigating officer's decision will be submitted to the appropriate personnel – typically one of the six (6) positions enumerated in the 'Eliminating all Forms of Discriminatory Harassment' section - for resolution.

### **General Considerations**

Employees with disabilities, who can perform the core responsibilities of their job with a reasonable accommodation, should promptly bring their concerns to their supervisor. These employees shall be provided with a reasonable accommodation, except where such accommodation would cause the college undue hardship or would prevent the employee from performing the core responsibilities of their job. We invite employees with disabilities that require reasonable accommodation to inform Human Resource Services of their need for such reasonable accommodation. Students should bring their building, educational access and other accommodation needs to the attention of either the Director of Access and Disability Services or the Director of Equity and Inclusivity.

If applicants believe that they have experienced any discrimination during the hiring process, during normal work activities or through other aspects of the work environment, such as consideration for promotion, transfer, rates of pay or through the college's recruitment, training or selection for training, they should report the concerns to the college's Director of Human Resource Services, or Title IX Coordinator. If students believe that they have experienced any discrimination during the recruitment process, or during their time as a student participating in the educational, cocurricular and other benefits and privileges of life on campus, they should report the concerns to the Dean of Students, Dean of the College, or the college's Director of Equity and Inclusivity.

This policy guarantees that all job assignments will be based upon the college's judgment of the individual's ability to perform the services required for a position and the corresponding job relatedness. Human Resource Services can provide the individual with descriptions of the kinds of positions at the college, including the general range of responsibilities for each position. The hiring

manager, in consultation with Human Resource Services, will make the final decision in selecting the most appropriately qualified candidate for a position.

This anti-discrimination and harassment policy also applies to programming being conducted or hosted by faculty and staff, as well as student or third-party programming that receive significant financial or other support from the college. While it is permissible to have programming that is marketed towards and targeted to benefit certain segments of the campus community, college sponsored or significantly supported programming must not exclude any individuals from participating on the basis of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, or sexual orientation. Similarly, it is the policy of the college not to engage in any product or entity boycotting activities that may suggest, in any way shape or form, that the college supports or rejects the product or entity on the basis of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, or sexual orientation. Indeed, the college's goal and priority in this regard is to educate and not advocate. Any concerns relative to college programming should be brought to the attention of the Dean of Students, Dean of the College, or the college's Director of Equity and Inclusivity. A concern can also be reported either directly or anonymously to the [Bias Education Response Team \(BERT\)](#).

The college will maintain appropriate records of complaints and investigation results, in accordance with its records retention policy. In order to protect and to assure participants to a complaint or investigation (whether complainant, respondent or witness) that there will be no recrimination or retaliation, these records will be closed - with access to these records only granted with the consent of the individual(s) involved, to college officers with an official need to know, or as required by law in a legal or administrative investigation or proceeding.

To the extent possible, any proceedings conducted pursuant to this policy and the subsequent results will be considered private - and the process will be designed to reasonably protect the rights and names of all parties. Retaliation for filing harassment or discrimination charges will not be tolerated. Additionally, no person making a good-faith allegation of harassment or discrimination will be disciplined. However, making an allegation in an abusive manner will be treated just as swiftly and severely as retaliating against someone for making a good-faith allegation. Any individual who is found to have retaliated against any person or purposefully made a false report in violation of this policy will be subject to appropriate disciplinary action, up to and including termination or expulsion.

## **Related Information**

Bias Education Response Team (BERT)  
Sexual Harassment and Misconduct Policy  
President's Working Group on Sexual Harassment, Sexual Misconduct and Title IX  
President's Commission on Inclusivity  
Policy and Procedural Statement for Students with Disabilities  
Academic, Employee and Student Handbooks

## **History/Revision Information**

**Responsible Division/Office:** Human Resource Services, Office of General Counsel

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**Last Amended Date:** June 15, 2020

**Next Review Date:** July 1, 2022

**Also Found In:**