

Section II-T: Non-Discrimination, Harassment, and Sexual Misconduct Policy

NOTE: In cases involving only students or student respondents, the investigation and adjudication procedures will be those outlined in the college's policies relating to student misconduct, which are available at <https://dean.williams.edu/policies/>

Williams College is committed to maintaining a fair and respectful environment in which all members of its community feel safe and can participate fully and grow. In compliance with state and federal law and as a matter of its own principles, the college prohibits discrimination on the basis of race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity, or veteran status in admission, employment, and administration of its programs and activities. In addition, the college prohibits harassment and sexual misconduct.

Discrimination, harassment, and sexual misconduct breach the trust that should exist among members of an educational community and disturb the climate in the classroom, residence, or workplace. Members of the Williams College community are expected to uphold these principles and abide by this policy at all times.

Members of the college community are encouraged to report any instances of discrimination, harassment, or sexual misconduct.¹ Reports may be brought directly to the Vice President for Institutional Diversity, Equity, and Inclusion or a designated Assistant Vice President. Reports may also be made to appropriate deputies,² relevant Americans with Disabilities Act (ADA) officers, or Campus Safety and Security, who will then work with the Office of Institutional Diversity, Equity, and Inclusion to address the concern.³

If a student or employee of the college is found to have violated this policy, possible sanctions include the full range of disciplinary sanctions available at the college, up to and including suspension from the college for one or more semesters and expulsion, in the case of a student, or dismissal in the case of a College employee.

I. Prohibited Conduct

The following defined conduct is prohibited under this Non-Discrimination, Harassment, and Sexual Misconduct Policy.

¹ *This policy may also be followed in cases involving complaints of discrimination, harassment or sexual misconduct brought against college employees by persons who are not members of the college community, e.g. visitors to the campus or participants in college programs or activities.*

² *For students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty.*

³ *An initial report may be either oral or in writing, but a written complaint is required before formal investigation and adjudication may begin. Detailed information about how to file a written complaint and the process that follows can be found in Appendix A and A.1.*

A. Discrimination

Discrimination is the denial of rights, benefits, equitable treatment, or access to facilities available to all others because of an individual's or group's race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity, or veteran status. Discrimination can take the form of isolated or repeated behaviors or actions directed against an individual or a group.

B. Harassment

Harassment is severe or pervasive unwelcome verbal, non-verbal, or physical conduct that a reasonable person would consider to be:

- 1) materially interfering with their work or educational experience or opportunities; or
- 2) creating an intimidating or hostile working and/or learning environment.

Harassment may involve intimidation, coercion, and/or verbal, non-verbal, or physical abuse. Examples include targeted remarks or jokes, threats, ostracism, public humiliation, and physical actions, including unwanted touching and physical assault.

Petty slights, annoyances, and most isolated incidents will not rise to the level of harassment. To be considered harassment under this policy, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

B.1. Bullying

Bullying is a type of harassment that involves acts or verbal comments that could mentally hurt or isolate a person in the work or education space. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behavior that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.

B.2. Discriminatory Harassment

Discriminatory harassment is harassment targeted at a person because of their race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity, or veteran status.

C. Sexual Misconduct

The term "sexual misconduct" includes Title IX sexual harassment, sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence, all of which have more complete definitions, which can be found below. Sexual misconduct can occur regardless of the relationship, position or respective genders of the parties.

C.1. Title IX Sexual Harassment

In May 2020, the Department of Education issued new regulations governing schools' response to certain types of sexual misconduct. Those regulations, which became effective August 14, 2020, require all colleges to use specific procedures in response to reports of what the Department calls sexual harassment. More information about these procedures

can be found in Appendix A.1. “Sexual harassment” is used by the Department as an umbrella term to cover all types of sexual misconduct that are addressable under Title IX of the Education Amendments of 1972. To avoid confusion, Williams’ policies will use the term “Title IX sexual harassment” to refer to conduct defined as sexual harassment by the Department. It is important to remember that Title IX sexual harassment, which is defined below, represents only a subset of the broader conduct that is prohibited by this policy.

Title IX sexual harassment is conduct on the basis of sex that occurs on or after August 14, 2020 and satisfies one or more of the following:

1. An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking, as defined below.
 - a. “Sexual assault” means an offense classified as a forcible or nonforcible sex offense by the FBI.
 - b. “Dating violence” means violence committed by a person (A) who is or has been in a social relationship of an intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) the length of the relationship;
 - (ii) the type of relationship; and
 - (iii) the frequency of interaction between the persons involved in the relationship.
 - c. “Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Massachusetts, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Massachusetts.
 - d. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others or (B) suffer substantial emotional distress.

To be considered Title IX sexual harassment, the conduct described above must occur in a Williams education program or activity within the United States. A Williams “education program or activity” is a location, event, or circumstance over which the college exercises substantial control over both the respondent and the context in which the Title IX sexual harassment occurs.

All conduct that occurs abroad and much conduct that occurs off campus falls outside the definition of Title IX sexual harassment and may instead be covered by the misconduct

defined elsewhere in this policy.

C.2. Sexual Harassment

As noted above, the college's sexual misconduct policy prohibits a broader subset of conduct than is defined under Title IX Sexual Harassment. College policy also prohibits sexual harassment, a form of discriminatory harassment, which targets and demeans a person because of their sex. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, instruction, or participation in other college activities,
- 2) submission to or rejection of such conduct by an individual is used as a basis for making academic, employment, or personnel decisions affecting that individual, or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating or hostile educational or working environment.

Sexual harassment may also be at issue in relationships that begin as consensual ones. Anyone in a position of institutional authority over other persons should be sensitive to these issues. The requirements described in sub-sections C.2.A. and C.2.B. below are designed to protect the integrity of the college's instructional, counseling, and supervisory responsibilities by separating sexual relationships from professional ones where instruction or supervision is involved.

C.2.A. Potentially Coercive Relationships Between Students and Faculty

All faculty are in a position of power with regard to undergraduate students; hence, sexual relationships between faculty and undergraduate students are prohibited. Sexual relationships between faculty and undergraduate students put claims of consent in question. It is difficult for a student to be certain of the motives of a member of the faculty. A person in a position of authority cannot be certain that the student's consent is genuine, rather than motivated by an unspoken fear of the consequences of not consenting. In addition, a sexual relationship with a student may raise questions of unfair academic advantage or of unwarranted negative evaluation. These questions may adversely affect the educational environment of other students, as well as the student directly involved.

A sexual relationship between a faculty member and a graduate student is prohibited when a faculty member has teaching, evaluative, formal advising, or supervisory responsibilities for that student, even if the parties involved view the relationship as consensual. A member of the faculty may not initiate or agree to a relationship with a graduate student with whom they have any teaching, evaluative, formal advising, or supervisory roles. To protect the integrity of the educational process, the college also requires a faculty member to refrain, except under unusual circumstances and with the permission of the Dean of the Faculty, from taking on any teaching, evaluative, formal advising, or supervisory roles involving a graduate student with whom they have had a sexual relationship in the past.

The Dean of the Faculty may grant exemptions to this policy in reasonable cases of pre-

existing relationships. Any faculty member who wishes to request such an exemption should submit a written statement to the Dean of the Faculty explaining the reasons for the request. The Dean of the Faculty shall provide a response in writing to the faculty member and the Assistant Vice President for Institutional Diversity, Equity, and Inclusion.

A faculty member who has questions about this policy should consult the Dean of the Faculty.

C.2.B. Potentially Coercive Relationships Involving Faculty and/or Staff

A sexual relationship with a member of the faculty or staff for whom one has professional responsibilities may similarly put claims of consent into question or raise questions of unfair evaluation. To protect the integrity of the working relationships among employees, the college prohibits anyone in a position of authority from engaging in any supervisory, evaluative or counseling role involving a subordinate with whom they have had a sexual relationship in the past, unless the circumstances warrant a waiver.⁴ The College also requires a faculty or staff person to remove themselves from any supervisory, evaluative, or counseling role involving a subordinate employee with whom they currently have a sexual relationship. The parties involved should consult with either party's executive officer or department chair/director concerning the need for a waiver or a removal. The executive officer or department chair/director shall grant or deny the waiver or arrange for the removal, and the parties involved shall abide by the administrator's decision. A faculty or staff person who does not abide by these rules is at substantial risk under college policy of complaints of coercion, or of preferential or prejudicial treatment.⁵ Should the complaint be found valid, the faculty or staff member will also be subject to disciplinary action.

II. Reporting

All people are encouraged to report instances of discrimination, harassment, and sexual misconduct, whether they experienced the incident themselves or observed misconduct against another person. Reports may be brought to the Vice President for Institutional Diversity, Equity, and Inclusion, a designated Assistant Vice President for Institutional Diversity, Equity, and Inclusion, an appropriate deputy (for students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty), relevant Americans with Disabilities Act (ADA) officers, or Campus Safety and Security. A list of current contacts follows this policy. Local police, state and/or federal agencies may also be contacted, either immediately or at any point thereafter.

Most college employees who become aware of or receive a report of discrimination,

⁴ Requests for an exemption should be sent to the Dean of the Faculty (for faculty) or the Director of Human Resources (for staff), who will communicate their decision in writing to the faculty or staff member and the Office of Institutional Diversity, Equity, and Inclusion.

⁵ Failure to abide by rules (a) and (b) may also subject a faculty or staff member to charges of conflict of interest. It should be noted that a removal policy is also in place for family and other special relationships (see Conflict of Interest).

harassment, or sexual misconduct are encouraged--and in some cases may be required--to promptly and fully report the information to the Vice President for Institutional Diversity, Equity, and Inclusion, a designated Assistant Vice President, relevant deputy, or relevant American with Disabilities Act (ADA) officer. No member of the community should assume that a college administrator knows about a situation involving discrimination, harassment, or sexual misconduct. If an individual reports to a person in authority who is not a confidential resource and wishes to maintain confidentiality of the report, the non-confidential resource must relay the request for confidentiality.

III. Procedural Rights

A. The College grievance procedures

The college grievance procedures (outlined in *Appendix A and A.1*) are used to assess and respond to complaints of discrimination, harassment, and sexual misconduct. Nothing contained in this policy or those procedures is intended to replace or deny any rights available under applicable local, state, or federal laws; a party has a right to reach out to police, state, and/or federal agencies at any time or to file complaints or seek remedies available by law. Normally, college investigations and hearings can occur simultaneously with external ones.

B. Confidentiality

When a report is made, the college will treat the identity of the parties and the substance of the claims as confidential, except as is reasonably necessary to carry out the investigative process in accordance with the applicable grievance procedures, or to ensure the safety of everyone at Williams College.

In support of an individual's request for confidentiality and the college's interest in providing necessary resources for possible incidents of discrimination, Williams College provides confidential advising: for students, the College Health Center and Integrative Wellbeing Services, the Chaplain's office, and the Director of Sexual Assault Prevention and Response; for faculty and staff, the Employee Assistance Program. These advisors may have anonymous reporting obligations under federal and state law.

C. Retaliation

Williams College prohibits retaliation against employees or students for reporting discrimination, harassment, or sexual misconduct or participating in the grievance process. Retaliation may include, but is not limited to, taking an adverse action against someone because they made a report, filed a complaint, served (or declined to serve) as a witness, advisor, or hearing panelist, or otherwise participated (or declined to participate) in the grievance process. Any retaliation by a party or by-stander against another party, or witness, or participant in the process is strictly prohibited, and will be treated as a new and additional violation of this policy.

D. Prompt and Fair Resolution

The college's procedures for reports of discrimination, harassment, and sexual misconduct seek to ensure a prompt, fair, and impartial investigation and prompt remedial action. All College

officials involved in the process receive training on this policy and on how to conduct a hearing process that protects victim safety and promotes accountability.

E. Academic Freedom and Freedom of Expression

Williams College is committed to both freedom of expression and full academic freedom of inquiry, teaching and research. Academic freedom and freedom of expression will be strongly considered in investigating complaints of discrimination and harassment, but will not excuse behavior or action that constitutes a violation of the law or college policy.

F. Right to be Accompanied by an Advisor or Support Person

During the investigation, the complainant and respondent may be accompanied at meetings and interviews by an advisor or support person of their choosing. The scope and responsibilities of advisors are defined in the applicable investigation and adjudication procedures. In the case of complaints that enter a formal resolution process, both parties will be assigned an advisor trained in non-discrimination, harassment, and sexual misconduct policy and processes. This advisor may, but need not, function as the advisor/support person who accompanies the complainant or respondent through the process.

G. Standard of Proof

The standard of proof used in the adjudication of all cases involving alleged violation of this policy will be preponderance of the evidence. The preponderance of the evidence standard requires a determination of whether it is more likely than not that the person committed the alleged act(s).

H. The Standing Grievance Panel

In choosing members of the Standing Grievance Panel (SGP), consideration will be given to the diversity of the staff and faculty at the college. The Faculty Steering Committee (FSC) and Williams Staff Committee (WSC) and Director of Human Resources will jointly convene the SGP each year, whose members stand available to serve on an adjudication panel in cases of alleged discrimination, harassment or sexual misconduct. The SGP will consist of:

- ❑ 12 staff, 6 (one exempt and one non-exempt from each neighborhood) are elected by the staff from a slate of two persons nominated by the WSC from each category and another 6 to be appointed by the Director of Human Resources. The 12 staff on the SGP will also consist of at least one staff member each from Dining Services and Facilities.
- ❑ 12 faculty, 6 faculty (one tenured and one non-tenured from each division) to be elected by the faculty from a slate of two persons nominated by the FSC from each category and another 6 to be appointed by the FSC. The 12 faculty on the SGP will also consist of at least one faculty member from the Department of Physical Education.

Once constituted, members of the SGP will be trained on issues related to this policy, as well as on conducting a hearing process that protects victim safety and promotes accountability.

List of Contacts

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Vice President for Institutional Diversity, Equity and Inclusion
Office of Institutional Diversity, Equity and Inclusion
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Deputies

For faculty:
Safa Zaki
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Dean of Faculty's Office
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For students:
Marlene Sandstrom
Dean of the College
Dean's Office
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413-597-4261
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For staff:
Danielle Gonzales
Director of Human Resources
Human Resources
B&L Building, Suite 201
413-597-3129

dg3@williams.edu

Title 504 (ADA) Officer

For students:
G. L. M. Wallace
Director of Accessible Education
Academic Resources
Paresky Center, Rm 202A
413-5974978
glw3@williams.edu

Confidential Resources

On Campus:

- Sexual Assault Survivor Services (SASS) 597-3000 (on call 24/7 during the academic year)
- Williams College Health Center 597-2206
- Williams College Integrative Wellbeing Services 597-2206 (or on call 24/7 through Campus Safety at 597-4444)
- Meg Bossong, Director of Sexual Assault Prevention and Response 597-4977
- Laini Sporbert (Health Educator) 597-3165

Campus Safety and Security at 413-597-4444

Off Campus:

- [Elizabeth Freeman Center](tel:499-2425) 499-2425
- National Sexual Assault Hotline 1-800-656-HOPE
- National Sexual Assault Online Hotline – <https://ohl.rainn.org/online/>
- For a list of regional and national resources with particular focus on the needs of LGBTQ survivors, see <http://barcc.org/information/resources-online/glb>
- For regional and national resources with a particular focus on the needs of male survivors, see malesurvivor.org.

To report a sexual assault to the police contact:

- 911
- Williamstown Police Department at [413 458 5733](tel:4134585733)

[Equal Employment Opportunity Commission](#)

[Massachusetts Commission Against Discrimination](#)

