



Discriminatory Harassment and Misconduct Policy

Effective: August 1, 2024

Revisions to the Discriminatory Harassment and Sexual Misconduct Policy (DHSM) were initiated due to changes in Title IX regulations and subsequent Title IX Policy and Procedure revisions approved by executive order on August 1, 2024. Because all sex-based and sexual matters were absorbed into Title IX, the title of the DHSM was modified accordingly to the Discriminatory Harassment and Misconduct Policy (DHM).

Interim Policy: August 1, 2024

I. Introduction

Reed College is committed to maintaining a free and diverse campus community in which students, faculty, and staff can live, learn, work and express themselves honorably. Membership in the Reed community, as governed by the Honor Principle, imposes obligations on students, faculty, and staff to respect the dignity and autonomy of others and to treat one another civilly and without regard to factors irrelevant to participation in the life of the College.

This policy details and explicitly prohibits certain behaviors and encourages the reporting of these prohibited behaviors and of any form of discrimination. Reed College is committed to the primary prevention of these prohibited behaviors through ongoing education and awareness activities for students, staff, and faculty. When prohibited behaviors occur, Reed College will act to mitigate and, when appropriate, remediate their harm on a complainant and the community, and to take steps necessary to prevent their recurrence.

The prohibitions within this policy may appear to place a restriction on academic freedom and individual freedom of expression. Those forms of freedom are central to the College's values, and occasionally, discomfort may be an inevitable result of the exercise of those freedoms and the pursuit of the mission of the College. The Reed College Mission Statement and the Constitution and Bylaws of the Faculty express the College's deep commitment to academic freedom and to the free exchange of ideas. The preamble to the Community Constitution (as of September 2013) emphasizes the interrelationship between freedom and honorable conduct:

"We declare our commitment to responsible and honorable conduct in academic and community affairs, and we reaffirm one another's rights to freedom of inquiry and expression in coursework, scholarship, and the day-to-day life of the Reed Community. Since such freedom requires an atmosphere of trust and mutual confidence, we further declare that dishonesty, intimidation, harassment, exploitation, and the use or threat of force are incompatible with the preservation of this freedom."

Under principles of academic freedom, faculty members can use a wide variety of teaching techniques, and faculty and students can engage in the free and open exchange of ideas. The educational context is distinct from the context of the workplace in that wide latitude is required to determine the appropriate content and presentation of academic material. Academic discourse – which may include discourse that occurs in formal academic or educational settings as well as discourse that occurs outside of the classroom – regarding acts or speech of a sexual or potentially discriminatory nature does not, in and of itself, constitute a violation of this policy. Legitimate and recognized

forms of artistic expression are similarly protected. Members of the community are encouraged to conduct themselves honorably when engaging with these serious issues.

Except as otherwise specified herein, this policy applies to faculty, staff, students, and Agents of the College while in their representative roles. It also applies to visitors, Vendors, as well as to any other person who participates in or benefits from Reed College programs and activities, whether on or off campus, including academic, educational, extracurricular, athletic, residential, and workplace programs and activities, and to any person using Reed premises.

Additionally, the College may also extend its jurisdiction under this policy when it is determined that the conduct affects a substantial College interest. There may be a substantial College interest in activities, conduct, or situations that take place outside of the United States and/or outside of a College education program or activity. A substantial College interest typically includes: (1) any action that constitutes a criminal offense as defined by local, state, or federal law; (2) any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety to any member of the College community; (3) any situation that significantly impinges upon the rights, property, or achievements of others; (4) any situation that substantially interferes with the educational interests or mission of the College.

Reed College acknowledges and intends to comply with its legal responsibilities in all its programs and activities. This policy is as a whole, intended to be consistent with applicable law or regulation that prohibits discrimination on the basis of any legally protected category in the educational programs or activities of colleges and universities, in employment, or in any other relationship which is governed by law. Reed College also acknowledges and intends to comply with its legal responsibilities under federal and Oregon law, including the reporting responsibilities of the Clery Act, 34 CFR 668.46. If any provisions of this policy are contrary to or interfere with any applicable law, that law will supersede the inconsistent policy provisions. Behavior violating this policy may also separately violate federal, state, or other law; it may also violate other policies of the College.

See the Discriminatory Harassment Resource Page, available after May 2015, for additional sources of help with questions about discriminatory harassment covered by this policy and related procedures.

II. Notice of Non-discrimination

Reed College does not discriminate on the basis of protected classes including race, color, national origin, shared ancestry and/or ethnicity, religion, sex, sexual orientation, gender, gender identity, gender expression, age, marital status, military status, veteran status, genetic information, physical or mental disability, pregnancy, status as a parent, family relationship, or on the basis of any other category protected by law. Reed College prohibits discrimination on the bases of any protected class in any activity, operation, or education program of the College including in administration of its employment policies, educational policies, admission policies, scholarship and loan programs, housing policies, and athletic and other school-administered programs.

Reed College also complies with applicable provisions of local, state and federal civil rights laws, including Title VI and Title VII of the 1964 Civil Rights Act, Title IX of the 1972 Education Amendments Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Uniformed Services Employment and

Reemployment Rights Act (USERRA), Oregon Revised Statutes, the Clery Act of 1990 and its amendments and any other applicable law.

Reed College also prohibits retaliation against any individual who engages in protected activity under anti-discrimination laws or the College's antidiscrimination policies.

The following persons have been designated to handle inquiries regarding the College's nondiscrimination policies:

- Office for Institutional Diversity | institutional.diversity@reed.edu
- Human Resources | hr@reed.edu
- Dean of the Faculty | deanofthefaculty@reed.edu
- Title IX and Section 504 Coordinator | titleix@reed.edu

Inquiries may also be directed to the U.S. Department of Education, Western Region, Office for Civil Rights at 206-607-1600 and ocr.seattle@ed.gov.

III. General Definitions Used in This Policy

For purposes of this policy, certain terms are defined in a specific way. The following definitions apply where the defined terms are used in this policy, regardless of whether the terms have a different meaning in other contexts.

Agents of the College: Individuals serving as official representatives for the College in any unpaid or paid capacity.

Complaint: Oral or written communication to the College that can be objectively understood as a request for the College to investigate and make a determination about alleged conduct prohibited by this policy.

Complainant: A student, employee, or Vendor who is alleged to be the victim of conduct prohibited by this policy.

Education Program or Activity: Locations, events, programs, activities, or circumstances over which the College exercises substantial control, including over the Respondent. Includes any building owned or controlled by a student organization that is officially recognized by the College.

Faculty: A member of the teaching or research staff who holds academic rank, including those on visiting appointments and those on sabbatical or leave. It also includes visiting scholars and emeriti faculty who are teaching or who have an office on campus. "Academic rank" means the rank of Instructor, Assistant Professor, Associate Professor, or Professor.

Report: Notification to a College officer that conduct that reasonably may constitute a violation under this policy may have occurred.

Respondent: An individual alleged to have violated College policy.

Staff: Individuals employed by Reed College who are not members of the faculty. Bargaining unit staff are held to College policies unless their collective bargaining agreement differs from College policy.

Student: A person who has gained admission to the College.

Target: The person(s) toward whom the conduct in question is allegedly directed.

Vendor: A third party contracted by the College to provide a service at Reed College.

IV. Prohibited Behaviors

IV.A Discrimination

Discrimination is differential treatment based on a protected class or identity as detailed in section II of this policy.

IV.B Discriminatory Harassment

Discriminatory harassment is unwelcome verbal, written, visual, or physical conduct that is derogatory, insulting and/or intimidating and that is based on or motivated by an individual's or group's actual or perceived affiliation with protected classes or categories. See section II of this policy for a list of protected classes or categories.

Discriminatory harassment violates this policy if it creates a hostile environment. Harassment creates a hostile environment if it is sufficiently severe, pervasive, or persistent that it either (1) denies, interferes with, or limits a person's ability to participate in or benefit from the College's programs or activities; or (2) creates a learning, working, or living environment that a reasonable person would consider intimidating, hostile, or offensive.

Not only does Reed prohibit discriminatory harassment that creates a hostile working environment, but the College also seeks to maintain a supportive living, learning, and working environment for all community members, consistent with the principles of academic freedom as described in Section I of this policy. Reed encourages community members to report any behavior that may qualify as discriminatory harassment whether or not they are certain that the behavior in question rises to the level of discriminatory harassment or a hostile environment as defined above. Refer to Section VI of this policy for additional information about reporting. For further information about discriminatory harassment and relevant resources, community members should consult the [Discriminatory Harassment Resource Page](#).

Discriminatory harassment can be carried out by various means, from the use of offensive or intimidating references to a protected class (such as with slurs, epithets, or offensive stereotypes) to outright threats, and by way of various mechanisms or media, whether verbal, non-verbal, written, visual, electronic or other. Discriminatory harassment includes disparaging, degrading, or abusive words, phrases, or generalizations which are directed at an individual or group based on their actual or perceived affiliation with a protected class, and for which there is no reasonable academic, educational or artistic justification.

Discriminatory harassment need not be targeted at the complainant. The acts may be directed at anyone. For example, racial harassment need not be based on the complainant's race, so long as it is racially motivated (e.g., it might be based on the race of a friend or associate of the complainant). Additionally, the harassment need not be our

VIII.C. Confidentiality and reporters and witnesses

Reed College will endeavor to protect the confidentiality of individuals who provide information about policy violations but must also comply with its obligations and responsibilities under this policy and applicable law. Members of the community should understand that the College may have an obligation to investigate reports of policy violations and to take reasonable steps to stop, prevent, and remedy prohibited discrimination, discriminatory harassment, or retaliation, and that the desire for confidentiality can conflict with these obligations.

VIII.D. Confidentiality and respondents

Reed College will similarly attempt to protect the confidentiality of respondents, to the extent that it can while complying with its obligations, during and after investigation and formal complaint resolution. Applicable law can limit the protection of the confidentiality of Respondents in particular.

IX. Procedures for the Resolution of Complaints

IX.A. Informal Resolution

There may be times when informal resolution, either through direct discussion, formal mediation, or with advice obtained from a designated officer of the College may be the appropriate response to a violation of this policy. See the [Discriminatory Harassment Resource Page](#) for a list of such officers.

Students may consider consulting the student Honor Council (hc-students@lists.reed.edu) for advice on how to proceed with informal resolution or with a formal complaint; general inquiries about these processes are confidential. The Honor Council can also assist with informal resolution. When Honor Council members are acting or approached in their representative capacity, they may have special reporting obligations, and so confidentiality may be limited.

No one is required, however, to participate in mediation or to directly confront those they believe have violated this policy. Individuals may choose to end the informal resolution process at any time and begin the formal complaint process.

Students who are unsure whether they want to make a Formal Complaint may undertake confidential preliminary discussions of possible violations with a counselor in the Health & Counseling Center. Faculty and staff may similarly undertake confidential discussions with a counselor through the Employee Assistance Program.

IX.B. Formal Complaints

Formal Complaints may be made to the appropriate body as listed below for resolving the Complaint. The resolution procedure used is based on the status of the respondent:

- Regarding members of the faculty: Complaints are received by the Dean of Faculty

- Regarding staff employees: Complaints are received by the Director of Human Resources and handled according to the Human Resources Formal Complaint Procedures for Staff;
- Regarding students: complaints are received by the Student Judicial Board and are handled according to the Judicial Board Code.

IX.C. External remedies

The above procedures supplement, and do not replace, other remedies for acts which constitute violations of this policy. Students and employees have the option at all times to file a criminal complaint with law enforcement or to seek a civil remedy, in addition to or in place of using College's procedures.

Individuals also always have the right to file a formal complaint with the United States Department of Education (for violations of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975):

U.S. Department of Education
 Office for Civil Rights
 Lyndon Baines Johnson Department of Education Bldg
 400 Maryland Avenue, SW
 Washington, DC 20202-1100
 Telephone: 800-421-3481
 FAX: 202-453-6012; TDD: 800-877-8339
 Email: OCR@ed.gov
 Website: <https://www.ed.gov/ocr>

Or

Seattle Office
 Office for Civil Rights
 U.S. Department of Education
 915 Second Avenue Room 3310
 Seattle, WA 98174-1099
 Telephone: 206-607-1600
 FAX: 206-607-1601; TDD: 800-877-8339
 Email: OCR.Seattle@ed.gov

Individuals with complaints of a violation of this policy in the context of employment (Title VII of the Civil Rights Act of 1964, The Americans with Disabilities Act of 1990, Age Discrimination in Employment Act, or the Equal Pay Act) may also file a complaint with the Equal Employment Opportunity Commission (EEOC):

Equal Employment Opportunity Commission
 Seattle Field Office
 Federal Office Building
 909 First Avenue
 Suite 400