

Student Non-Discrimination and Anti-Harassment Policy

The University prohibits discrimination or harassment based on characteristics protected by applicable law, including age, citizenship status, color, creed, domestic violence victim status, marital status, national origin (including ancestry), physical or mental disability, predisposing genetic characteristics, race, religion, veteran or military status, or any other protected category under applicable local, state, or federal law (collectively, “Protected Characteristics”).

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I. Who Does this Policy Apply To?

This policy sets forth behavioral expectations for all Colgate University students and student organizations. This policy applies to conduct that occurs on Colgate’s campus or property and in any Colgate programs and sponsored activities. This policy applies to off-campus conduct under certain circumstances. For example, certain aspects of the policy apply when students travel off campus as part of a University activity or team. Conduct that occurs off campus and not in connection with Colgate programs or activities may violate certain aspects of this policy if the conduct creates a threatening or hostile environment on campus or within a Colgate program or activity, or if the incident causes concern for the safety or security of Colgate’s campus or otherwise has a reasonable nexus to the University or its interests.

A complaint against an Affiliated Individual or non-community member for violation of this policy will be handled and addressed as the Title VI Coordinator or the Associate Provost for Equity and Diversity deems appropriate to ensure that appropriate responsive action is taken.

II. Who Provides Oversight of This Policy?

The person responsible for the implementation of this policy is:

Title VI Coordinator

The Office of Equity and Diversity
102 Lathrop Hall
Colgate University
13 Oak Drive
Hamilton, NY 13346
315-228-6161

Inquiries may be made to:

Vice President for Equity and Inclusion

The Office of Equity and Diversity
102 Lathrop Hall
Colgate University
13 Oak Drive
Hamilton, NY 13346
315-228-6161

Inquiries and complaints against the University may also be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: 800-421-3481
Facsimile #: 202-453-6012
TDD#: 800-877-8339
E-mail: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

III. What Conduct is Prohibited? (Definitions)

The following describes conduct prohibited by this Policy (referred to in this Policy and its associated procedures as “Prohibited Conduct”):

Non-Discrimination and Anti-Harassment Violations

1) Discrimination

The term “discrimination” refers to an act that disadvantages a person and that occurs because of the affected individual’s Protected Characteristics. Examples of discrimination include but are not limited to

excluding a student from membership in an organization, or denying a student a professional opportunity because of the student's Protected Characteristic.

2) Harassment (other than Sex-based harassment)

Harassment is offensive conduct based on an individual's Protected Characteristics that is so severe or pervasive that it unreasonably interferes with an individual's ability to participate in the University's programs or activities when judged against a Reasonable Person standard. Prohibited harassment based on sex, gender, gender identity, gender expression, pregnancy or pregnancy-related conditions, and other forms of sexual misconduct, are defined and referenced in the Student Sexual/Gender-Based Misconduct Policy.

Harassing conduct that rises to the standards noted above can occur in various forms, including:

Verbal – Conduct such as unwelcome, demeaning, intimidating or graphic comments; using ethnic, racial, religious, or other slurs to refer to a person or group; or jokes or comments that demean a person or a group on the basis of one of the Protected Characteristics.

Physical – Conduct such as physical threats toward or intimidation of another on the basis of one of the Protected Characteristics.

Visual – Conduct such as creating or displaying racially, ethnically, or religiously offensive pictures, symbols, flags, cartoons, or graffiti that disparages another person or group because of one of the Protected Characteristics.

Communication-based – Conduct such as phone calls, e-mails, text messages, social media direct messages, chats, blogs or online communications that demean or intimidate another on the basis of one of the Protected Characteristics. Members of the community are expected to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome messaging, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of, or group within, the University community.

These various forms constitute Prohibited Conduct when they rise to the standard of harassment set forth above.

A single instance of unwelcome or offensive conduct or the fact that a person was personally offended by a communication or incident, does not alone necessarily constitute a violation of this policy. The determination as to whether this policy has been violated takes into account the totality of the circumstances, including but not limited to the context of the conduct, the relationship of the individuals involved in the conduct, whether the conduct was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness or severity of the conduct, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual or group and/or the

learning community. In all instances, a key factor is whether the complained-of behavior occurred because of Protected Characteristics. However, even if the conduct is not based upon a Protected Characteristic and/or does not rise to the level of Prohibited Conduct under this policy, the University may respond by providing individual and community support and resources to those who have been impacted. In addition, such conduct that is not based on Protected Characteristics may constitute a violation of the University's Code of Student Conduct and, if so, will be addressed pursuant to the applicable policies.

3) Stalking

Stalking is 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.

For the purposes of this definition, (i) a "course of conduct" means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property and (ii) "substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Examples of behavior that may constitute stalking include repeated, intentional following, observing or lying in wait for another; using "spyware" or other electronic means to gain impermissible access to a person's private information; repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual's relatives, friends, or pets; or damaging or threatening to damage the property of the targeted individual.

4) Hate Crime

A "hate crime" is defined as violence towards or other criminal act(s) against a person, group, or property (or a threat to do so) that is motivated entirely or in part by a belief, perception, or hostility toward another's Protected Characteristics, regardless of whether the belief or perception is correct. Proof of a Protected Characteristic, in and of itself, does not constitute evidence of motivation.

The following example demonstrates the difference between a non-hate crime and a hate crime: A student who selects a car at random in a campus parking lot and smashes the windshield has committed criminal mischief. A student who is biased against Muslims and smashes a windshield because they know that the car belongs to a Muslim student has likewise committed criminal mischief. However, this second incident is also a hate crime because the student was motivated by anti-Muslim bias.

Federal and state laws prohibit hate crimes, and hate crimes often result in enhanced criminal penalties. Students who commit hate crimes are subject to criminal prosecution in addition to discipline pursuant to

this policy. The criminal process is separate and distinct from this policy. The fact that a criminal complaint has been filed, prosecuted, or dismissed will not prevent Colgate from pursuing disciplinary action.

5) Retaliation

Retaliation is an adverse act or behavior perpetrated to “get back” at a person because the person reported misconduct, filed a Complaint, or participated or refused to participate as a Complainant, Respondent or witness in an investigation or proceeding conducted in response to reported violation of this policy by the University or by an external agency. Retaliation also includes an adverse act against someone for the purpose of interfering with any right or privilege under this policy or applicable law. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats or intimidation that would discourage a Reasonable Person from engaging in protected activity. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good faith; a person may provide inaccurate information believing it is accurate, which is still good faith. If a person makes a statement knowing that it is false, the person has acted without good faith.

IV. Who is Required to Report Prohibited Conduct to the Title VI Coordinator or the Associate Provost for Equity and Diversity?

All members of Colgate’s community are expected to promote an environment free from discrimination or harassment. Colgate encourages any individual to report incidents of Prohibited Conduct to obtain support and information and to enable Colgate to respond appropriately. Individuals can report concerns about Prohibited Conduct to any member of the Discrimination and Harassment Team.

A. Reporting Requirement of Faculty and Staff

Supervisors must report any complaints or suspected acts of Prohibited Conduct by or affecting employees (even if they do not involve direct reports). The Title VI Coordinator or the Associate Provost for Equity and Diversity are responsible for providing direction to employees and supervisors about any University-required supportive measures, such as, but not limited to, addressing issues directly with staff, faculty, or students whom they supervise, facilitating informal resolution or mediation of issues, providing information on avenues to address questions of Prohibited Conduct, or pursuing Complaints under the complaint procedures described here. Failure to report Prohibited Conduct in accordance with this section may be considered a violation of University policy.

All other employees, unless their status is designated as a Confidential Employee precludes this disclosure, who learns of an incident of Prohibited Conduct as defined in this policy, are encouraged to report

potential acts of Prohibited Conduct to the Title VI Coordinator or Associate Provost for Equity and Diversity.

B. Public Awareness/Advocacy Events

If a member of the Colgate community discloses actions believed to constitute Prohibited Conduct through a public awareness event such as a candlelight vigil, a protest, a student organization or other event or forum, or other public event, Colgate is not obligated to begin an investigation. Colgate may, however, use the information to inform the need for additional education and prevention efforts.

V. What if I Need Accommodations or Adjustments for my Disability in this Policy and Related Procedures?

General disability accommodation or adjustment requests are handled separately from this policy. The Executive Director of Student Disability Services is responsible for coordinating efforts to comply with these disability laws, including evaluation of student accommodation requests for academic and housing adjustments. Procedures for requesting these types of accommodations or adjustments are described in the Student Handbook.

Student requests for accommodations or adjustments while engaging in processes contemplated by the Student Non-Discrimination and Anti-Harassment Policy and/or Procedures should be directed to the Title VI Coordinator or Associate Provost for Equity and Diversity. The Title VI Coordinator or Associate Provost for Equity and Diversity may consult with the Office of Disability Services in the determination of a disability accommodation or adjustment request.

Complaints regarding disability-related discrimination or harassment should be directed to the Title VI Coordinator or Associate Provost for Equity and Diversity.

VI. What if I Need Modification for My Pregnancy or Related Condition?

The Title IX Coordinator is responsible for coordinating efforts to comply with laws governing pregnancy or related conditions. Student requests for modification should be directed to the Title IX Coordinator. For more detail please see the **Pregnancy or Related Conditions Policy**.