

## **BELLIN COLLEGE DISCRIMINATION AND HARASSMENT POLICY AND PROCEDURE**

08/16, 08/20, 04/21, 02/22, 01/24

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Bellin College's policies and procedures are intended to afford a prompt response to reports of non-sexual harassment and discrimination, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of College policy. Bellin College promptly and thoroughly investigates and resolves complaints alleging non-sexual harassment and discrimination.

Bellin College offers resources and support to all College community members experiencing concerns of harassment and discrimination misconduct. We encourage individuals to make the college aware of these concerns so that support and resources may be offered. The Discrimination/Harassment Complaint Form can be used to report a concern of misconduct. This form is located at <https://www.bellincollege.edu/campus-life/student-services/policies-and-procedures/>. Once the form is filled out it must be emailed or given in person to the Title IX coordinator. In an emergency, please always call 911.

This policy applies to all College community members. Vendors, independent contractors, and other outside parties who conduct business with the College through affiliation and other agreements will be expected to comply with this policy as well, as specified by the terms of any contract or agreement between the College and such third party.

Bellin College believes that everyone should be treated with respect and dignity and that any form of harassment and/or discrimination is a violation of human dignity. The College condemns harassment and discrimination and maintains a "zero-tolerance" for it. Students, faculty, and staff have the right to work and learn free of harassment and discrimination. The College will take all reasonable efforts to prevent and promptly correct instances of harassment and/or discrimination. Additionally, students, faculty, and staff have the right to a structured process for resolving problems, complaints or grievances relating to the execution of institutional policies.

### **PURPOSE:**

- a. To communicate the mechanisms for investigating complaints in a manner that reasonably protects the privacy of individuals involved in situations of alleged non-sexual harassment and/or non-sexual discrimination.
- b. To ensure the provision of equal employment and educational opportunities to faculty, staff, students, and applicants for such opportunities without regard to race, ethnicity, religion, sex, marital status, national origin, age, disability, gender identity, sexual orientation, veteran status, and any other groups protected by federal, state or local statutes.
- c. To protect all those involved who report or provide information related to harassment, and/or discrimination from retaliation of any kind.
- d. To set forth guidance for preventing harassment and/or discrimination.
- e. To take timely corrective action when harassment and/or discrimination is alleged to have occurred.

- f. To establish a consistent process for resolving complaints of harassment and/or discrimination in a fair and just manner.

**POLICY:**

It is the policy of the College to provide equal employment and educational opportunities to students, faculty, staff, and applicants without regard to race, color, religion, sex, marital status, national origin, age, disability, gender identity, sexual orientation, veteran status, and any other groups protected by federal, state or local statutes. In addition, it is the policy of the College to comply with applicable state statutes and local ordinances governing nondiscrimination in employment and educational activities.

Acts of harassment, and discrimination are considered serious violations of this College policy. Because of the seriousness of these actions, the full range of institutional sanctions, including probation, termination, suspension, and dismissal may be imposed.

A College community member who believes they are to be victim of harassment and/or discrimination is encouraged to report the information to the Director of Student Affairs and DEI or College administration. The College requires all faculty and all staff with supervisory or leadership responsibilities or responsibilities related to student welfare to report any information they learn about nonsexual harassment and/or nonsexual discrimination to the Director of Student Affairs and DEI or College administration. Upon notification, the Director of Student Affairs and DEI and/or administration will determine if an investigation is warranted, enabling the College to investigate and to take corrective action where appropriate. The College encourages students, faculty, and staff to report all instances of harassment and/or discrimination.

The College will broadly disseminate this policy and distribute a list of resources available to respond to concerns of harassment, and/or discrimination. The College will develop and present appropriate education programs for student, faculty, and staff. Bellin College will make every effort to prevent harassment and/or discrimination before such incidents rise to the level of a violation of federal law. Additionally, this policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, benefits, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

**DEFINITIONS:**

- a. Administrative Review- In the absence of a formal complaint, the President's Cabinet has the authority to initiate an administrative review at the request of a department, program, or area when in the requested by a supervisor when in the judgment of the President's Cabinet a review is necessary. As necessary the College reserves the right to serve as complainant and to initiate an investigation without a formal complaint. The College encourages any member of the College community who feels he or she has been subjected to harassment or discrimination to use the complaint procedure outlined in this policy. Additionally, an individual has the right to file a complaint with outside enforcement agencies including the United States Department of Education's Office of Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), or state or local law enforcement or prosecution authorities.

- b. Annual Report- The Director of Student Affairs and DEI shall provide a statement documenting the number of complaints received pursuant to this policy, the categories of those involved in the allegations, the number of violations found, and examples of sanctions/corrective actions imposed for policy violations that is in conjunction with the College's Annual Security Report.
- c. Anti-Retaliation- The College expressly prohibits any form of retaliatory action against any individual for filing a complaint under this Policy or for assisting in a complaint investigation.
- d. Bellin Human Resources- should be contacted prior to any attempt to resolve a complaint.
- e. Complainant- An individual who is subject to alleged discrimination, harassment, retaliation, or unfair treatment regarding the interpretation or application of an existing College policy.
- f. Complaint Resolution- The investigation of any complaint of harassment and/or discrimination will determine if this policy was violated. Additionally, the investigative report may address other serious issues disclosed during the course of the investigation and make recommendations to the appropriate College Administrator for resolution.
- g. Conflict of Interest- In the formal resolution process, if the person investigating or a College authority has an actual or perceived conflict of interest, the investigator or appropriate College authority may be asked to excuse himself/herself from the process. The excused individual shall not have access to any of the materials from the case from which the individual is excused.
- h. Discrimination- Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived race, color, religion, sex, marital status, national origin, age, disability, gender identity, sexual orientation, veteran status, and any other groups protected by federal, state or local statutes. The conduct must be so egregious as to alter the conditions of the individual's employment or educational experience.
- i. Discriminatory Harassment- Detrimental action based on an individual's actual or perceived race, color, religion, sex, marital status, national origin, age, disability, citizenship, sexual orientation, veteran status, and any other groups protected by federal, state, or local statutes that is so severe, persistent, or pervasive that it unreasonably interferes with or limits an individual's ability to participate in or benefit from the work or educational environment. Examples of harassment include, but are not limited to, intimidation and humiliation as expressed by communications, threats, acts of violence, hatred, abuse of authority, or ill-will that assault an individual's self-worth. Harassment of a non-sexual nature can include slurs, comments, rumors, jokes, innuendoes, cartoons, pranks and other verbal or physical conduct, frequent, derogatory remarks even if the remarks are not sexual in nature and any other conduct or behavior deemed inappropriate by Bellin College.
- j. Education- The College will broadly disseminate this policy and distribute a list of resources available to respond to concerns of harassment and/or discrimination based on race, color, religion, sex, marital status, national origin, age, disability, sexual orientation, veteran status, and any other groups protected by federal, state, or local statutes. Additionally, the College will implement appropriate educational programs for students, faculty, and staff.
- k. False Information- Anyone interviewed as part of an investigation into a possible

violation of this policy who intentionally furnished false information may be subject to corrective/disciplinary action.

- l. False Reporting- The College encourages anyone who believes that s/he has been the victim of harassment or discrimination to report her/his concerns but will not tolerate intentional false reporting of incidents.
- m. Hostile Environment- An occurrence where harassment is sufficiently serious to deny or alter the conditions of employment or the educational environment and create an abusive environment in which to work or study. The person alleging a hostile environment must show a pattern or practice of harassment against him or her; a single incident or isolated incidents generally will not be sufficient. In determining whether a reasonable person in the individual's circumstances would find the work or educational environment to be hostile, the totality of the circumstances must be considered.
- n. Inquiries- For obtaining information about reporting any instance of non-sexual harassment and/or discrimination, any individual may consult with the Director of Student Affairs and DEI.
- o. Retention of Records- All records of harassment, discrimination, and retaliation reports and investigations will be private and confidential to the greatest extent possible and will not be publicly disclosed except to the extent required by law. However, no member of the College's staff or faculty, or any student is promised strict or absolute confidentiality. Additionally, all records will be retained for a minimum of seven (7) years.
- p. Retaliation- Intentional action taken by an individual or allied third party that harms a complainant, witness, reporter, or any other individual for filing or participating in a College investigation.
- q. Supportive Measures- Once the college has actual knowledge of potential non-sexual and/or non-sexual discrimination and the Discrimination/Harassment Complaint has been filed, immediate steps should be taken to provide the complainant and respondent supportive measures that will preserve equal access to education and safety.
- r. Third Party Assistance- If an individual seeking an Alternative Resolution desires the assistance of a third party to attempt to resolve the situation informally, the individual seeking an Alternative Resolution may approach any one of the following resources:
  - Director of Student Affairs and DEI
  - College Administration
  - Bellin Human Resources (faculty and staff)
  - The individual seeking an Alternative Resolution's supervisor or the supervisor's supervisor (faculty, staff & student employees)

## **PROCESS:**

### Alternative Resolution

Alternative Resolution is an option available to students, faculty, and staff is to seek resolution informally. The College does not require an individual to contact the person directly whose behavior is having been harassing or discriminatory.

- a. If an individual seeking an Alternative Resolution is comfortable dealing with the situation without direct involvement of a third party, the individual seeking an information resolution can communicate directly with the person whose behavior is discriminatory or harassing.

- b. It is appropriate to use face-to-face communication only when the individual seeking an Alternative Resolution does not feel threatened, there is no risk of physical harm and the individual seeking an Alternative Resolution believe the other person will be receptive.
- c. Email/written correspondence is the preferred method of communication. If the individual seeking an Alternative Resolution chooses to communicate face-to-face, she/he should also send an email summarizing the face-to-face interaction. Keep copies of any written communication.
- d. A factual description of the incident(s) including a description of the unwelcome behavior, date, time, place, and the names of any witnesses.
- e. A description of any consequences that the individual seeking an Alternative Resolution has experienced.
- f. A request for the discriminatory or harassing behavior to cease.
- g. If the individual seeking an Alternative Resolution does not feel comfortable with the one-on-one communication or if the individual seeking an Alternative Resolution believes that the communication was not successful, the individual should consider other informal or formal procedures.

If the situation is not able to be resolved informally or if the individual seeking an Alternative Resolution chooses not to engage in an Alternative Resolution, the individual seeking an Alternative Resolution may initiate a formal complaint.

#### Formal Resolution

In all cases of an allegation of non-sexual harassment and/or non-sexual discrimination the individual(s) making the allegation may choose to bypass the Alternative Resolution options and to proceed to a formal resolution. In the event that an Alternative Resolution of the allegation is not resolved to the satisfaction of the individual(s) making the allegation, the person(s) alleging such harassment, discrimination may submit a formal written complaint to the Director of Student Affairs and DEI.

- a. The written complaint shall set forth in reasonably sufficient detail the nature of the alleged harassment and/or discrimination, the individual(s) against whom the complaint is made, the name(s) of any witnesses, and any available evidence or sources of evidence.
- b. Upon receipt of a written complaint, the Director of Student Affairs and DEI shall first determine if the complaint states facts sufficient to believe that a potential violation of College policies or a potential violation of federal and/or state laws has occurred. The Director of Student Affairs and DEI will notify the complainant in writing of its decision within five working days.
- c. If there is the potential of a violation of the Discrimination and/or Harassment Policy or federal and state laws, a prompt, thorough, and impartial investigation will be conducted.
- d. The Director of Student Affairs and DEI and members of the investigative team will objectively gather and consider relevant facts. They will ensure that statements of the complainant, the respondent, and all witnesses are documented, and that the investigation is conducted in a thorough, objective manner and is considerate of all the parties involved.
- e. The investigation will normally be concluded within 30 working days. The complainant and respondent will be notified in writing of any reasonable delays.
- f. The investigation will be private and confidential to the greatest extent possible. However, no member of the College's staff or faculty, or any student is promised strict or

absolute confidentiality. The investigative team will write an investigative report, including the findings of the investigation and a recommendation for action, based on a preponderance of evidence.

- g. In consultation with the appropriate College Administrators, the Director of Student Affairs and DEI will decide on the action, if any, to be taken.
- h. In all cases of formal allegations of harassment and/or discrimination, a summary of the findings and recommendations shall be available for review by the complainant, the respondent, and to the appropriate College authority.
- i. The Director of Student Affairs and DEI will communicate the decision to the complainant, to the respondent, and to the appropriate College authority within five working days of conclusion of the investigation. The College will take immediate and corrective action if appropriate.

#### Appeal

- a. The complainant or respondent may appeal the decision made by the Director of Student Affairs and DEI for one or more of the following grounds: (1) The decision made is arbitrary or capricious, (2) If the decision is clearly unsubstantiated by the evidence, or (3) If new information is presented that was not available during the course of the investigation.
- b. The written appeal must be filed within five working days after receiving the written decision with the President/CEO of the College.
- c. The final determination will be made by the President/CEO, using a preponderance of evidence standard within five working days upon receiving the written appeal.
- d. The decision will be communicated to the complainant, respondent, and the Director of Student Affairs and DEI and shall be considered final.

#### **AMENDMENTS OR TERMINATION OF THIS POLICY:**

Bellin College reserves the right to modify, amend, or terminate this policy at any time.