



**REED
COLLEGE**

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 result in physical injury or detriment to the target(s) of the harassment.

Behavior that singles out individuals or groups with overlapping protected identities can constitute discriminatory harassment even if such persons would not be singled out as members of their individual protected classes.

In evaluating whether the conduct constitutes discriminatory harassment and/or creates a hostile environment, the relationship between the alleged harasser and the target,

including any relevant power imbalance, is a factor to be considered. A single severe incident of discriminatory harassment may create a hostile environment.

IV.C Romantic or Sexual Relationships Between Staff or Faculty and Students

This policy prohibits romantic or sexual relationships between staff or faculty and students. Though some such relationships could be appropriate in other contexts, they are deemed inappropriate within the College community per the following rationale.

Instructors are in a particularly delicate relationship of trust and power because those who teach are entrusted with guiding students, judging their work, giving grades for courses and papers, and recommending students or other educational or employment endeavors. This relationship must not be jeopardized by possible doubt of intent, fairness of professional judgment, or the appearance to other students of favoritism. Students must be free from the kind of influence that can interfere with education and development. Staff members are in a similar position to influence or affect students' educational experiences and are charged with the responsibility of assisting or protecting students.

There are limited circumstances under which it may be appropriate for the College to grant exceptions to this prohibition; for example, when the spouse or established partner of a faculty or staff member enrolls as a student. The parties must disclose the relationship to their VP/Dean to seek such an exception.

Note: Consideration for Consensual Relationships between Staff and/or Faculty with power differentials:

Power imbalance can occur in romantic or sexual relationships between faculty and staff, faculty and faculty, or staff and staff. While not prohibited by this policy, consensual sexual or romantic relationships between staff and/or faculty when one partner is in a position of authority over another are strongly discouraged. In such cases, sensitivity to possible conflicts of interest or the possible misuse of power is necessary. Individuals in such relationships must consult with an appropriate office (Human Resources for faculty and staff; the Dean of Students for students) to identify and minimize potential conflicts.

IV.D Violence or threat of violence, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of a member of the Reed community, regardless of the relationship status of the parties.

IV.E Bullying, defined as repeated or aggressive behavior likely to intimidate, discomfort, or hurt another member of the Reed community, physically or mentally.

IV.F Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Furthermore, the use of Reed College facilities, resources, and/or technology to engage in any behavior that violates this policy is prohibited.

In addition to the explicit prohibitions in this policy, any *attempts* to commit an explicitly prohibited act that take a substantial step towards the commission of the act, in themselves constitute misconduct in violation of this policy.

V. Retaliation

Intimidation, threats, coercion, or discrimination against any individual by the College, a student, an employee, or any other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing, or grievance procedures under this policy.

VI. Reporting

VI.A. Internal reporting

All Reed community members (staff, faculty, and students) should help ensure that violations of this policy are promptly reported. Normally, this means reporting any witnessed violations, or violations learned about through the disclosures of others.

VI.B. Mandatory external reporting of certain forms of abuse

Any employee of Reed College, regardless of position or classification, who has reasonable cause to believe that any child (according to Oregon law, a person under the age of 18) with whom the employee has come in contact has suffered physical or sexual abuse, or that any person with whom the employee has come in contact has abused a child, is required by law to report to the Department of Human Services or law enforcement, unless otherwise exempt under state law (ORS 419B.010). Additionally, Oregon state law considers persons under the age of 18 to be "incapable of consenting to a sexual act" (ORS §163.315) and states that all such behavior must be reported to the Oregon Department of Human Services or law enforcement (ORS 419B.010). This duty to report is separate and distinct from any procedures that Reed may have for reporting this information internally; an employee does not satisfy the employee's legal obligations by making only an internal report.

Certain medical and mental health professionals are required by law to report allegations of the abuse of an elderly person to the Oregon Department of Human Services or law enforcement ([ORS § 124.060](#)).

VII. Amnesty

Amnesty is intended to support the practice of students, staff, and faculty reporting incidents of prohibited discriminatory harassment and to protect student safety. Individuals experiencing or witnessing violations of this policy while themselves violating another College policy (for example, policy concerning alcohol and other drug use) are encouraged to report the violations of this policy that they experienced or witnessed. Normally, the College will not impose disciplinary sanctions for the other policy violation(s), provided those violations did not put the health and safety of

any other person at risk. (In appropriate circumstances, the College may even grant amnesty for other violations that did not put the health and safety of another person at risk.)

Individuals found to be reporting in bad faith (reports made with false information for the purposes of some personal agenda) may not qualify for amnesty and additional adjudication of the bad faith report may be pursued.

The relevant VP or Dean is responsible for determining whether amnesty applies in any given circumstance.

VIII. Confidentiality

Reed College recognizes its obligations to adopt, implement and enforce policies and protocols to address discrimination, sexual misconduct and discriminatory harassment, but also understands that its responsibilities are at times inconsistent with the desires of complainants, witnesses, or others to maintain confidentiality and individual privacy. For that reason, anonymous reports are accepted.

Members of the community should understand that there can be circumstances in which acts that constitute policy violations are handled externally (in addition to or separate from internal handling) and, as a result, the College may not always have control over confidentiality. For example, acts that constitute policy violations may also lead to criminal proceedings or civil lawsuits, in which affected or knowledgeable individuals may be required to provide information or testimony.

The following are guidelines that summarize how confidentiality will be addressed. In all cases Reed College will comply with applicable law if that law imposes obligations that are different from this policy.

VIII.A. Medical or mental health professionals

Under most circumstances, communications between a person seeking care and a medical or mental health professional are confidential. The medical and mental health licensed professionals at Reed College respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. There may be some situations, however, when these professionals are not permitted to hold information in confidence; for example, the professional may not be permitted to keep confidential information about an immediate and serious threat to any person or property. In addition, if information is provided to a licensed professional outside of the professional relationship, that professional may not be permitted to keep it confidential.

VIII.B. Confidentiality and Complainants of policy violations

The College is sensitive to the interests of complainants who do not wish their names or other identifiable information to be disclosed to anyone else. In such circumstances, the College will attempt to respect these wishes, but may be limited in its ability to respond to a report or complaint while doing so. Further, Reed must consider its responsibility to provide a safe and non-discriminatory environment for all students, faculty, staff and visitors, attending to such factors as the seriousness of the alleged conduct, whether there have been other complaints against the same individual, and the extent of any threat to the College community. Because of these considerations, it may not always be able to respect the wish for complete confidentiality.

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 and handled according to sections F, G, and H of the Rules of Procedure of the 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
 Seattle, WA 98104-1061
 Phone: (800) 669-4000
 TTY: (800) 669-6820