



## Policy 55: Prevention and Resolution of Discrimination and Harassment

Hood College does not discriminate on the basis of sex, race, color, national origin, sexual orientation, marital status, pregnancy, disability, religion, age or any other protected classification under applicable federal, state or local law, in recruitment, admission and access to, or treatment, or employment in its programs, services, benefits or activities as required by Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI and VII of the Civil Rights Act of 1964, the Age Discrimination Act, the Americans with Disabilities Act Amendments Act and their implementing regulations.

Hood College complies with applicable laws regarding reasonable accommodation for disabled students and employees. Applicants requiring reasonable accommodation in order to participate in the application process, or to have access to a program, service or activity of Hood College are requested to contact the Disability Services Coordinator.

The following people have been designated to handle inquiries regarding the nondiscrimination policies:

**Carol M. Wuenschel**, Executive Director for Human Resources Equal Employment Officer/Title IX and Section 504 Coordinator Alumnae Hall, 401 Rosemont Avenue, Frederick, MD 21701 (AD 312) • 301-696-3592 • wuenschel@hood.edu

**Staci Brennan**, Associate Athletic Director/Senior Women's Administrator/Title IX Resource for Athletics • Gambrell Gymnasium, 401 Rosemont Avenue, Frederick, MD 21701 • 301-696-3785 • brennans@hood.edu

**Lauren Reis**, Disability Services Coordinator and Section 504 Resource for Student Services • Center for Academic Achievement and Retention, Rosenstock Hall, 401 Rosemont Ave., Frederick, MD 21701 (AP 07) • 301-696-3421 • reis@hood.edu

Information contained in this pamphlet is for informational purposes only. This brochure does not provide legal advice nor is it a replacement for the Policy 55: Prevention of Discrimination and Harassment Policy found at [www.hood.edu/policy55](http://www.hood.edu/policy55)

### What about confidentiality?

Confidentiality will be maintained to the extent consistent with the College's responsibilities and as allowed by law. Be advised that, if in discussing your concerns with the College official, you provide information that can be construed as behavior that creates an imminent threat of physical harm, a violation of a criminal statute or illegal harassment or discrimination, the College official will be required to notify the administration regarding the situation. Only those persons who must be aware of the situation will be informed. Prompt action and appropriate intervention will be taken to stop the unacceptable behavior as required by law.

### Will the College impose discipline in the case of discrimination and/or harassment?

Yes, the College will follow its policy and take corrective action, including disciplinary action, in accordance with the severity of the offense and in proportion to actions taken in similar situations.

### Can I speak on behalf of a co-worker or classmate who may be experiencing discrimination or harassment?

Yes, you may approach one of the College officials detailed under the section on "What should you do if you believe that you are a victim of discrimination?"

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### Information for Alleged Offenders

#### If I am charged with discrimination or harassment, may I bring representation with me to the grievance board?

You may bring a co-worker or classmate with you. That person cannot speak for you, but he or she can assist you in understanding the proceedings.

#### Will I receive a copy of the complaint before I meet with the Grievance Board?

Yes, you will be given a copy of the complaint and the opportunity to present a defense.

#### Will I get to know who filed the complaint with the grievance board?

You will be provided with details of the alleged discrimination or harassment consistent with the College's obligations and as allowed by law.

#### Will I be able to have contact with the complainant during my normal academic or work activities?

If you are aware of the complainant's identity, it is in your best interest not to have unauthorized contact with the individual. You need to be careful not to exhibit behaviors toward that individual that may be construed as retaliation.

#### Will I be notified of the final outcome of a grievance board finding?

You will be provided with a written explanation of the finding and any action that the College is going to take in response to that finding, consistent with the College's obligation of confidentiality.

#### What is bullying?

A reckless or intentional attempt, whether by a single individual or a group, to demean, intimidate or abuse another individual, or to create a hostile or offensive environment

#### Bullying is not uncommon.

In a 2004 study on bullying on college campuses, researchers found

- 20 percent of 11 to 18-year-olds report being bullied;
- 45 percent of students report seeing a teacher bully a student; and
- 20 percent of victims have reported seriously considering suicide.<sup>1</sup>

#### What forms does bullying take at the college level?

The most common forms of bullying in the college classroom and in the workplace are: cyberbullying, intentional exclusion, sexual harassment and discrimination.

#### Cyberbullying: enormous challenge to us all

- Sending malicious, hostile or cruel text messages, emails or instant messages;
- Posting nasty images, messages or (private) videos of another on websites or blogs; and
- Using social networking sites to spread false rumors, create an offensive environment or intentionally exclude another individual.

#### What are some examples of possible workplace or classroom bullying?

- Assigning unreasonable workloads to an individual or group of individuals;

- The intentional exclusion of an individual or group of individuals; and
- Making demeaning or offensive comments about someone based on a recognized protected status (race, gender, sexual orientation, etc.).

#### What should you do if you believe you are, or someone you know is a victim of bullying?

##### Informal:

1. Simply try sitting down and talking with the alleged victim and bringing up the subject;
2. Act as their ally in a meeting or class discussion; and
3. Confront the bully and have them legitimate their criticisms.

##### Formal:

1. Bring your complaint to the College-appointed ombudsperson or the executive director of human resources.
2. If a formal complaint procedure is requested, the College Grievance Board will be called. Two faculty members, two staff members and two students comprise the CGB, which is charged with promptly investigating reports of bullying and reporting its findings to the provost.
3. For faculty, the Faculty Board of Review will be assembled.
4. Complaints should be brought up as soon as possible; any made after 180 days of the date of the incident may not be considered.

#### Who can you talk to?

- For students - executive director of human resources, vice president for student life or dean of students;
- For staff - executive director of human resources or vice president of finance;
- For faculty - executive director of human resources or the faculty member's department chair; and
- For others - executive director of human resources or vice president of finance.

#### Bullying is a serious problem

Bullying is a serious, and in some instances life-threatening, issue. You should never be embarrassed by it, or ever hesitate to get some form of help. There are many people who want to assist you, but first you need to tell someone.

#### Additional support for victims

Please note that the Counseling Center Staff and College chaplain are always available to you and can provide initial or ongoing support as appropriate.

<sup>1</sup>Chapelle, D., Casey, S. et al, 2004. Bullying in College By Teachers and Students. Accessed 3-2-2011 at <http://bullysolutions.com/index.php/college-bully>

## What is discrimination?

Treating one individual differently from another individual with respect to the terms and conditions of her or his employment or student status, because of that individual's sex, race, color, sexual orientation, religion, age, disability, national origin or any other classification currently protected under federal, state or local anti-discrimination statutes.

What are some examples of unlawful discrimination?

- Denial of entrance into an educational program because of a recognized protected status; or
- Passing an employee over for a promotion because of a recognized protected status; or
- Assigning a low grade due to recognized protected status; or
- Applying a different disciplinary action taken due to a recognized protected status.

## What should you do if you believe that you are a victim of discrimination?

Hood College encourages an individual who believes that he or she is a victim of discrimination to address the concern in one of the ways outlined below:

### Informal:

1. Discuss your concern with alleged offender to confront and resolve the issues; or
2. Meet with the ombudsperson, the chaplain, a College counselor, residence life area coordinator or residence assistant to explore options for addressing concern (i.e., mediation, strategies to confront individual, referral to formal process, etc.).
3. Meet with your supervisor and/or division vice president to request assistance in confronting and resolving the issues; or

### Formal:

4. Meet with the executive director for human resources, the vice president for finance, department chair or vice president for student life/dean of students to discuss your options for resolving the concern (i.e., mediation, strategies to confront individual, grievance process, etc.); or
5. File a grievance with the executive director for human resources or the vice president for finance.

## What is workplace harassment?

Workplace harassment is an attempt to demean, intimidate or abuse another individual or to create a hostile or offensive environment on the basis of another's sex, race, color, sexual orientation, religion, age, disability, national origin or any classification currently protected under federal, state or local antidiscrimination statutes such as Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 and Age Discrimination in Employment Act of 1967.

## What are some examples of possible workplace harassment?

- One co-worker teases you regarding characteristics that relate to a recognized protected status; or
- Someone sends offensive email messages or cartoons that relate to a recognized protected status; or
- Demeaning comments made about some people's work habits or work quality based on a protected characteristic.

## What should you do if you believe that you are a victim of workplace harassment?

See the Informal and Formal processes defined above in the section on discrimination.

## What is sexual harassment?

Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, written or physical conduct of a sexual nature that takes place under any of the following circumstances:

- a) When submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or participation in an education program; or
- b) When submission to or rejection of such conduct by an individual is used by the offender as the basis for making personnel or educational decisions affecting the individual subject to sexual advances; or
- c) When such conduct has the purpose or effect of unreasonably interfering with the individual's work and/or academic performance or creating an intimidating, hostile or offensive work or educational environment.

## What are examples of conduct that may constitute sexual harassment?

- Unwelcome sexual advances. This includes patting, pinching, brushing up against, hugging, kissing, fondling or any other similar physical contact considered unwelcome by another individual;
- Requests or demands for sexual favors. This includes subtle or blatant pressures or requests for sexual favors accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status or educational evaluation or record;
- Verbal abuse that is sexually oriented and considered unwelcome by another individual. This includes commenting about an individual's body or appearance where such comments are beyond mere courtesy, telling "dirty jokes" that are clearly unwelcome and considered offensive by others or any other tasteless, sexually oriented comments, innuendoes or actions that offend others;

- Engaging in sexually-oriented conduct that would unreasonably interfere with another's academic or work performance. This includes extending unwanted sexual attention to someone that reduces personal productivity or time available to work at assigned tasks; or
- Creating a work or learning environment that is intimidating, hostile or offensive because of unwelcome sexually oriented conversations, suggestions, requests, demands or physical contact.

If such behavior takes place in the teaching context, it must also be persistent, pervasive and not germane to the subject matter. The academic setting is distinct from the workplace in that wide latitude of professional judgment is allowed in determining the appropriate content and presentation of academic material.

## What is "quid pro quo" sexual harassment?

It is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational decisions and benefits; or (b) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decision or benefit affecting that individual.

## What is "hostile environment" sexual harassment?

It is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work environment or creating an intimidating, hostile or offensive academic or working environment, or that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the College's programs based on sex.

## What factors determine whether an environment is "hostile?"

The primary characteristic is that the conduct "unreasonably interferes with an individual's work environment" or creates "an intimidating, hostile or offensive academic or working environment," or "limits a student's ability to participate in or benefit from the College's programs based on sex." The following factors are reviewed in totality to determine if a hostile environment exists: Was the conduct verbal, physical or both? How often did it happen? Was the conduct offensive to the individual and to a reasonable person in that situation? Was the alleged harasser an individual whose influence can interfere with the learning or work environment? Did others join in perpetrating the harassment? Was the harassment directed at more than one individual?

In other words, what was the context, frequency, duration, location and severity of the behavior; was there interference with education or employment; and was the behavior unwelcome?

## Can one incident constitute workplace or sexual harassment?

In "quid pro quo" cases, a single sexual advance may constitute harassment, especially if it is linked to granting or denial of employment or educational benefits or academic standing. In cases that involve intentional unwelcome touching of intimate body areas, the College will ordinarily consider this as sufficiently offensive to alter the learning or working environment and it may constitute a violation of Title IX and/or Title VI.

## Can verbal remarks constitute workplace or sexual harassment?

Verbal remarks that are intimidating, demeaning or derogatory may be considered to be hostile or harassing. An assessment of the degree to which the verbal remarks or abuse is considered harassment will include the factors detailed in the section entitled "What factors determine whether an environment is hostile."

## What should you do if you believe that you are a victim of sexual harassment?

See the Informal and Formal processes defined in the section under "What should you do if you believe that you are a victim of discrimination?"

## What should you do if you believe that you are a victim of sexual assault?

Sexual assault is an egregious form of sexual harassment and is a crime. Please call the main switchboard at 301-696-3131 to report the incident and receive immediate assistance. You can learn more about the College's sexual assault policy at [www.hood.edu/campus-life/campus-safety/campus-policies.html?terms=sexual%20assault%20policy](http://www.hood.edu/campus-life/campus-safety/campus-policies.html?terms=sexual%20assault%20policy).

## Is everyone held to the same standard?

Hood College will apply the same discrimination and harassment policy standards to faculty, staff, students, contractors, vendors and other third parties.

## What happens if I choose to file a grievance and disagree with the grievance board findings and/or disciplinary actions?

You can file a written appeal to the president based on procedural error, new information or witnesses, or egregious discipline. The president will review the facts and make a final determination.

## What if I am not sure if what has happened to me is really discrimination or harassment?

Please talk to one of the College officials mentioned under the section for addressing concerns informally. However, if in discussing your concerns with the College official, you provide information that can be construed as behavior that creates an imminent threat of physical harm, a violation of a criminal statute or illegal harassment or discrimination, the College official will be required to notify the administration regarding the situation.