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## *Anti-harassment*

### **Policy Statement**

It is the policy of Linfield College to maintain a work and academic environment free from harassment for its employees, students, visitors, and vendors. Discriminatory harassment, including sexual harassment, is a violation of state and federal law. No form of discriminatory harassment, including sexual harassment, will be tolerated by Linfield College. Any and all complaints or allegations of harassment will be investigated promptly. Appropriate, corrective action will be implemented based upon the result of the investigation in the event harassment in violation of this policy is found to have taken place.

As a college that prides itself on fostering academic freedom, including freedom of speech and freedom of conscience, Linfield especially recognizes these values insofar as the classroom and learning environment is concerned. Students should refer to the section “Anti-harassment Protection and Academic Freedom” in this handbook for consideration of the importance of academic freedom, freedom of speech, and freedom of conscience.

**Anti-retaliation Statement:**

Any form of retaliation against those who in good faith bring forward complaints or allegations, or who participate in an investigation of discrimination or harassment, is strictly prohibited.

**False Allegations Made in Bad Faith:**

If the investigation reveals that a complainant, victim, or witness has made a knowingly false allegation in bad faith, disciplinary or other appropriate action against this person may be imposed.

**Definition of Harassment:**

Harassment is verbal or physical conduct that demeans or shows hostility, or aversion, toward an individual because of his/her race, color, religion, sex, gender, national origin, age, sexual orientation, or disability, or that of his/her relatives, friends, or associates and that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's academic opportunities.

Harassing conduct includes, but is not limited to the following:

- Epithets, slurs, jokes, negative stereotyping or threatening, intimidating or hostile acts that relate to a person's race, color, religion, sex, gender, national origin, age, sexual orientation, or disability.
- Written graphic material which demeans or shows hostility or aversion toward an individual or group because of race, color, religion, sex, gender, national origin, age, sexual orientation, or disability and is posted on walls, bulletin boards, e-mail, or elsewhere on the college premises, or is circulated within the college.

The terms intimidating, hostile and offensive are interpreted according to legal standards as determined by the law, and are looked at from the viewpoint of a reasonable person in similar circumstances as the complaining party.

**Counseling:**

The college recognizes that students may wish to seek counseling and discuss circumstances relating to possible harassment without initiating a complaint. Under these circumstances, students are encouraged to seek

counseling in the Counseling Center in Walker 124 or the College Chaplain in Melrose 110. Portland Campus students may contact the Psychological Service Center.

State-licensed counselors and the college chaplain by state order are immune from being compelled to divulge confidences. Any communication with a state-licensed counselor or the college chaplain is not a complaint to the college and will remain confidential and will not result in an investigation.

### **Reporting a Complaint:**

If an individual believes he or she is the victim of harassment or retaliation, he or she is encouraged to report a complaint immediately. If the complaint is from a student making an allegation against a college employee then the student may either contact the Dean of Students Office, Dean of Faculty, or the Director of Human Resources. When the allegation is against a college employee the procedure as outlined in the common chapter of the employee handbook will be followed. If the harassment is student to student, students are encouraged to report it to the Dean of Students Office or the Title IX Officer at which time an investigation will begin.

Employees who become aware of potential harassment of others which may be in violation of this policy are encouraged to report such conduct. Supervisors have an obligation to immediately report any potential instances of harassment involving employees, students or others to the Director of Human Resources or other appropriate persons as indicated above. Once the college has knowledge of the complaint, the college is obligated to investigate the allegation.

### **Investigation Procedures:**

1. The Dean of Students or designate is responsible for documenting the complaint and determining, with consultation as he or she deems appropriate, who will conduct the investigation.
2. The Dean of Students or other designated investigator will provide both parties the opportunity to present their side of the incident. The investigation will include separate interviews with the complainant, the accused, and any other relevant witnesses as appropriate under the circumstances.
3. Before a final decision is made or corrective action is taken against the accused, a written summary of the allegations upon which the corrective action is based will be delivered to the accused for his/her opportunity to respond (within a reasonable time to be determined by the Dean of Students or designee) if he/she so chooses.

4. As appropriate during and following the investigation, the College will inform students who have alleged harassment about the status of the investigation.
5. Upon resolution of the investigation, all investigative reports, notes, evidence, and records will be maintained within the student's file maintained in Student Affairs as needed to investigate and respond to other complaints, or as compelled to produce the files through legal process.

**Confidentiality:**

In its own actions and the actions of its official representatives, the college will maintain the confidentiality of all harassment investigations to the extent possible, consistent with the college's need to conduct an adequate investigation and to take prompt corrective action to rectify any harassment in violation of this policy which is found to have taken place. However, the college cannot guarantee that confidentiality will be maintained by other employees or students who may need to be questioned about the allegation, or the parties directly involved in the investigation, although the college will advise all concerned to keep investigative matters confidential and not to discuss them elsewhere.

**Corrective Action:**

Appropriate corrective action will be initiated whenever the evidence warrants it. Violation of Linfield College's anti-harassment or sexual misconduct policy will subject a student to sanctions up to and including separation. Students against whom corrective action is taken may appeal to the College Conduct Board as outlined in the student handbook.

**Anti-Harassment Protection and Academic Freedom:**

Academic freedom and freedom of inquiry are values to which Linfield College subscribes and which it protects by prescribing boundaries on the extent to which college officials may regulate discourse, speech, and the articulation of conscientiously held beliefs. So long as an opinion is delivered in a civil manner that invites and respects argument to the contrary, academic freedom demands that the college protect its expression. Maintaining academic freedom requires an atmosphere of trust and mutual confidence such that dishonesty, intimidation, harassment, exploitation, and the use or threat of force are incompatible with the preservation of this freedom. Accordingly, substantiated charges of sexual or other kind of discriminatory harassment must be sanctioned both for the reasons articulated in the college's anti-harassment policy as well as for the protection of academic freedom itself.

Anti-harassment policies are not intended to limit the free exchange of opinions or the vigorous debate over ideas, except when harassment and intimidation preclude the very possibility for maintaining an atmosphere

of academic freedom. All members of the college are entitled to use speech to convey disagreement, agreement, inquiry, or commentary in keeping with the principles underlying constitutionally protected free expression. In particular, speech that is related to or uttered in connection with academic affairs or the expression of non-anonymous opinions in classrooms, open forums, papers, newspapers, or pamphlets will not constitute discriminatory harassment unless it is so severe or pervasive as to interfere unreasonably with an individual's work or academic performance or unreasonably create an intimidating, hostile, or offensive work or academic environment.

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