

# Policy Against Discrimination and Harassment

## Policy Statement

Knox College does not discriminate, and will not tolerate discrimination or harassment, on the basis of sex, pregnancy, gender identity or expression, race, color, creed, national or ethnic origin, religion or religious affiliation, sexual orientation or preference, age, marital or family status, disability, veteran status, or other status protected by applicable federal, state, or local law in admissions, financial aid, employment, academics, athletics, housing, student services or any other aspect of its educational programs or activities. Reasonable accommodation will be provided to persons with disabilities, consistent with state and federal law.

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### A. Scope

This policy applies to all members of the Knox College Community as well as others that participate in Knox College's educational programs and activities, including contractors and third-party visitors on campus. Knox College's prohibition on harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, financial aid, employment, academics, athletics, housing, and student services.

Bias incidents reported to a member of the Bias Education and Support Team (BEST) may be referred and proceed to resolution under this policy.

For reports or complaints alleging acts of discrimination or harassment which are based on sex, gender identity or expression, sexual orientation or preference, please see the Policy Against Title IX Sexual Harassment and Sexual Misconduct, and the [Investigation and Resolution Procedures for Allegations of Title IX Sexual Harassment](#) and [Investigation and Resolution Procedures for Allegations of Sexual Misconduct](#). College officials receiving reports alleging acts of discrimination or harassment based on these categories will refer those reports to the Title IX Coordinator.

### B. Definitions

1. **Harassment**, is verbal, written, physical or visual conduct, on the basis of sex, pregnancy, gender

identity or expression, race, color, creed, national or ethnic origin, religion or religious affiliation, sexual orientation or preference, age, marital or family status, disability, veteran status, or other status protected by applicable federal, state, or local law that that unreasonably with an individual's academic performance, or creates a hostile work or educational environment by interfering with or limiting an individual's ability to participate in the College's education programs and activities.

Harassment can include verbal or non-verbal behavior that demeans or stereotypes individuals in a harmful way. While the College is committed to the principles of free inquiry and free expression, discrimination and harassment identified in this Policy are neither legally protected expression nor the proper exercise of academic freedom.

2. **Discrimination** is treating someone less favorably than a similarly situated community member on the basis of a protected category without a legitimate, non-discriminatory reason for the treatment or action that results in an adverse impact on the individual's participation in the work or education environment.

Examples of discrimination and harassment may include, but are not limited to:

- refusing to offer educational opportunities to someone because of the person's protected status;
- making a grading decision because of the person's protected status;
- jokes or epithets about another person's protected status;
- teasing or practical jokes directed at a person based on their protected status;
- the display or circulation of written materials or pictures that degrade a person or group based upon a protected characteristic; and
- verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals in a protected group.

3. A **Bias Incident** refers to verbal or physical action committed against or directed toward a person or to a person's property because of the person's actual or perceived race, color, creed, religion, national or ethnic origin, ancestry, age, sex, gender identity or expression, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service. Bias Incidents may include, but are not limited to, name calling, use of epithets, slurs or degrading language directed toward the targeted person or group, vandalism, symbols, and other offenses against property involving graffiti or degrading images, threats or harassment.

For more information, see the College's Reporting Bias Incidents Policy. As stated above, depending on the circumstances, reported bias incidents may be referred for resolution under this policy.

### C. Reporting Options for Discrimination and Harassment

Reports or complaints alleging discrimination and harassment may be made online using the [Anonymous Report](#) form or to any of the following offices:

<i>Name of Office</i>	<i>Location</i>	<i>Phone</i>
Dean of Students	Old Main 101	309.341.7225

Associate Dean of the College	Old Main 101	309.341.7214
Human Resources	Admin Services 109	309.341.7200
Campus Safety	Admin Services 105	309.341.7979
Title IX Coordinator	Old Jail 12	309.341.7751
Associate Dean/Director of Intercultural Life	HOPE Center 002	309.341.7231

When making a report online, a reporting party will have the option to remain anonymous. However, doing so may limit the College's ability to respond.

When reporting the incident:

- Please provide a detailed account of the incident including date, time, and location.
- If physical evidence exists, do not remove or tamper with it. A reporting party may contact Knox Campus Safety to document and collect physical evidence.
- If the incident involves a verbal act, write down exactly what was said to the best of your recollection.
- Identify the other involved party if known, or provide a detailed description of the individual(s) involved.
- List all witnesses including their names and contact information.
- Include other pertinent information that may assist the College in responding to the incident.
- If the incident was in the form of graffiti, vandalism, or public postings, take pictures or videos and provide them with your report. A reporting party may also provide evidence to Campus Safety.
- If the incident was in the form of email, text, message, or communication through a social network site, do not delete the message. If at all possible, print the message and provide it with your report.
- If the incident was in the form of a telephone call, record the time and date of the call and keep a record of the telephone number if you have caller ID.

It is recommended that a report be completed as soon as possible after the incident and that the reporting party keep a written record of the above details.

#### **D. Confidentiality**

All reports will be handled with discretion, care and sensitivity and the College will make every effort to respect requests for confidentiality, but the College's ability to investigate and take appropriate action may be limited if individuals do not provide identifying information or request confidentiality. In addition, there may be circumstances when the College determines that it must investigate a particular matter to help protect the learning and working environment at Knox despite a request for confidentiality.

On the Knox campus, the Health and Counseling Center is a confidential resource. Staff counselors and medical personnel at the Health and Counseling Center can provide emotional and medical support in a safe and confidential space. They are not required to disclose identifying information as they have professional obligations to maintain the confidentiality of their clients. They can also help parties think through their options for filing a formal report.

The Knox Health and Counseling Center can be reached during regular business hours at 309- 341-7492, or after hours by calling Campus Safety at 309-341-7979 and asking for the Counselor on duty.

#### **E. Employee Duty to Report Information on Discrimination and Harassment**

College officials receiving reports alleging acts of discrimination or harassment based on sex, gender identity or expression, sexual orientation or preference will refer those reports to the Title IX Coordinator. Any questions or comments concerning the Policy addressing discrimination or harassment on the basis of other categories listed above should be directed to the appropriate College official.

#### **F. Statement on Academic Freedom and Freedom of Expression**

According to the Knox College By-Laws, faculty are afforded academic freedom and Knox is committed to the principle of academic freedom. In addition, faculty, staff, and students have rights of free expression. What this means is that the teacher is entitled to full freedom in research and in publication of its results, subject to the adequate performance of other academic duties. The teacher is entitled to freedom in the classroom in discussing a subject, but must be careful to avoid introducing controversial matters that have no relation to his or her subject.

The Knox liberal arts education understands that vigorous discussion and debate is fundamental to the College and to higher learning. This policy is not meant to stifle teaching methods or infringe upon academic freedom or freedom of expression. The protections of academic freedom must be carefully considered in all reports of discrimination involving faculty. The fact that speech or a particular expression is offensive is not, standing alone, sufficient basis to establish discrimination or harassment.

#### **G. Retaliation**

It is a violation of College Policy to retaliate in any way against a person or persons because they have opposed any practices forbidden under the "Policy Against Discrimination and Harassment" or have filed a report, assisted, or participated in any manner in an investigation or proceeding under this Policy Against Discrimination and Harassment. This includes action taken against a bystander who intervened to stop or attempt to stop potential discrimination or harassment.

Retaliation may take many forms, and may include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy. The College will take

responsive action upon receiving any report of retaliation and may pursue disciplinary action as appropriate against those found responsible for retaliation.

## **H. Resolution Processes**

Depending on the nature of the alleged policy violation and whether the parties involved are faculty, staff, students, contractors, visitors, or guests, the individuals who will be responsible for addressing and resolving allegations of discrimination and harassment may vary. In all cases, the procedures include the basic elements outlined below for resolution of allegations of discrimination and harassment.

- Initial assessment by the appropriate College official.
- Interim measures and remedies where appropriate.
- Consideration of voluntary resolution, where appropriate.
- Investigation and resolution if voluntary resolution is not appropriate.
- Sanctioning by the appropriate College official.
- Recourse to the appropriate appeal process.
- Protection from retaliation.

Once a complaint is made, the parties will be notified, and an investigation will commence. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred, and, if so, whether the conduct constitutes prohibited discrimination or harassment. An investigator will be designated to gather the facts necessary to make a determination about whether a preponderance of the evidence supports a conclusion that discrimination or harassment in violation of this policy has occurred.

The investigator will provide an investigation report to the appropriate official who will make a final determination about whether a policy violation has occurred. The designated official may determine that, although not violating this policy, the conduct may violate other College policies and may refer the matter to the appropriate College administrator. The designated official's determination will be communicated in writing to the parties. Depending on the circumstances and the agreement of the parties involved, informal resolution may be utilized to resolve complaint allegations.

If a complaint of discrimination or harassment is found to be substantiated, the College will take appropriate corrective and remedial action. Students, faculty, and staff found to be in violation of this policy will be subject to discipline up to and including written reprimand, required training, fines, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from College programs or prevented from returning to campus. Remedial steps may include counseling, academic, work, transportation, or living accommodations, separation of the parties, and training for the respondent and other persons.

The parties to an investigation have the right to appeal the determination to the appropriate College official. The bases for appeal are limited to the following:

- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the investigator, would result in a different decision;
- Bias or prejudice on the part of College officials involved in the assessment and resolution of the complaint; or
- The punishment or the corrective action imposed is disproportionate to the offense.

The appeal official will make a determination about whether an appealing party has alleged a sufficient basis eligible for appeal review, and, if so, will consider the appeal and make a determination. The appellate official will take action he or she determines is necessary to make a fair determination, including, in the appellate officer's discretion, meeting with the parties or consulting with the investigator or other College officials. The appellate official will issue a brief written statement of the resolution of appeal, including any changes made to the previous written determination. The decision by the appellate official will be final.

**I. Records Maintenance**

The College will maintain documentation and records regarding alleged discrimination and harassment and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act (FERPA), and to the extent possible excludes personally identifiable information about victims of discrimination or harassment. If a student, faculty, or staff member has been found responsible for a discrimination or harassment, this finding remains a part of that student's or employee's conduct record.

**J. Changes in this Policy**

The College reserves the right to make adjustments and changes in this policy at any time. Updated August 2022.

Any questions or comments concerning the above Policy can be directed to the appropriate department supervisor/director, the Office of Human Resources, the Office of the Dean of the College, the Office of the Dean of Students, or the Title IX Coordinator.