

CHAMPLAIN COLLEGE

Discrimination and Harassment Policy

PURPOSE OF THE POLICY

Champlain College is committed to providing its staff, faculty and students the opportunity to pursue excellence in their academic and professional endeavors. This opportunity can only exist when each member of our community is assured an atmosphere of mutual respect, free from unlawful discrimination and harassment. This Policy outlines expectations regarding how individuals who are members of the Champlain College community are to treat others in order to ensure such an atmosphere of mutual respect and a safe environment for our students, faculty and staff.

SCOPE OF THE POLICY

The Discrimination and Harassment Policy applies to all administrators, employees, admissions or employment applicants, students, members of the Board of Trustees, agents of the College, and volunteers involved in College-related activities. The policy also applies for and to those who do business with the College in their interactions with members of the College community.

The College maintains a separate Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy ("SHSMDVS Policy"). [Place link here](#) Reported sexual harassment, sexual violence, and sexual misconduct that appear to fall within the definitions and scope of that policy will be handled under the procedures outlined in that policy. Other sex-related matters (such as, e.g., disparate treatment in promotions, grading or other matters on the basis of sex) that do not fall within the definitions and scope of the SHSMDVS Policy will be handled under the procedures outlined in this policy.

Teaching practices or communications that are demeaning, hostile, or alienating based on or because of an individual's possessing a protected characteristic are prohibited. (While the College has a policy supporting academic freedom, behavior that focuses attention on discriminatory characteristics in a context that is irrelevant to the course constitutes a serious violation of the College's Harassment Policy.)



DEFINITIONS

Harassment: For purposes of this policy, prohibited harassment constitutes a form of discrimination and is defined as verbal or physical conduct or communications directed at or because of an individual's race, creed, color, national origin, place of birth, ancestry, religion, age, sexual orientation, sex (except as separately covered under the SHSMDVS Policy), gender identity, veteran or military service status, HIV-positive status, qualified disability, or on the basis of any other status protected by law, which has the purpose or effect of substantially interfering with the individual's employment or educational performance, or creating an intimidating, hostile or offensive environment.

Bias incidents and hate crimes are also considered unacceptable behaviors under this policy.

Bias incident: Any conduct, speech, or expression that demeans, degrades or harasses an individual or group based upon their membership in a protected category as recognized by law or Champlain College policy. Examples: anonymous acts of bias-related vandalism to public posters, targeted vandalism on a student's door directed at his or her protected status, slurs directed at a group or individual (whether in person or electronically), and unlawful harassment that interferes with a person's educational experience or employment.

Hate Crime: As defined by Vermont law, a crime in which the defendant's conduct was maliciously motivated by the actual or perceived race, color, religion, national origin, sex, ancestry, service in the armed forces, sexual orientation, gender identity, veteran status or qualified disability of another individual or group of individuals, or on the basis of any other status protected by law.

Hazing: Any act committed by a person, whether individually or with others, against a student or employee in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the College; and which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or employee or endangering the mental or physical health of a student or employee.

Specific Types of Harassment: In addition to forms of harassment listed above, other examples of specific types of harassment might include, but are not limited to the following, if engaged in at the levels described above:

Disability Harassment: Verbal or physical conduct or communications directed at the characteristics of an individual's disabling condition such as manner of speaking, manner of movement, or necessary equipment.

Sex-Based Harassment: Verbal or physical conduct or communications directed at an individual's sex and/or gender, such as negative gender-based stereotypes and sexist comments. Information about sexual misconduct not covered by this policy can be found in the Sexual Misconduct Policy, also referred to as the College's SHSMDVS Policy.

National Origin Harassment: Verbal or physical conduct or communications directed at an individual's national origin such as negative comments regarding surnames, manner of speaking, and customs.

Racial Harassment: Verbal or physical conduct or communications directed at an individual's race such as words emphasizing stereotypes, comments on manner of speaking, and negative references to racial customs.

Religious Harassment: Verbal or physical conduct or communications directed at an individual's religion such as derogatory comments regarding surnames, religious tradition, and religious clothing.

Sexual Orientation Harassment: Verbal or physical conduct or communications directed at an individual's sexual orientation such as negative name-calling and imitating mannerisms.

Age Harassment: Verbal or physical conduct or communications directed at an individual's age, such as derogatory age-related comments and negative stereotypes.

Veteran/Military Service Status Harassment: Verbal or physical conduct or communications directed at an individual's veteran or military service status, such as pejorative references to same and negative comments regarding required service.

Gender Identity Harassment: Verbal or physical conduct or communications directed at an individual's gender identity, such as negative name-calling and intentional misuse of gender-specific pronouns.

POLICY

It is imperative that Champlain College provides a safe environment conducive to learning and working. Harassment as described above is unacceptable and will not be tolerated for any reason. In accordance with Federal and State laws, the College affirms its commitment to providing equal opportunity in education and employment and will not tolerate discrimination or harassment on the basis of characteristics such as race, creed, color, national origin, place of birth, ancestry, religion, age, sexual orientation, sex, gender identity, veteran or military service status, HIV-positive status, qualified disability or any other characteristic to the extent protected, and as defined by, applicable law, in the administration of its educational and admissions policies, scholarship and loan programs, employment practices, athletic, and other college-administered programs. The College will, therefore, comply with all applicable federal and Vermont nondiscrimination laws.

It is, therefore, the intent of the College to comply with the Vermont Fair Employment Practices Act of 1963, the Equal Pay Act of 1963, Titles VI and VII of the Civil Rights Act of 1964, the Vietnam Era Veterans Readjustment Act of 1970, Title IX of the Education Amendments of 1972, Section 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and other such federal, state and local nondiscrimination laws, as they apply.

Compliance with this policy is a term and condition of student enrollment and student, staff and faculty employment at the College. An individual who violates this policy may be subject to disciplinary action. Depending on the seriousness, sanctions for involvement in harassment or discriminatory activities could include verbal or written reprimand; required participation in community projects; loss of privileges; suspension from employment (with or without pay) or enrollment; probation; requirement to participate in counseling; dismissal from housing, school, or employment. The College reserves the right to take action to stop and to sanction discriminatory and/or harassing behavior, even in instances where such behavior does not rise to a level that it would constitute unlawful harassment under applicable law.

The right to make a complaint is not limited to someone who is the direct target of the harassment. Anyone who has observed discrimination or harassment should report the alleged incident(s) to the Vice President, People and Technology or to the Vice President for Student Life (student-to-student harassment). Retaliation against individuals who make or support a complaint of discrimination and/or harassment, as discussed further in the College's Discrimination and Harassment Complaint Procedure, is prohibited and will be considered a violation of this policy.

In fact, all College officials, such as vice presidents, directors, staff, deans, faculty, and individuals in management/supervisory positions are obligated by law to report conduct that may be in violation of the College's Discrimination and Harassment Policy. College officials who become aware of conduct that they believe may violate the College's discrimination and harassment policy must report that conduct to the Vice President, People and Technology or, if the alleged conduct was engaged in by a student, to Student Life.

Counselors and student health service employees in the Student Health Center are the only individuals available to provide support and assistance on a confidential basis and will not release any information without the individual's permission except in circumstances where they believe that the safety and welfare of the individuals or others may be at risk or as otherwise required by law. The College cannot, however, guarantee the confidentiality of information shared with anyone other than the College Counselors because of laws requiring that action be taken.

A copy of the Discrimination and Harassment Policy is provided to every employee and student through the People Center's website and the College Catalogue, which is located online. The College also provides appropriate educational training.

Any individual found to have engaged in discrimination or harassment as defined above will be in violation of this policy and shall be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from enrollment at the College. Any individual who believes he/she has been subjected to discrimination or harassment under this policy is entitled to pursue the internal Discrimination and Harassment Complaint Procedure and/or may pursue remedies provided by Federal and State law. There also are instances when the College may choose to follow up on a concern with an informal process or formal complaint without having received a formal or informal complaint from an individual (i.e., when a problem is identified by another member of the College community).

Please refer to **the College's Harassment and Discrimination Complaint Procedure** for information regarding how to report a concern about harassment or discrimination, and how complaints relative to harassment or discrimination are resolved. For the College's policy on sexual misconduct, see the College's **Sexual Misconduct policy**.

How to Report a Bias Incident or Hate Crime

If anyone is injured or in danger, call 911, and notify the Office of Campus Public Safety at (802) 865-6465. If no one is injured or in danger, contact the Office of Campus Public Safety at (802) 865-6465.

Students making a report should contact one of the following:

Student Life Complaints - Vice President for Student Life at (802) 651-5907
moran@champlain.edu

Academic Complaints - Provost & Academic Affairs Office at (802) 860-2729
acadaffairs@champlain.edu

Residential Life - Director of Residential Life at (802) 860-2702 dberube@champlain.edu Area Coordinator on call - (802) 343-0719

NOTE:

- Preserve all physical and electronically-stored evidence for the Office of Campus Public Safety.
- If the incident occurred in a residence hall, contact the resident assistant or the Assistant Director or Area Coordinator on call at (802) 343-0719, who will then contact the Office of Campus Public Safety.

There is no such thing as an "unofficial" complaint unless the individual only shares the information with one of the mental health counselors or health service employees at the College who are bound by the ethics of confidentiality to not release information without permission except in circumstances where they believe that the safety and welfare of the individual or others may be at risk or as otherwise required by law.

Investigation Procedures

The Vice President, People and Technology and/or the Vice President of Student Life (student-to-student violations) or appointed investigators will interview the person making the complaint, known as the "Complainant." The complainant will then be asked to provide a signed and written statement, known as a Complaint, describing the offending conduct in detail. The Complaint will to the extent feasible provide a record of what happened including facts, dates, witnesses, actions and responses and any relevant correspondence.

People Center/Student Life next determines whether the situation described in the Complaint arose in the course of a College program or activity. If so, it must also determine whether the Complaint is directed against a College employee, student, department (or similar unit), or a third-party College affiliate. If both of the above situations exist, the College will formally launch an investigation into the matter. If it is determined that the situation did not arise in the course of a College program or activity and is not directed at an individual associated with the College as described above, the complainant may be referred to other agencies where appropriate.

When a complaint is received, the person(s) being charged, known as the "Respondent," will be notified promptly that an investigation has begun and will be given ample opportunity to respond to the allegations surfaced during the investigation.

The Vice President, People and Technology, the Vice President of Student Life and/or the Provost and Chief Academic Affairs Officer will assign two individuals to investigate a Complaint. If the Complaint involves a student, one of the investigators will be assigned from the Office of the Vice President, Student Life. If the Complaint involves a faculty member, one of the investigators will be assigned from the Office of the Provost.

The College's student Conduct Review Process will be applied in conjunction with the procedures outlined in these procedures, and in the event of any conflict between the language of these procedures and the language of the Conduct Review Process, the language of the Conduct Review Process will prevail in student cases.

The investigator(s) will meet privately and separately with the Complainant, the Respondent(s), and any witnesses to the alleged incident(s), and will prepare a written report of the interviews and investigation. Any person being interviewed may elect to have an advisor or counsel present at these meetings.

All complaints will be promptly investigated. Reasonable attempts will be made to complete the complaint investigation and adjudication procedures in not more than 60 days (exclusive of any applicable appeals) from the date of the filing of a complaint; however, the College reserves the right to extend the time for completion of its investigation.

Any investigation will be conducted with sensitivity to all parties. Confidentiality will be maintained to the greatest extent possible within the requirements of conducting reasonable investigations. Only those individuals who have a legitimate need to know may be made aware of the identity of the parties. **The College strictly forbids retaliation against anyone who has brought or supported a complaint or participated in an investigation.**

The investigators will issue a written report of their findings and conclusions to the People Center or Student Life. A representative from the People Center or Student Life will determine if the investigation is complete and will develop a recommendation for resolution based on the findings and conclusion of the investigators' report.

The proposed resolution will be forwarded to the appropriate Vice President or Provost with responsibility for the department(s) in which the Complainant and the Respondent(s), work (or relevant academic unit in the case of a student Respondent) for their review and final approval.

If a Complaint is found valid, the offender may be subject to a range of disciplinary sanctions as outlined under the Discrimination and Harassment Policy up to and including termination of employment or dismissal. If the charge is not substantiated, the case will be closed.

The complainant and respondent will receive a written summary of the investigation and the conclusions of the investigation.

The respondent may invoke the appropriate grievance procedure or appeal process in response to the action taken on the findings of the Complaint. In cases involving discrimination on the basis of sex that fall under this policy, the complainant will have an opportunity to appeal to the same extent that the respondent has an opportunity to appeal.

Informal Resolution of a Complaint

The People Center or Student Life may offer a person with a complaint of alleged discrimination or harassment that does not involve sexual assault, domestic violence, dating violence or stalking use of an informal process for resolving their complaint prior to proceeding with the formal process. The informal process is designed to encourage an open atmosphere in which human relationships may be improved; it encourages people to resolve concerns and disputes without fear of reprisal; it enables the parties to settle disputes at the lowest possible level, quickly, fairly, and impartially. This process will not be used in cases that involve reports of sexual assault, domestic violence, dating violence or stalking.

No official findings of fact are made about the existence of discriminatory behavior. Rather, emphasis is placed on identifying the source of the problem(s) between the parties and exploring ways the complaint can be resolved. People Center/Student Life will maintain a confidential record of the outcome of all informal resolution efforts.

Retaliation

The People Center and Student Life will inform all parties that the College prohibits retaliation against individuals who make Complaints per this procedure, serve as witnesses, or otherwise cooperate with investigations, regardless of whether the People Center or Student Life ultimately determines that the alleged conduct constituted discrimination or harassment in violation of this policy. Any complainant or witness who believes he/she has been subjected to retaliatory behavior should report the conduct to the People Center or Student Life immediately. The People Center or Student life will determine whether an investigation is appropriate and, if so, it shall initiate an investigation and make findings under this procedure. Persons found to have engaged in retaliatory conduct are subject to disciplinary action, including, but not limited to, termination of employment or dismissal.

In addition, Champlain College affiliates should be aware that federal civil rights laws make it unlawful for the school to retaliate against an individual for bringing possible civil rights violations to their attention. This includes intimidating, threatening, coercing, or in any way discriminating against an individual because he/she complained or participated in an investigation.

False Reports

If, at any point during the process, an investigator determines that a complainant, respondent or witness has knowingly lied or deliberately provided false information to the investigator, the People Center or Student Life may recommend that disciplinary action be taken against that person. Action may include dismissal and such persons may also be subject to independent legal action by persons wrongfully accused of misconduct. A complainant whose allegations are truthful to the best of his or her knowledge will not be found to have provided false information within the meaning of this policy and procedure, even if the College does not conclude that discrimination or harassment occurred.

Protective Measures

Sometimes it is necessary to take steps before or during an investigation to protect the rights and interests of the Complainant and/or Respondent. Such measures may be designed to reduce or eliminate contact between the Complainant and/or the Respondent so that both parties may feel safe in their work/educational environment. Protective measures may also guard against further actual or perceived discrimination or retaliation. Protective measures may include temporary changes in working conditions, (such as changes to supervisor or office location), directives to the Complainant and Respondent to avoid personal contact or refrain from such contact without a neutral third person present and, in severe cases, suspension of an individual.

CONTACT

Individuals should contact the Vice President, People and Technology (Miller Center at Lakeside Avenue, P.O. Box 670, Burlington, VT 05402, telephone: 802-651-5807 mlee@champlain.edu or Vice President, Student Life, Skiff Hall, 163 South Willard St. Burlington, VT 802-651-5907 averill@champlain.edu or the Provost at 802-865-6423, lquinn@champlain.edu with any questions, discrimination complaints, inquiries concerning compliance with regulations or if reasonable accommodations are needed to participate in Champlain College programs or to apply for admission or employment.

Individuals may also contact the following State and Federal agencies concerning the application of nondiscrimination policies and enforcement of rights:

Employees may contact:

Vermont Attorney General's Office, Civil Rights Unit,
109 State Street, Montpelier, VT 05609-1001
(802-828-3171/VOICE/TDD)

Equal Employment Opportunity Commission
John F. Kennedy Federal Office Building
Government Center, Room 475
Boston, MA 02203
(1-800-669-4000/VOICE or 1-800-669-6820/TDD)
www.eeoc.gov

Students may contact:

United States Department of Education, Office for Civil Rights
J.W. McCormack, Post Office Court House Building, Room 701
Boston, MA 02109-4557
(617-223-9662/VOICE)

Vermont Human Rights Commission
135 State Street, 2nd Floor, Drawer 33
Montpelier, VT 05633-6301
(802-828-2480/VOICE/TDD or 800-416-2010/VOICE)

Equal Employment Opportunity Commission
John F. Kennedy Federal Office Building
475 Government Center
Boston, MA 02203
(800) 669-4000 (voice), (800) 669-6820 (TDD)
www.eeoc.gov

Complaints to Agencies Outside of the College

The College has formal and informal dispute resolution mechanisms that are described in this catalog, and that are available to students on the terms described in this catalog. In addition, if you wish to file a complaint with the College's accreditor (the New England Association of Schools and Colleges), with the Vermont Department of Education, with the Vermont Human Rights Commission, and/or with the Vermont Attorney General's Office, the contact information for each entity is, respectively, as follows:

- New England Association of Schools and Colleges, 209 Burlington Rd, Suite 201, Bedford, MA 01730-1433. Phone: (781) 271-0022; Fax: (781) 271-0950. Web: www.neasc.org .
- Vermont Department of Education, 120 State Street - Montpelier, VT 05620-2501. Phone: (802) 828-3135. Web: www.education.vermont.gov
- Vermont Human Rights Commission, 14-16 Baldwin Street, Montpelier, VT 05633-6301. Phone: (800) 416-2010, x25; Fax: (802) 828-2481; (877) 294-9200 (TTY). Web: <http://hrc.vermont.gov> .
- Vermont Attorney General's Office, 109 State Street, Montpelier, VT 05609-1001. Phone: (802) 828-3171 (802) 828-3665 (TTY). Web: <http://www.atg.state.vt.us>.

A statement from the Vermont Department of Education about resolution of complaints regarding postsecondary education-related matters is available at:

http://education.vermont.gov/documents/EDU-Complaint_Resolution_Statement_for_Postsecondary_Education_Matters.pdf