



Discriminatory Harassment and Sexual Misconduct Policy

Approved by the Student Senate May 12, 2015. Approved by the Faculty May 15, 2015. Effective July 1, 2015. Updated August 14, 2020

Preamble

[Title IX](#) of the Education Amendments of 1972 protects individuals from sex discrimination in educational programs and activities at institutions that receive federal financial assistance.

This Discriminatory Harassment and Sexual Misconduct Policy is separate and distinct from the college's [Title IX Policy](#). Please note that each policy uses its own specific definitions and describes its own unique response procedures.

This Discriminatory Harassment and Sexual Misconduct Policy (DHSM) details and explicitly prohibits specific forms of harassment, sexual and relationship misconduct, and encourages the reporting of these prohibited behaviors and of any form of harassment. Under Oregon law, the college is required to conduct an initial inquiry, or to make contact with named parties, whenever a designated responsible employee has actual knowledge, or in the exercise of reasonable care should know, that possible sexual harassment, sexual assault, domestic violence, dating violence or stalking has occurred, as those terms are defined in the DHSM.

The Title IX Policy details and explicitly prohibits sexual harassment as defined under federal law. When the college has actual knowledge that sexual harassment has occurred in its education program or activity against a person in the United States, as those terms are defined in the Title IX Policy (see section III.), it is obligated to respond according to specific procedures outlined in Title IX.

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 specific forms of harassment, sexual and relationship misconduct, and encourages the reporting of these prohibited behaviors and of any form of harassment. 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 do 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, contractors and subcontractors, 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. Reed College will analyze and may have an obligation to respond to reports or complaints of sexual harassment, sexual assault, domestic violence, dating violence, or stalking that occurs outside of Reed-sanctioned events or Reed properties.

Reed College acknowledges and intends to comply with its legal responsibilities in all its programs and activities. This policy is required by, and is, as a whole, intended to be consistent with Title IX of the Education Amendments of 1972, and any other 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.

Because of the close connection between this policy and Title IX, significant parts of the policy's enforcement are overseen by Reed's Title IX Coordinator. Contact information may be found from the Title IX Coordinator Resource Page and other places on the College's website. See the [Title IX Coordinator Resource Page](#) for sources of help with questions about this policy and related policies and procedures. 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, religion, sex, sexual orientation, 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 does not consider any of the above attributes in administration of its employment policies, educational policies, admission policies, scholarship and loan programs, housing policies, and athletic and other school-administered programs. In its policies and actions, Reed will comply with its obligations under state and federal law 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.

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.

Report: Notification to a college officer of a perceived or actual violation of this policy, or of a perceived or actual instance of harassment, whether or not the reporter is certain that a violation or instance of harassment occurred and regardless of the resolution of the incident(s).

Complaint: A report regarding perceived or actual violation(s) of College policy that results in a formal adjudication process by the appropriate Reed adjudicative body.

Complainant: An individual who makes a complaint.

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.

Respondent: An individual alleged to have violated College policy, who has been named as such in a report or a formal complaint.

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: An individual who is currently enrolled, registered, on leave, or has made arrangements with the Business Office to pay tuition and fees.

Target: The person(s) toward whom the conduct in question is allegedly directed.

IV. Use of a Reasonable Person Standard

The College will use a “reasonable person” standard when applying the definitions herein and in investigating reports and complaints of violations of this policy, both in determining facts and in assessing culpability.

A “reasonable person” is a hypothetical person who is level-headed and rational, aware of community norms, and not under the influence of a judgment-impairing substance. Further, this person considers all information available to them about the circumstances and actual and perceived identities of all parties involved in the incident(s).

This standard can be used in different ways throughout the investigation and adjudicative process. For example, because the standard is referred to in the definition of prohibited discriminatory harassment, parties investigating a report or formal complaint of discriminatory harassment will use the reasonable person standard by assessing the situation from the perspective of a reasonable person as defined above to decide if the behavior constitutes a violation of this policy. As another example, parties may use the reasonable person standard when assessing whether a reasonable person, as defined above, in the same position as the respondent, would believe that they had consent in that context.

V. 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. The present section includes coverage of discriminatory harassment that is based on sexual orientation. Section VI addresses, in detail, harassment that is of a sexual nature or based on gender or gender identity. All instances of discriminatory harassment are detrimental to our community and may be violations of the Honor Principle.

Discriminatory harassment is both unlawful and 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 XI 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.

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 potentially discriminatory nature does not, in and of itself, constitute discriminatory harassment. 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.

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.

VI. Consent and Sexual Misconduct

Three categories of sexual misconduct are addressed below: sexual assault, sexual exploitation, and sexual harassment. This section begins with a discussion of the crucial concept of consent, and ends with a discussion of relationships among faculty, staff, and students.

A. CONSENT

Consent is defined here as conscious, relevantly informed, and fully voluntary agreement to, or permission for, an act. The following points should be emphasized:

- To consent is to actively agree to, or actively give permission for, something. Consent should never be assumed, but must be actively obtained by all parties. Though this may require explicit verbal discussion, especially in unfamiliar situations, consent can be communicated nonverbally, especially in the space of mutual recognition created by a stable, ongoing relationship. To consent is not to be in a passive state.
- Silence or inaction do not, in and of themselves, communicate consent. The absence of an explicit denial of consent does not constitute consent.
- Consent to one form of sexual activity does not by itself constitute consent to any further sexual activity.

- A person can remove consent to an ongoing activity at any time during that activity, or thereafter for subsequent activity.
- Previous or ongoing sexual relationships or encounters do not in and of themselves constitute consent to any subsequent sexual acts.
- Consent cannot be forced or coerced; agreement or permission due to duress, coercion, threat, implied threat, or intimidation does not constitute consent.
- A person who is asleep, or physically or mentally incapacitated – whose judgment is seriously impaired by alcohol, other drugs, or other factors, such as lack of sleep – cannot give consent.
- Intoxication or impairment by alcohol or other drugs, or any other mental impairment, of the person initiating the unwanted contact is not a defense for the commission of sexual misconduct, dating or domestic violence, or other conduct prohibited under this policy and does not diminish one's responsibility to obtain consent before sexual contact, though it may be a factor in specifying the nature or character of the violation in question.
- Oregon state law considers persons under the age of 18 to be incapable of consent to sexual activity (ORS §163.315). If lack of consent is due only to the age of the parties, and consent is otherwise present, it may be a defense to violation of this sexual misconduct policy and certain crimes under Oregon law (ORS §163.345) when there is less than three years' age difference between the parties.

B. SEXUAL ASSAULT

Sexual assault is defined in this policy as non-consensual sexual contact or non-consensual sexual intercourse.

Sexual contact is any intentional touching of another person in a sexual manner, however light or momentary. Sexual contact includes, but is not limited to:

- Touching, with any part of one's body or an object, in a sexual context or manner, another person's chest or breast, buttock, groin, mouth or genitals
- Physically causing another person to touch, with any part of their body or an object, themselves or another on the chest or breast, buttocks, groin, mouth, or genitals.

Sexual intercourse is penetration or attempted penetration of the vagina or anus or being made to penetrate another's vagina or anus by a penis, object, tongue or finger, or oral copulation (contact between a mouth and the genital area), no matter how slight or momentary the penetration or contact.

Sexual assault (i.e., non-consensual sexual contact or intercourse) is prohibited by this policy.

For more information about the pertinent Oregon statutes on sex offenses, see ORS §163.305-479.

C. SEXUAL EXPLOITATION

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another person for their own advantage or benefit, or for the benefit or advantage of anyone else. Sexual exploitation includes but is not limited to:

- Non-consensual video or audio-recording of sexual activity, or allowing a third party to observe consensual sex without all parties' knowledge of and consent to that observation;

- Sharing, without consent, sexually explicit images of another person (including sharing images obtained consensually but shared without consent of the person(s) in the image);
- Obtaining, owning, or sharing sexually explicit images of a person under the age of 18;
- Engaging in watching or otherwise recording a person in the state of nudity without their consent when that person is in a place where they would have a reasonable expectation of privacy;
- Non-consensual exposure of one's genitals to a person or inducing another to engage in such exposure, or other acts of nudity, when these acts interfere with or limit the viewer's ability to participate in or benefit from the College's programs and activities.

Sexual exploitation is prohibited by this policy.

D. SEXUAL HARASSMENT AND GENDER-BASED HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile or offensive environment and would have such an effect on a reasonable person. (Although sexual assault and sexual exploitation have been addressed specifically, acts in those categories can also be unwelcome conduct of a sexual nature and therefore may constitute sexual harassment.) All instances of sexual harassment are detrimental to our community and may be violations of the Honor Principle.

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 – which need not be limited to the classroom or other formal academic or educational settings – 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 regarding acts or speech of a sexual nature does not, in and of itself, constitute sexual harassment. 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.

Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, but not involving conduct of a sexual nature.

A single severe incident of sexual harassment may create a hostile environment. Harassment in which submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual's education, employment, or participation in any program (quid pro quo harassment) is unlawful and is a violation of this policy.

Not only does Reed prohibit sexual and gender-based 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. Reed encourages community members to report any behavior that causes discomfort on the basis of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex

stereotyping whether or not they are certain that the behavior in question rises to the level of sexual or gender-based harassment, or a hostile environment as defined above. Refer to Section XI of this policy for additional information about reporting.

E. PROHIBITED AND INAPPROPRIATE CONSENSUAL RELATIONSHIPS

Romantic or sexual relationships that might be appropriate in other contexts may be inappropriate within the College community.

Relationships between students and faculty or staff. Because those who teach are entrusted with guiding students, judging their work, giving grades for courses and papers, and recommending students, instructors are in a particularly delicate relationship of trust and power. 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. Similarly, staff members are in a position to influence or affect students' educational experiences and are charged with the responsibility of assisting or protecting students. It is therefore a violation of this policy for faculty and staff to have romantic or sexual relationships with students.

There are limited circumstances under which it is 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 the Title IX Coordinator (or designee thereof) to seek such an exception.

Other relationships: Sensitivity to possible conflicts of interest, or to misuse of power, is necessary in cases of other romantic or sexual relationships in which one partner is in a position of power or authority over another. Such relationships are strongly discouraged. Individuals in such relationships must consult with an appropriate office (Human Resources for faculty and staff; the Dean of Students for students) in order to identify and minimize potential conflicts. Power imbalance can occur in romantic or sexual relationships between faculty and staff, or within the faculty, staff, or student body.

Consideration of Prior Consensual Relationship in Complaint Procedures: Members of the community are reminded that the existence of a prior consensual relationship is not, in and of itself, a defense to a complaint of inappropriate conduct or violations of Reed policy. Romantic or sexual relationships may be consensual at the outset, but consent may be withdrawn at any time. Any complaint will be evaluated based on its entire context including the nature of the relationship at the time of the conduct in question.

VII. Relationship Abuse

A. RELATIONSHIP ABUSE

Relationship abuse is defined as coercive, manipulative, abusive, and/or violent behavior on the part of the abusive partner in a personal, intimate relationship. Relationship abuse includes behaviors that are defined as dating and domestic violence for purposes of Clery Act reporting.

Relationship abuse may include behavior prohibited by other sections of the DHSM, and all instances of relationship abuse may be violations of the Honor Principle. Abusive behavior directed toward persons not in an intimate relationship is not defined as relationship abuse, but may be prohibited by other sections of the DHSM and/or may be a violation of the Honor Principle.

Relationship abuse is directed primarily against a person who is or has been involved in a sexual, dating, domestic or other emotionally, romantically, and/or physically intimate relationship with the respondent, although the abuse may be directed toward the family members, friends, pets, or property of the targeted partner. Relationship abuse can encompass a broad range of behavior including, but not limited to, coercive, abusive, or violent behaviors that are physical, sexual, psychological, verbal, economic, and/or emotional in nature. The behaviors generally form an ongoing pattern of behavior, although one severe instance of physical or sexual abuse may be sufficient to establish relationship abuse.

Examples of relationship abuse may include:

- Emotional or verbal abuse: words and/or actions used to manipulate or denigrate the targeted partner(s);
- Threats and intimidation: coercion and manipulation, including threats of self-harm, used to compel the target to behave as directed; exhibiting extreme possessiveness or jealousy to control or compel the targeted partner(s) behavior; threatening to share information which could damage the target's reputation or relationships with others; threatening to harm the target's family, friends, pets, or property; threatening the target with physical or sexual harm;
- Isolation and restriction of freedom: isolating or confining the target for a substantial period of time; repeatedly depriving the target of personal freedom of movement or access to friends, family, or support systems;
- Resource abuse: forcible or coercive denial of use or access to owned or shared assets, or limiting or controlling access to education or work; words and/or actions aimed at manipulating the financial or legal situation of the target;
- Harm to property or pets: attempting to cause or causing damage or injury to property owned or controlled by the target, or the target's pets; interfering with the target's access to property they own or control, or their pets;
- Physical abuse: attempting to cause or causing the target bodily injury or offensive physical contact;
- Sexual assault, sexual exploitation, and sexual harassment as defined in Section IV. Consent and Sexual Misconduct of this policy; and
- Stalking as defined in VIII. Other Prohibited Conduct of this policy

B. DATING VIOLENCE

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the target. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. The existence of a qualifying relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

C. DOMESTIC VIOLENCE

Domestic Violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the target, or by a person who is cohabitating with or has cohabitated with the target as a spouse or intimate partner; or by a person with whom the target shares a child in common; or a family or household member as defined by ORS §135.230.

Dating violence and domestic violence are prohibited by this policy.

VIII. Stalking

Stalking is engaging in two or more acts targeting a specific person that would cause a reasonable person to feel apprehension for the target's safety or the safety of others or cause a reasonable person to suffer substantial emotional distress. Those acts may include, but are not limited to, acts in which the stalker 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 or pets.

For purposes of this definition, substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is prohibited by this policy.

IX. Other Prohibited Conduct

Other harassing conduct violates this policy 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, and lacking a reasonable academic, educational or artistic justification. Such harassment may include:

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

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

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 prohibited conduct. 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.

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.

X. Retaliation

Retaliation is prohibited by federal and state law and by this policy. No one at the College may reprimand, retaliate, take any adverse action, or discriminate against an individual for having opposed unlawful conduct, initiated a report or complaint, provided information as a witness, or participated in the resolution of a report or complaint regarding potential violations of this policy.

Acts may be retaliatory if they reasonably act as, or could act as, a deterrent to further protected activity, for example, by

- Disadvantaging or restricting a person in that person's status as a student, employee, or visitor or in the ability to gain benefits or opportunities available at the College;
- Precluding a person from pursuing discrimination claims;
- Ostracizing a person who has complained or participated as a witness or otherwise;
- Pressuring someone to drop or not support a complaint or to provide false or misleading information; or
- Adversely altering the educational or work environment of someone who has complained or participated in the complaint process.

XI. Reporting

Reed College is required to conduct an initial inquiry, or to make contact with named parties, whenever an obligated reporter has actual knowledge, or in the exercise of reasonable care should know, that possible sexual harassment, sexual assault, domestic violence, dating violence or stalking or any other potential violation of this policy has occurred. We strongly encourage all community members to report experienced, observed, suspected, or disclosed harassment, and apparent violations of this policy. Reports regarding discriminatory harassment may be made to the Dean for Institutional Diversity (or designee thereof) or to Community Safety. Reports regarding sexual misconduct, relationship abuse, stalking, and other harassing conduct may be made to the Title IX Coordinator (or designee thereof) or to Community Safety. Reporting is not the same as filing a formal complaint (though, for some purposes, a formal complaint may function both as a report and a formal complaint). Reporting to the college does not constitute a report to law enforcement, although the college will assist the complainant in reporting to law enforcement if requested, and at times may contact law enforcement without the consent of the complainant if it is necessary to protect the safety of the community. Anonymous reports may be made in writing, telephonically, or electronically via a reporting form on the Reed website. This and the following three sections give additional information on reporting an incident, how to proceed with informal or formal complaints, and considerations of amnesty and confidentiality.

All internal reports will receive prompt attention. In response to the nature of the report, the Title IX Coordinator (or designee thereof) or Dean for Institutional Diversity (or designee thereof) will determine the type of inquiry and/or investigation to follow. Inquiries and investigations will not in themselves result in disciplinary action; disciplinary action may arise only through the resolution of formal complaints. Investigations may yield the initiation of a formal complaint by the Title IX Coordinator (or designee thereof). During the investigation of a report, non-disciplinary steps may be taken to protect individuals from harassment, such as separating the alleged harasser

from the person who experienced the alleged harassment. Investigations of reports may yield a response by the College that is non-disciplinary in nature, but designed to remedy or to prevent prohibited harassment.

In addition to assessing individual reports, the Title IX Coordinator (or designee thereof) and the Dean for Institutional Diversity (or designee thereof) will review reports in the aggregate in order to discover and address patterns of behavior that create or threaten to create a hostile environment.

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. The Title IX Coordinator designates certain employees of the college as Obligated Reporters. Obligated Reporters must report to Reed College when they have actual knowledge of, or in the exercise of reasonable care should know about incidents of sexual harassment, sexual assault, domestic violence, dating violence, or stalking or any other potential violation of this policy. Obligated reports must be made to the Title IX Coordinator or their designee within 24 hours of the observation or disclosure. Obligated Reporters are not expected to request information beyond what they have actual knowledge of, or in the exercise of reasonable care should know, but reports must include all relevant information known to the reporter. Obligated Reporters are not required to report incidents of sexual misconduct, relationship abuse, or stalking which they have personally experienced.

When a person initiates a disclosure, an Obligated Reporter should inform the person of their Obligated Reporter status, and inform them that they may instead choose to speak with a confidential resource such as a counselor or advocate. The Obligated Reporter should explain that all information disclosed to them, including the names of all parties involved, the type of incident, and the date, time, and location of the incident must be reported to the Title IX Coordinator or their designee. The reporter should also explain that the college will consider a request by the discloser that their identity be kept confidential during investigation.

See the [Title IX Coordinator Resource Page](#) and the [Discriminatory Harassment Resource Page](#) for more information on reporting. The staff of the Health and Counseling Center, when they are providing medical or mental health care, are normally exempt from reporting obligations; see section XI.B.

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](#)).

XII. Amnesty

Amnesty is intended to support the practice of students, staff, and faculty reporting incidents of prohibited discriminatory harassment, sexual misconduct, and other violations of this policy, 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 put the health and safety of another person at risk.) The Title IX Coordinator (or designee) is responsible for determining whether amnesty applies in any given circumstance.

XIII. 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. 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.

A. General inquiries

Any individual may make a confidential, non-specific inquiry about policies or procedures to a College official. Inquiries about the application of Title IX may be referred to the Title IX Coordinator or designee thereof. Inquiries about the application of Title VI may be referred to the Dean for Institutional Diversity or designee thereof.

B. 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.

C. 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.

D. 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 has obligations to investigate reports of policy violations and to take reasonable steps to prevent prohibited discrimination, discriminatory harassment, sexual misconduct, or retaliation, and that the desire for confidentiality can conflict with these obligations.

E. Confidentiality and respondents

Reed College will similarly attempt to protect the confidentiality of respondents, again 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.

XIV. Procedures for the Resolution of Complaints

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 [Title IX Coordinator Resource Page](#) and [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.

In cases of sexual assault, relationship abuse, and stalking, mediation is not an appropriate tool and will not be used by the College to resolve complaints.

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.

B. Formal complaints

Formal complaints may be made to the appropriate body for resolving the complaint, or to the Title IX Coordinator, who will forward the complaint as necessary. 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 (n.b. Effective February 2016, sections J, K, L pertain, replacing F, G, and H);
- 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 or by the Title IX Board and are handled according to the Judicial Board Code.

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