

Hood College Policy on Discrimination, Harassment, and Bias

(This policy supersedes POLICY STATEMENT 55: Prevention and Resolution of Acts of Harassment, Discrimination, and Sexual Misconduct)

GENERAL POLICY

Hood College (the College) affirms the principle that its faculty, staff, and students have the right to be free from discrimination, harassment, and bias by any member of the College community, or by others who conduct business with the College or in any other way interact with it in an educational, extra-curricular, or business context, either on or off campus. The College is committed to creating and maintaining an academic and work environment consistent with these characteristics.

Complaints of discrimination, harassment, and bias are treated as very serious matters by Hood College. There will be no adverse action or retaliation against any individual for reporting an incident of discrimination, harassment, or bias, or for participating in, or cooperating with, an investigation into the circumstances of an alleged incident.

APPLICATION

This policy applies to all discrimination, harassment, and bias, whether involving Hood College students, staff, and faculty, and including adjunct faculty, contractors, vendors, and volunteers. If the incident relates to gender-based discrimination or sexual misconduct, it will be governed by the [Hood College Policy on Title IX Sexual Misconduct](#).

This policy pertains to acts of prohibited conduct committed by or against students, employees, and third parties in these instances:

The conduct occurs on the campus, on online platforms, or other property owned or controlled by the College.

The conduct occurs during or in connection with a College education program or activity, including in the course of College-related business, travel, sporting events, or off-campus programs. This may include but is not limited to, domestic or international academic programs, field trips, study-abroad programs, internship programs, work-related conferences, etc.

This policy also applies to instances of harassment or discrimination committed by members of the Hood community in the City of Frederick.

DEFINITIONS

Discrimination

Discrimination is the unequal treatment of someone because of their protected class category as outlined below. Discrimination is a violation of this policy when it results in an adverse action or negatively impacts the terms and conditions of an individual's employment, or education, or denies or limits participation in programs, services, or activities. The College prohibits discrimination based on an individual's actual or perceived race, color, religion, sex, gender identity or expression, genetic

information, sexual orientation, national origin, age, marital or veteran status, disability status, citizenship, pregnancy, or any other legally protected characteristics.

Harassment

Harassment is defined as engaging in conduct that a reasonable person in similar circumstances would find as creating a hostile environment or depriving another person of the ability to fully participate in the programs or opportunities of the College. Harassment can take many forms, such as words, visual images, gestures, or other verbal and physical contact, whether in person, by telephone, or other electronic means. Harassment may consist of a single, sufficiently severe incident or the cumulative result of a series of pervasive incidents. A reasonable person is defined as a hypothetical person who exercises average care, skill, and judgment in analysis and who serves as a comparative standard for determining accountability.

Bias

Biased conduct is defined in [Hood College's Statement on Bias](#).

Academic Freedom

Hood College endorses full academic freedom. Please refer to the Faculty Code. See [Faculty Rights and Responsibilities: Faculty Code, section 6.8](#).

Complainant

Any person from the Hood community (including others such as contractors, vendors, and volunteers) who believes they may have been the victim of discrimination, harassment, or bias, or who believes they may have witnessed such behavior, and who has opted to bring a complaint regarding the behavior to College officials. Complainants are encouraged to preserve any and all evidence, to the extent possible, of the alleged acts of discrimination, harassment, or bias.

Respondent

Any person from the Hood community (including others such as contractors, vendors, and volunteers) who is named by a complainant as the alleged perpetrator of possible instances of discrimination, harassment or bias that have been brought to the attention of Hood College officials.

Advisors

The role of advisors is to advise the complainant or respondent of applicable procedures. Advisors are trained and available to offer support and to provide information on additional resources. Advisors may accompany the party they are advising to any meeting, interview or hearing in connection with a formal complaint. While advisors may accompany the party they are advising to any meeting, interview, or hearing in connection with a formal complaint, they may not present evidence or otherwise participate. A party is free to choose an individual who is not a trained advisor. Nevertheless, advisors must follow the College's policies, procedures and practices. If an advisor violates the College's policies, procedures or practices, the advisor may be removed from a meeting, interview or hearing and it will continue without the advisor's presence.

Ombudsperson

The ombudsperson supports the values of personal integrity, responsibility, civility, respect, equity, diversity, and community that enable the College to advance its mission. See [Ombudsperson | Hood College](#).

Retaliation

Any action or attempt by an individual or group which has the intention and/or effect of preventing another individual or group from filing, pursuing, or exploring a report, grievance, and/or remedy as provided for in this policy.

Retaliation is any action, statement, or behavior meant as reprisal or retribution against an individual in response to the individual's good-faith report or participation in a proceeding related to this policy. Any retaliatory action taken directly or indirectly against a person who has made a report, filed a complaint, or participated in an investigation is prohibited and is a separate violation charge.

REPORTING GUIDELINES

Any individual who believes that they have been subject to discrimination, harassment, or bias, or who has witnessed what they believe to be discrimination, harassment, or bias, should report such conduct promptly, using the complaint procedures outlined below. If the incident relates to gender-based discrimination or sexual misconduct, it will be governed by the [Hood College Policy on Title IX Sexual Misconduct](#).

When a report is made regarding any perceived threat or act of violence, Campus Safety will evaluate and respond through the exercise of reasonable professional judgment in light of the specific facts and circumstances surrounding the incident. The College will take appropriate and immediate steps to end the offensive or threatening behavior and provide a safe environment that does not interfere with the complainant's right to pursue an education.

The College will take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy. Any individual who is determined to have committed acts of discrimination, harassment, or bias, or retaliation, will be subject to appropriate disciplinary action, as described below.

When any individual becomes aware of an alleged act of discrimination, harassment, or bias, the individual must promptly contact the Vice President for Community and Inclusivity (VPCI), Coordinator of Title IX, Investigations, and Campus Accessibility (Title IX Coordinator), or Campus Safety. The earlier a report is made, the better, as important information or evidence may become unavailable due to delayed reporting. It is also recommended that a report be made by the complainant in writing either by completing the online form or by email. Those who make initial reports orally will be asked to also put the report in writing in order for it to be classified as a formal complaint and for the procedures below to commence.

Hood College recognizes that deciding whether to make a report or file a complaint is a personal decision, and the Complainant's autonomy is to be respected to the extent possible. However, if the College becomes aware of an incident and when there is a risk of imminent harm to an individual or others, or if there is a threat to the safety of the campus, the College may take immediate action upon receipt of a report or complaint. In such circumstances, College representatives will explain these actions to the individual(s) making the allegation.

PROCEDURE

A. Initial Assessment

Upon receipt of a report or complaint, the VPCI will be responsible for making the initial assessment. For faculty matters, if the complaint involves a question pertaining to academic freedom, the VPCI will consult with the provost and determine whether a referral will be made to the Faculty Board of Review (FBR) and follow up. Matters of academic freedom are not within the scope of this policy.

B. Interim or Protective Measures

The College may implement interim actions prior to completing an informal resolution process or formal investigation based on the nature of the alleged conduct. Such actions may be involuntary placement of an employee on paid leave or reassignment of work location, no contact order or moving a student's housing assignment, or other means. If the individual is not a member of the Hood College community, the VPCI in consultation with the president, may consider immediate action up to and including removal from campus as an interim or protective measure. The decision to implement interim measures is made on a case-by-case basis in consultation with the VPCI and Director of Human Resources (for staff), the Provost (for faculty), the the Dean of Students (for undergraduate students) and the Dean of Graduate Students (for graduate students). The decision will be based upon and include without limitation such factors as the risk of harm to a complainant, safety, College property or operations, or other exceptional circumstances. Failure to comply with an interim or protective measure constitutes a violation of the Policy and the College will respond pursuant to other applicable policies and/or procedures.

INFORMAL RESOLUTION

Once a complaint has been made, the parties may elect to informally resolve the complaint. In some instances, counseling, advice, or informal discussion may be useful in resolving concerns about allegations of discrimination, harassment or bias. At any point during an informal resolution, the parties may request a formal investigation in accordance with the procedures contained herein. An investigator will work with the parties to come to a mutually agreeable resolution. At the discretion of the College, the investigator may be the Title IX Coordinator or an individual with experience in mediation mutually agreed to by the parties.

The Title IX Coordinator will be the primary investigator of complaints pursuant to this policy. However, other investigators may include a trained staff or faculty member, Campus Safety, or another investigator, including the possibility of an outside investigator, selected by the VPCI. The investigator may informally resolve concerns themselves or may bring in other investigators (with the consent of the parties), as appropriate, to assist with resolution.

FORMAL RESOLUTION

A. Dismissal of Formal Complaint

Any formal complaint may be dismissed, either in whole or in part, by the investigator if at any time during the investigation or hearing prior to decision: (1) a complainant notifies the investigator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled, employed by, or associated with, the College; (3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein; or (4) it is or becomes apparent that the allegations even if substantiated, would not constitute prohibited conduct as defined by this policy.

Whenever a formal complaint is dismissed, the investigator will send written notice of the dismissal and the reason for the dismissal to both parties simultaneously. Upon any dismissal of a formal complaint, additional, non-disciplinary options for resolution may remain available, including supportive measures and informal resolution.

B. Investigation

After receiving a complaint and doing a preliminary review, the investigator will determine whether the complaint alleges discrimination, harassment, bias or retaliation and is subject to these procedures. The investigator will ensure that complaints subject to these procedures are promptly investigated and resolved.

The complainant and respondent will be informed regarding who will be investigating the complaint and what to expect during the investigation process. In most circumstances, the Title IX Coordinator or another designee will conduct the investigation (*see* Informal Resolution Section above).

Any investigator must be impartial and free of any conflict of interest. A party may raise an objection to the appointment of any investigator on the basis that such investigator is not impartial or has a conflict of interest. Such an objection must be made in writing, specify the basis for the objection, and be submitted to the Title IX Coordinator or VPCI within three (3) business days of the party being informed of the name(s) of the investigator(s). The Title IX Coordinator and/or VPCI will make the final determination on an investigator's ability to serve.

The Investigator will interview the respondent, complainant and other relevant persons regarding their factual knowledge of the circumstances surrounding the complaint. The parties will be given the opportunity to present relevant witnesses and evidence. The investigator is authorized to obtain relevant documentary evidence (e.g., emails, work records, prior grievances) from College offices.

The investigation will be completed as expeditiously as possible, generally within a period of 30 business days from receipt of the complaint unless circumstances warrant a longer period. Upon timely completion of the investigation conducted in an impartial manner, a draft written Report shall be prepared that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties with any supporting information or accounts. Prior to finalizing the Report and before reaching a finding, the investigator will provide the Complainant and Respondent an opportunity to review the draft Report. The Complainant and Respondent may submit any additional comments or information in writing within three (3) business days of receiving the draft Report. This is the final opportunity for the parties to identify any additional information or witnesses and review their statements for accuracy.

Once the draft Report is reviewed by the parties and any additional pertinent information is incorporated, or after the three (3) business day comment period has lapsed without comment by either party, the investigator will finalize the report, make a finding as to whether there has been a violation of the policy and make recommendations regarding violations of policy, if proven, and may propose sanctions to the decision maker (*see* section C below). The investigator has the option to find that the conduct was inappropriate, but not rising to the level of a policy violation or no violation of policy. The final Report will be given promptly and concurrently to the Complainant and the Respondent.

C. Determination following Investigation

A finding will be based on the investigator's assessment of the evidence gathered in the course of the investigation, using the preponderance of evidence standard (i.e., whether it is more likely than not that a violation of the Discrimination, Harassment and Bias Policy has occurred). The finding will be added to the final Report.

If the investigator determines the respondent did not violate the policy, the investigator will communicate the findings to the complainant and respondent in the same manner.

In the event of a policy violation, the investigator will make a recommendation of sanction (i) in consultation with the Director of HR for staff, (ii) in consultation with the Provost for faculty, and (iii) in consultation with the Dean of Students for undergraduate students and the Dean of the Graduate School for graduate students. The Director of HR, Provost, Dean of the Graduate School, and Dean of Students must ensure consistency and fairness in sanctioning regardless of whether students, faculty or staff committed the violation. The sanction will be proportionate to the frequency and severity of the conduct. The sanction will be designed to remedy the policy violation and prevent the recurrence of the prohibited conduct. Examples of discipline that may be issued in connection with a violation of the policy include, without limitation, a requirement not to repeat or continue the discriminatory or harassing conduct; a requirement to participate in training; an oral or written reprimand; denial of a merit pay increase or promotion; and reassignment, suspension, or separation from the College. To ensure fairness and consistency, the decision makers may consult the Title IX Coordinator.

In matters involving faculty, if the Provost determines that there is adequate cause for separation of a term appointment or revocation of tenure of a faculty Respondent, the Provost will make this recommendation to the President who will consider the recommendation and follow the appropriate procedures as provided by the Faculty Code.

In matters involving staff, if the Director of HR determine there is adequate cause for the separation or termination of a staff member, the Director of HR will follow the appropriate procedure as stated by college policy.

In matters involving students, if the Dean of Students for undergraduate students or the Dean of the graduate school for graduate students with the Provost determine there is adequate cause for separation, the Dean of Students will follow the Student Handbook.

In matters involving campus visitor(s), volunteer(s), vendor(s) or contractor(s) doing business with Hood College, the relevant department with oversight over the respondent will be notified so that appropriate action may be taken.

The sanction will be given promptly and concurrently to the Complainant and the Respondent. The Report shall notify the parties of their rights of appeal.

D. Advisors

Complainants and respondents may be accompanied throughout the investigation and appeal process by an advisor of their choice from the College community who agrees to keep the matter confidential. The purpose of the advisor is to provide advice to the student or employee in a discreet manner that is not disruptive to the proceedings. The advisor may not provide verbal, written, or other input during the investigation or appeal process other than to the student or employee being advised.

The advisor may not be a practicing attorney, parent, guardian, spouse, family member, a witness or a possible witness in the case, a person involved in the College's disciplinary process, or a complainant or respondent in the case.

Parties may request a brief recess to consult with their advisor during meetings and interviews which will be granted at the discretion of the investigator(s).

E. Standard of Proof for an Investigation

In all stages of the process, Hood College will apply the preponderance of the evidence standard when determining whether the policy has been violated. The totality of the circumstances will be considered in this determination.

APPEAL PROCESS

A. Basis of Appeal

If the Complainant or Respondent is a student or staff who wishes to appeal the finding, they must submit their written appeal request to the VPCI within five (5) calendar days of receiving the final Report. If the complainant or respondent is a member of the faculty, they must submit a written appeal request to the President within five (5) calendar days. If the respondent is a faculty member and the matter involves cause for separation of a term appointment or revocation of tenure, the matter will be appealed to the Faculty Board of Review. If an actual conflict exists, the College may, at its own expense, engage an outside arbiter to oversee the appeal process and make a final determination.

Appeals must be based upon either (1) procedural error, (2) production of previously unavailable relevant evidence that could significantly impact the outcome of the case, or that (3) a decision or disciplinary action was clearly contrary to the weight of the evidence.

Appeals are not intended to allow for a new investigation of the matter. Instead, the review will be narrowly tailored to the specific grounds presented above. In most cases, appeals are confined to a review of the written record and the pertinent documentation. The burden of proof during the appeal is on the party appealing.

When a party requests an appeal, the appeals official shall immediately notify all other parties involved of the appeal. All other parties shall be provided with a written summary of the appeal and notified of their right to respond in writing within a timeframe set by the appeals official, normally five (5) calendar days.

B. Authority of Appeal Officer or Faculty Board of Review

If any or all of the grounds for appeal are found by the appeal officer or FBR, the appeal will be granted. If the appeal request is denied, the matter is closed, and the investigator's determination and the discipline imposed is final and not subject to further appeal.

There are two possibilities in the event that an appeal is granted. The appeal officer may, at their discretion:

- Remand the case to the investigator and provide instructions regarding the nature and extent of the investigator's consideration; or
- Modify the decision and/or discipline consistent with the appeal officer's findings. This decision is final and not subject to further appeal.

If the case is remanded to the investigator, the investigator will reconsider the matter in accordance with the instructions of the appeal officer.

C. Decision

Within three (3) business days, the appeal officer, or the FBR, if the matter involves a member of the faculty subject to separation of a term appointment or revocation of tenure, will review the written

decision and any responses made by the parties, and may exercise the discretion to request further information or documents from the parties and/or the person who issued the original decision and/or to meet with the parties. If the appeals official elects to meet with the complainant or respondent, a meeting will be held with each separately. A complainant or respondent who is invited to meet with the appeals official in connection with the appeal may bring an advisor as described above.

D. Final Determination

The decision of the appeal officer shall be made no later than 10 business days after receipt of documents from the parties and shall be the College's final determination regarding the decision and the sanction. In the case of a faculty member, the College will follow the appropriate procedures as provided by the Faculty Code

E. Final Outcome Notice

At the conclusion of the investigative and appellate process after the finding has become final, the investigator shall issue a Final Outcome Notice to both parties separately and concurrently, in writing, and in person, when possible. Issuance of the Notice completes the investigation and adjudication under these Procedures.

NOTICE

The College recognizes and will uphold its responsibility to inform its constituencies, including students, faculty and staff, about this policy and will provide appropriate information and/or training in recognizing and addressing harassment and discrimination to all members of the Hood community on a regular basis. Such information and/or training will be included in, but will not necessarily be limited to, orientations for employees and students, a semi-annual informational email, College web pages, and periodic or one-time training programs, as appropriate.

Anyone who files a complaint which is knowingly false is subject to discipline. This provision is not intended to discourage, in any way, the reporting of complaints by individuals who believe they are the victims of discrimination and harassment.

Hood College retains the right to modify, alter or deviate from this policy as needed at any time, in its discretion.

PRIVACY and CONFIDENTIALITY

The College is committed to protecting the privacy of all individuals involved in a report of prohibited conduct. College officials will maintain the privacy of the information shared. Information will be shared only with a limited circle of individuals: those College employees who have a legitimate need to know in order to assist in the active review, investigation and any related supportive measures, or resolution of the report pursuant to the Family Education Rights and Privacy Act (FERPA) and applicable federal and state laws. After resolution of a matter, the College may also notify appropriate employees, as necessary, to implement the outcome, sanctions, and/or remedies.

No information shall be released from proceedings under this policy by the College, including the identity of any individual who has made a report, any complainant, any respondent, and any witness, except as required or permitted by law or required to carry out the provisions of this policy.

Pursuant to and as required by the Clery Act, if a report of misconduct indicates a serious and continuing threat to the campus community, the College will issue a timely notification to the community to protect its health or safety. Statistical information of certain reports must be shared with Campus Safety. Annual Clery reporting to the U.S. Department of Education is required of educational institutions for certain offenses that have been reported at campus locations or certain off-campus locations controlled by the institution. The information contained in the Clery report tracks the number of Clery-reportable offenses occurring at such locations and does not include the names or any other identifying information about the persons involved in the incident.

On an annual basis, the College may also share non-personally identifying information about reports received in aggregate form.

To protect the interests of all involved, the following privacy and confidentiality restrictions apply in a resolution process:

With the exception of sharing documents with their Advisor(s), parties may not share the information and documents the parties received access to as part of the resolution process with third parties, disclose the information and/or documents publicly, including social media, or use the documents for purposes not explicitly authorized by the College or by applicable law.

Advisors are expected to maintain the privacy and confidentiality of any information and/or documents shared with them and may not share any such information and/or documents with third parties, disclose any such information or documents publicly, or use any such information or documents for purposes not explicitly authorized by the College or by the applicable law. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy and confidentiality expectations.

After the College's resolution process has concluded, complainants, respondents, witnesses, and advisors remain prohibited from disclosing, describing, or publishing any and all documents the College provided during the resolution process (including but not limited to documents provided during or as a result of the investigation, hearing, and appeal processes), unless the disclosure is required or expressly permitted by law. While this provision prohibits dissemination of the College's investigation, hearing, and appeal materials and information an individual learns from these materials, it does not prohibit the sharing of information about which individuals have independent knowledge as long as they do not engage in retaliation as defined by this policy or violate any other College policies. The parties are also not prohibited from sharing the results of a case, including any violation found to have been committed, and any sanction imposed.

The College may notify a student's parents or guardians of outcomes under this policy only to the extent permitted by law and consistent with the Student Handbook.