

## Policy Against Discrimination and Harassment

- A. Harassment .....
- B. Bias Incident .....
- C. Statement on Academic Freedom and Freedom of Expression.....
- D. Employee Duty to Report.....
- E. Confidentiality .....
- F. Retaliation .....
- G. Records Maintenance.....
- H. Changes In This Policy .....

## Reporting Protocol for Discrimination, Harassment, and Bias Incident(s)

- A. Reporting Discrimination or Harassment, including Bias Incidents .....
- B. Bias Incident Response Team.....
- C. How To Report A Bias Incident.....
- D. Campus Resources .....
- E. External Resources .....
- F. Changes In This Protocol .....

## Investigation and Resolution Procedures for Allegations of Discrimination and Harassment Other Than Sex-Based Discrimination and Harassment, including Bias Incidents

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## Policy Against Discrimination and Harassment

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 admission, financial aid, employment, athletics, 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.

- A. Harassment**, whether verbal, physical or visual, that is based on any of these characteristics, is a form of discrimination. This includes harassing conduct affecting tangible educational benefits, interfering unreasonably with an individual's academic performance, or creating what a reasonable person would perceive is an intimidating, hostile or offensive environment.

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.

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.

**B. A Bias Incident is an incident of discrimination or harassment prohibited by this Policy and based upon a protected characteristic as listed in this Policy.**

**C. 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 bias involving faculty. The fact that speech or a particular expression is offensive is not, standing alone, sufficient basis to establish a bias-related incident. If such speech or expression takes place in the teaching context, it typically also must be persistent, pervasive, and not germane to the subject matter in order to be a bias incident under this policy.

**D. Employee Duty to Report Information on Discrimination and Harassment, including Bias Incidents**

In order to enable the College to respond effectively and to address violations of its Policy all College employees (except those employees identified in the Confidential Reporting section below) must, within 24 hours of receiving the information, report information they have about alleged or possible discrimination and harassment, including sex discrimination, sexual harassment, sexual misconduct, interpersonal violence or stalking, to the appropriate College

official or any Title IX Coordinator. Based on the alleged Policy violation, the College official will evaluate the information received and determine what further actions should be taken. 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 listed above.

#### **E. 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.

#### **F. 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 a bias-related incident. 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 immediate and responsive action upon receiving any report of retaliation and may pursue disciplinary action as appropriate.

#### **G. Records Maintenance**

The College will maintain documentation and records regarding alleged bias-related incidents 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 bias incidents. If a student, faculty,

or staff member has been found responsible for a bias-related incident, this finding remains a part of that student's or employee's conduct record.

#### **H. Changes in this Policy**

The College reserves the right to make adjustments and changes in this policy at any time.  
Updated May 2015.

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 any Title IX Coordinator. 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 **Knox College Policy Against Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Interpersonal Violence and Stalking** and the **Employee Duty to Report Information on Discrimination and Harassment, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Interpersonal Violence and Stalking** set forth below. College officials receiving reports alleging acts of discrimination or harassment based on these categories will refer those reports to the Title IX Coordinator.

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### **Reporting Protocol for Discrimination, Harassment, and Bias Incident(s)**

Consistent with Knox College's historical commitment to inclusivity, the College today aims to create a campus that is welcoming for all students, staff, and faculty and a climate that is safe, respectful, and free from all forms of bias. Bias incidents, however, often fall beyond the scope and protection of existing discrimination laws and regulations. Therefore, it is imperative that we respond as a unified educational community to address such behavior while respecting the rights of all individuals to freedom of speech and expression. It is Knox College's position that acts of bias require a response that asks all members of our community to uphold our shared values of goodwill and acceptance.

#### **A. Reporting Discrimination or Harassment, including Bias Incidents**

Reports or complaints alleging acts of discrimination or harassment based on 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 are to be directed to the appropriate College office identified below or to any Title IX Coordinator. Members of the Knox College community who feel they have witnessed or been subjected to a bias incident must report that incident, except to the extent that the Knox community member who becomes aware of a bias incident involving another individual is a confidential resource. Reports may be made online using the [Anonymous Report Form](#). Reports also may be made in person. Based on those involved in the

incident (both those completing the report and those believed to be responsible for the bias incident), the following chart shows which areas are appropriate outlets from which members of the Knox College community may seek assistance (the primary resource is listed first and in **bold**):

		WHEN THE PERPETRATOR(S) IS BELIEVED OR ALLEGED TO BE A...		
		Student	Faculty Member	Staff Member, Contractor, Visitor, or Guest
WHEN THE PERSON MAKING THE REPORT IS A...	Student	<ul style="list-style-type: none"> <li>• <b>Dean of Students Office</b></li> <li>• Campus Safety</li> <li>• Title IX Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Dean of the College Office</b></li> <li>• Dean of Students Office</li> <li>• Campus Safety</li> <li>• Title IX Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Dean of Students Office</b></li> <li>• Human Resources Office</li> <li>• Campus Safety</li> <li>• Title IX Coordinator</li> </ul>
	Faculty Member	<ul style="list-style-type: none"> <li>• <b>Dean of the College Office</b></li> <li>• Dean of Students Office</li> <li>• Campus Safety</li> <li>• Title IX Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Dean of the College Office</b></li> <li>• Campus Safety</li> <li>• Title IX Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Dean of the College Office</b></li> <li>• Human Resources Office</li> <li>• Campus Safety</li> <li>• Title IX Coordinator</li> </ul>
	Staff Member, Contractor, Visitor, or Guest	<ul style="list-style-type: none"> <li>• <b>Human Resources Office</b></li> <li>• Dean of Students Office</li> <li>• Campus Safety</li> <li>• Title IX Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Human Resources Office</b></li> <li>• Dean of the College Office</li> <li>• Campus Safety</li> <li>• Title IX Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Human Resources Office</b></li> <li>• Campus Safety</li> <li>• Title IX Coordinator</li> </ul>

<u>Name of Office</u>	<u>Location</u>	<u>Phone</u>
Office of the Dean of the College .....	Old Main 105 .....	309-341-7706
Office of the Dean of Students.....	Old Main 103 .....	309-341-7103
Human Resources Office .....	Administrative Services Building 109 .....	309-341-7200
Campus Safety .....	Administrative Services Center 105.....	309-341-7979
Title IX Coordinator .....	Old Jail 12.....	309-341-7751

It is recommended that a report be completed as soon as possible after the incident and that a copy of the report be maintained by the reporting individual. In the event that a student reports a bias incident to a member of the faculty or staff, that employee should encourage the student to use the reporting process outlined above; faculty and staff are mandated to report the incident, as explained above.

**B. Bias Incident Response Team**

A team of appropriate College officials serves as the Bias Incident Response Team, responsible for coordinating any alleged or suspected violations of bias and the resolution of such alleged bias or suspected violations. The Bias Incident Response Team is composed of: Associate Dean of the College, Dean of Students, Director of Campus Safety, Director of Human Resources, and Title IX Coordinator.

Annually, the Bias Incident Response Team will compile aggregate data on reports received and resolved in the previous year. The President will present an aggregated summary of bias-related incidents and investigative outcomes to the Campus Diversity Committee, which will analyze these reports to identify institutional patterns and recommend programmatic responses to ameliorate conditions that contribute to the recurrence of bias-related incidents.

### C. How to Report a Bias Incident

If you are the target of a bias-related incident or witness such an incident, you should immediately document what happened and report the incident either through the [Anonymous Reporting Form](#) online or by contacting the appropriate office listed in the Reporting Section A above.

When documenting the incident:

- Please provide a detailed account of the incident including date, time, and location.
- Do not remove or tamper with physical evidence. 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 perpetrator(s) 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 Knox in responding to the incident.
- If the incident was in the form of graffiti, vandalism, or public postings, Campus Safety will document it for evidence.
- 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 so it may be used in the investigation.
- If the incident was in the form of a telephone call, then 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 a copy of the report be maintained by the reporting individual. In the event that a student reports a bias incident to a member of the faculty or staff, that employee should encourage the student to use the reporting process outlined above; faculty and staff are mandated to report the incident, as explained in the Policy.

### D. Campus Resources

Name of Office

Location

Phone

Office of the Dean of the College .....	Old Main 105 .....	309-341-7706
Office of the Dean of Students.....	Old Main 103 .....	309-341-7103
Human Resources Office .....	Administrative Services Building 109 .....	309-341-7200
Campus Safety .....	Administrative Services Center 105.....	309-341-7979
Title IX Coordinator .....	Old Jail 12.....	309-341-7751
Health and Counseling Center.....	Furrow Hall, 175 W. Knox Street .....	309-341-7492
International Student Advisement.....	Center for Intercultural Life 101 .....	309-341-7230
Residential Learning .....	Seymour 137.....	309-341-7527

**E. External Resources**

In addition to institutional responses to acts of bias, there may be civil or criminal avenues that warrant consideration and pursuit. The following federal, state and local organizations have responsibility for investigating and responding to acts of hate, prejudice and bias:

<p><b>Office for Civil Rights--Headquarters</b>          Georgina Verdugo, Director          Office for Civil Rights          US Department of Health and Human Services          200 Independence Avenue, S.W.          Room 509F HHH Bldg.          Washington, DC 20201</p>	<p><b>Office for Civil Rights--Illinois</b>          Office for Civil Rights          US Department of Education Citigroup          Center          500 W. Madison Street, Suite 1475          Chicago, IL 60661          312/730---1560</p>
<p><b>Illinois Human Rights Commission</b>          James R Thompson Center          100 W Randolph St Suite 5---100          Chicago, IL 60601          312/814---6269</p>	<p><b>Department of Human Rights</b>          James R Thompson Center          100 W Randolph St Suite 10---100          Chicago, IL 60601          312-814-6200</p>
<p><b>Equal Employment Opportunity Commission</b>          500 West Madison Street          Suite 2000          Chicago, IL 60661          800-669--4000</p>	<p><b>Galesburg Police Department</b>          150 S. Broad Street          Galesburg, IL 61401          309-343-9151</p>
<p><b>Galesburg Community Relations Commission</b></p> <p>The Community Relations Commission’s duties and powers shall encompass the following:          To conduct research, publish, and utilize studies in the field of intergroup relations and to develop and implement procedures to educate the community, equalize opportunities, eliminate discrimination, and promote good will among all persons.</p> <p>To receive and record any complaint alleging discrimination against any person because of race, color, religion, gender, sexual orientation, national origin, marital status, Vietnam veteran status,</p>	

unfavorable military discharge, ancestry, age, or physical or mental handicap, as defined by City Ordinance.

To seek to resolve conflicts between persons involved in complaints, which are within the jurisdiction of the commission. (Galesburg Municipal Code, Title III, Administration, Chapter 33, City Boards, Commissions, & Organizations, Section 37.20-37.28)

**F. Changes in this Protocol**

The College reserves the right to make adjustments and changes in this protocol at any time.

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**Investigation and Resolution Procedures for Allegations of Discrimination and Harassment Other Than Sex-Based Discrimination and Harassment, including Bias Incidents**

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 bias incidents may vary. In all cases, the Procedures include the basic elements outlined below for resolution of allegations of discrimination and harassment, including bias incidents.

- 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.