

EQUAL OPPORTUNITY, NON-DISCRIMINATION, AND DISCRIMINATORY HARASSMENT POLICIES

A. Statement of Principles

1. Bryn Mawr College is firmly committed to a policy of equal opportunity for all members of its faculty, staff and student body. Bryn Mawr College does not discriminate on the basis of race, color, religion, national or ethnic origin, sex or sexual orientation, age, or disability in the administration of its educational policies, College-administered programs, or in its employment practices. The admission of only women to the Undergraduate College is in conformity with a provision of the Civil Rights Act of 1964 as amended.

2. The College is firmly committed to academic and professional excellence and to freedom of inquiry and expression for all members of the College community. In order to preserve an atmosphere in which these goals can be pursued, certain norms of civility, based on mutual respect and appreciation of differences, recognition of the rights of others and sensitivity to their feelings, must govern the interactions of all members of the community. The pursuit of these goals and the preservation of this civil atmosphere depend on the active commitment of all community members to making the College's programs and resources as inclusive as possible.

B. The College's Efforts to Address Discrimination, Discriminatory Conduct and Harassment

To foster and preserve equality of academic and professional opportunity, freedom of inquiry and expression, and equality of access to its resources and programs for all members of the community, the College has established several offices and committees and supports a number of groups dedicated to specific aspects of this goal. In this way the College supports educational efforts, such as workshops, professional training and development, and information sessions intended to encourage awareness of and sensitivity to the problem of discrimination and discriminatory conduct and to inform all members of the community of their right to equality of opportunity. The College also makes resource persons available for discussion and advice about possible complaints and the informal and formal procedures for resolving them. The following list is not exhaustive.

1. *The Diversity Leadership Group* is composed of the Director of Intercultural Affairs, a Faculty Diversity Officer, the Equal Opportunity Officer, a Staff Issues Liaison, the Dean of the Undergraduate College and the Dean of Admissions and Financial Aid. The Group meets with each other and with the President frequently and advises her/him directly about how to move diversity forward in constructive ways.

- The Director of the Office of Intercultural Affairs is responsible for the development of programs and activities addressing issues of diversity for the students, faculty and staff of the College.
- The Faculty Diversity Officer carries dedicated responsibility for faculty issues such as attention to diversity in faculty searches and collaborating with faculty on programs to advance diversity on campus.
- The Equal Opportunity Officer monitors campus programs to assure compliance with local, state, and federal rules, regulations, and laws and recommends, coordinates, and assists in the implementation of long range diversity plans. The EOO is available to any member of the Bryn Mawr community for confidential consultation about possible incidences of discrimination or harassment.
- The Staff Issues Liaison is available to members of the Bryn Mawr community who would like to discuss workplace diversity issues in a confidential, "off-the-record" environment. He will assist in the interpretation and application of policy and help members of the community find the appropriate resources and forums for resolving their concerns.
- The Dean of the Undergraduate College has special responsibility for undergraduate academic programs, curricular development, academic advising, and other matters related to student well-being, including diversity. She is responsible for the offices that provide support to students regarding College life both inside and outside of the classroom.
- The Dean of Admissions and Financial Aid is responsible for collaboratively implementing a strategy to recruit, support and retain a diverse undergraduate student body of outstand-

ing intellectual ability and is interested in all activities that relate to supporting diversity on campus.

2. *The College's Equal Opportunity Advisory Committee* meets regularly to review campus concerns, complaints, or grievances particularly as they affect issues of discrimination and harassment. The Equal Opportunity Advisory Committee works in concert with the Accessibility Advisory Committee (see below) and other campus offices and committees charged with maintaining the quality of the Bryn Mawr experience.

3. *Department Chairpersons, Administrative Heads, Deans and Directors.* All chairpersons of academic departments, heads of administrative offices, deans, assistant and associate deans, and directors of services or divisions are available for discussion of possible complaints or problems.

4. *Diversity Council* is an advisory group to the President. Included among its members are the Director of Intercultural Affairs, the Faculty Diversity Officer, the Equal Opportunity Officer, the Staff Issues Liaison, the Coordinator of Access Services, the Chair of the Committee on Appointments, the Dean of the Undergraduate College, the SGA President, the Staff Association President, the Assistant Director of Human Resources, the Dean of Admissions and Financial Aid, the Director of Outreach in Admissions, the Director of Institutional Research, the Intercultural interns and two "at large" representatives each from the faculty, staff and students.

5. *The Accessibility Advisory Committee* is convened by the coordinator of Access Services and composed of administrators, faculty, staff and students. The committee meets once a semester to monitor the College's efforts to provide equal access for individuals with disabilities in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The committee works to promote the full participation of individuals with disabilities in the College's programs, services and activities.

6. *The Honor Board of the Undergraduate College* has the responsibility of administering the academic and social honor codes governing undergraduate student life on campus.

7. *The Office of Public Safety* is responsible for maintaining a safe and secure environment for all members of the community by protecting life, safety and property on campus. Any member of the community whose personal safety is jeopardized or who is threatened, verbally or physically, by any act of discrimination or discriminatory conduct should report this to the Director of Public Safety, who can offer advice about personal safety and preventing victimization.

8. Anonymous harassment can also be reported to the *Director of Public Safety*, and the director is consulted by those who receive reports of anonymous harassment about the options for investigation of these complaints by the College. If necessary, the Director of Public Safety will consult law-enforcement agencies during the investigation.

9. *Resource Persons.* All members of the community are individually and personally responsible for refraining from discrimination and discriminatory conduct, for contributing to the creation and preservation of an atmosphere free of discrimination and discriminatory conduct, and for making the life and the programs of the College as inclusive as possible. However, certain persons are institutionally responsible for monitoring and improving the climate for members or officers of specific groups and for responding to complaints related to their areas of responsibility.

- The International Students Adviser handles immigration matters and questions of adjustment or re-entry to the United States. She/he works with various campus organizations on programming for the entire community to increase awareness of the world's many cultures and to address issues of cross-cultural communication and interaction.
- Religious Advisers. Campus ministers and advisers representing various religious denominations are assigned to the College. They conduct religious services and advise study groups and campus organizations such as the Jewish Student Union, Catholic Students and the Muslim Students Association. They are available for consultation about concerns or problems related to discrimination on the basis of religious belief or practice, and for advice and counseling about interfaith communication and interaction.

10. *Resource Groups.* The College community supports a number of special groups, including the Staff Association; the Graduate Students' Association; the Student Association and the Doctoral Students' Association of the Graduate School of Social Work and Social Research; the Bryn Mawr

Chapter of the National Association of Black Social Workers; the undergraduate Self-Government Association; BACaSO; the International Students Association; Mixed Company; Mujeres; the Asian Students Association; the Muslim Students Association; the Sisterhood; South Asian Women; the Women's Center; Rainbow Alliance; and the Sexual Minorities Advocacy Committee. These groups serve an important function in the community, providing a forum for discussion of common concerns, education and outreach to the community as a whole, and advocacy for appropriate institutional change.

C. Statement of Procedures Concerning Sexual Harassment and Other Forms of Harassment And Discrimination

It is the policy of Bryn Mawr College to maintain a work and academic environment free from discrimination and offensive or degrading remarks or conduct. Unlawful harassment, including sexual harassment, will not be tolerated.

The College is committed to maintaining an environment in which all members of the community, staff, students and faculty, are treated with respect and dignity. It is the policy of the College not to discriminate on the basis of sex, including sexual harassment, in any of its programs, activities or employment practices. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic treatment, or is accompanied by implied or overt threats concerning one's job, grades, letters of recommendation, etc.;
2. Submission to or rejection of such conduct by an individual is used as a basis of employment or academic decisions affecting such individual; or
3. Such conduct has the purpose or effect of interfering with an individual's work performance or academic performance or creating an intimidating, hostile or offensive environment.

The College also prohibits this type of behavior when it is based on race, color, age, national origin and religion or on any other basis prohibited by law. Harassment on the basis of one's sexual orientation can also constitute discrimination on the basis of sex.

Sexual harassment can include verbal behavior such as unwanted comments, suggestions, jokes or pressure for sexual favors; nonverbal behavior such as suggestive looks or leering; and physical behavior such as pats. Some specific examples of behavior that are inappropriate include:

- Negative or offensive comments, jokes or suggestions about another employee's gender or sexuality, ethnicity or religion.
- Obscene or lewd sexual comments, jokes, suggestions or innuendoes.
- Slang names, or labels that others could find offensive.
- Talking about or calling attention to an employee's or student's body or sexual characteristics.

Definition of Discrimination

Discrimination is unequal or disparate treatment of groups or individuals, including their exclusion from any of the College's programs or activities, or any attempt to hinder access to the College's resources on the basis of race, religion, color, age, national origin, physical ability, sex or sexual orientation. It is important to recognize that not all conduct that might be offensive to an individual or a group necessarily constitutes discriminatory conduct. Whether a specific act constitutes discrimination must be determined on a case-by-case basis in light of all relevant circumstances.

Individuals Covered Under This Policy

This policy covers all staff members and faculty members as well as students. The College will not tolerate, condone or allow harassment, whether engaged in by fellow staff members, students, faculty members or non-employees who conduct business with the College.

Reporting a Complaint of Harassment or Discrimination

If College community members believe they are being harassed or discriminated against by staff members, students or faculty members or any other person in connection with a community member's obligations at the College, or if a community member is aware that another member

has been harassed or discriminated against, it is the community member's responsibility to take the following steps:

- Staff or faculty members should take action immediately by discussing their concerns with their supervisor, the Director of Human Resources or the Equal Opportunity Officer.
- Students should take action immediately by discussing their concerns with their dean or the Equal Opportunity Officer.

If community members are uncomfortable for any reason in discussing this issue with these individuals, community members may contact the President of the College, who will help community members to find appropriate College officials with whom to discuss their concern.

The College encourages prompt reporting of complaints so that a rapid response and appropriate action may be taken. No retaliation against employees or students who make a good-faith report of a violation of this policy will be tolerated.

Investigating the Complaint

The College will investigate promptly all complaints of violations of this policy. The investigation may include interviews with the parties who are directly involved and possibly with others. These interviews may be conducted by the Equal Opportunity Officer, deans, Staff Issues Liaison, Public Safety officers or others as the circumstances warrant. Each situation will be responded to promptly and handled as expeditiously and discreetly as possible.

Resolving the Complaint

If the College determines that this policy was violated, it will take corrective action as warranted by the circumstances. Resolution of complaints can include an apology, transfer, direction to stop the behavior, counseling or training, suspension without pay or termination of employment or in the case of students, temporary or permanent separation from the College.

If an investigation results in a finding that the complainant falsely accused another of harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, up to and including termination of employment or, in the case of students, up to and including permanent separation from the College.

Policy Concerning Sexual Relationships

Sexual relationships between a faculty member or a teaching assistant and a student in the Tri-College community are inappropriate. The College cannot enforce a prohibition against such relationships, but it does consider them to be unethical and unprofessional. When teachers abuse, or even appear to abuse, their authority, they violate their duty to their profession and to the College.

In order to discourage such relationships, in acting on complaints that come to the College's attention, it will be presumed that any complaint of sexual harassment by a student against a faculty member or teaching assistant is valid if sexual relations have occurred between them. This presumption is not irrebuttable, but will be difficult to overcome. In short, any faculty member or teaching assistant enters at his or her own peril into sexual relationships with a student.

FREEDOM OF SPEECH AND THE LIMITS OF DISSENT

Bryn Mawr College currently has in place various policies addressing issues related to freedom of speech and the expression of ideas. Chief among these are the policy on harassment (page 155) and the policy on solicitation on campus, available from the Public Affairs Office. The Honor Code (page 110) establishes procedures that can be used to address issues of free speech and dissent when they arise from interactions between undergraduate students. The College also has a statement governing the conduct of religious groups, advisers and representatives on campus, which can be found at the Office of Intercultural Affairs. The policy outlined here assumes the framework created by these other policies and procedures and addresses particularly the conduct of both curricular and extracurricular gatherings that feature speakers, films, performances, exhibits or any other forms of artistic expression, whether these gatherings are open or closed. For the purposes of this policy, the term "speakers" should be understood to mean performers, exhibitors, presenters of films and others involved in any form of artistic expression as well as those delivering, introducing or responding to speeches, talks or lectures.

As an educational institution Bryn Mawr is committed to the free expression of ideas. In practice, this commitment means that speakers who conduct themselves within the guidelines of the policies mentioned above are entitled to express their ideas without hindrance, no matter how unpopular or controversial their ideas might be. Students and other persons who choose to attend events on campus are entitled to hear and see speakers without interference or intimidation. Bryn Mawr's commitment to the free expression of ideas extends to the expression of dissenting ideas; the College recognizes that the free representation of dissenting points of view is necessary to the climate of open and vigorous debate essential to its educational mission. Those who wish to dissent from or protest the views of others are entitled to do so, within the limits set forth here, without interference or intimidation.

Essentially, while the College recognizes the rights of both speakers and dissenters to the civil expression of their ideas, it also recognizes that these rights cannot always be exercised at the same time and in the same space and therefore sets forth the guidelines below.

Finally, the College takes seriously its obligation to ensure the physical safety of its students, faculty, staff and invited guests. This policy is intended to reflect these three commitments and protect the rights and safety of speakers, dissenters and audiences alike.

Guidelines for the Conduct of Meetings

Before the event. It will not always be possible for the organizers or sponsors of events to recognize potential controversies. However, anticipating and planning for the possibility of dissent or protest is among the responsibilities of an organizer or sponsor of a campus event. Organizers or sponsors who fail to conscientiously assume this responsibility may be subject to administrative sanctions, including the loss of the privilege of organizing future events and liability for losses or damages.

When any member of the community expects that a scheduled event may give rise to protest, she or he should notify the Dean of the Undergraduate College or, in the case of events intended primarily for graduate students or events held at the Graduate School of Social Work and Social Research, the Dean of the Graduate School of Arts and Sciences or the Dean of the Graduate School of Social Work and Social Research. This notification would most likely come from a member of the sponsoring organization, from a person involved in planning to protest, or a staff member assisting in planning or organizing the event. This notification is requested so that the Dean can take responsibility for seeing that the rights of dissenters and speakers alike are respected and that appropriate safety and security measures are taken.

The Dean will determine whether the protection of free speech and safety for all involved requires any special measures. Should she determine that this is the case, she may consult with other College officials, including the other deans of the College and the director of Public Safety, Public Affairs or Conferences and Events, to decide what measures will be appropriate. Among the possible courses of action they may take are:

- Appointing a faculty or administrative moderator for the event who will be responsible for reminding participants of the guidelines contained in this policy, for making sure that the rights of all are respected during the event itself, and for directing response in case the guidelines are violated;
- Making sure that the event is scheduled for a physical space which will allow for freedom of movement and security measures adequate to the size and nature of the gathering;
- Arranging for special Public Safety measures, which may include but are not limited to making sure that officers are available during the event, requiring those attending the event to check their bags and outerwear before entering, restricting admission to the event to members of the College community, or establishing limits to the number of persons who may attend an event.

In cases where it might be appropriate, for example, if a highly controversial speaker were to speak in Goodhart and many members of the general public were expected, the Director of Public Safety may consult with the Lower Merion Police on appropriate traffic, crowd control and security measures.

During an event. If, during an event, the appointed moderator believes that the conduct of persons present poses a threat to the rights or safety of other members of the community or

of guests, she or he will ask such persons to cooperate in restoring order and remind them of their responsibilities under this policy. Should she or he be unable to restore order by so doing, she or he may

- Ask Public Safety to remove any persons who are posing a threat to the public order.
- Decide to move the event to another physical space.
- Decide to end the event and disperse the gathering.

In the event that protests disrupt an event at which there is no appointed moderator, any faculty member, administrator or Public Safety officer present may assume the role of moderator. If an event at which only students are present is disrupted, and the students feel that they need assistance to restore order, they should call on the Dean's Office or the Office of Public Safety for support.

Guidelines for Dissent and Protest

These guidelines are meant to suggest the principles governing appropriate dissent or protest and the limits protesters or dissenters are expected to respect.

1. Distributing literature in advance of or outside a meeting is acceptable and must not be hindered when those distributing the literature are members of the College community. Those distributing literature must not impede access to the meeting and must not harass people wishing to attend. Distributing literature inside a meeting before the meeting is called to order and after it is adjourned is also acceptable and must not be hindered. Persons who are not members of the community are allowed to distribute literature under the terms of the Policy for Visitors to Campus, available from the Public Affairs Office.

2. Silent protests such as the displaying of signs or symbols, the wearing of expressive clothing or insignia, standing, gesturing or otherwise protesting noiselessly is acceptable and will not be hindered unless the ability of others in the audience to see or hear is impeded. For this reason, such protests as the display of large signs or banners should be confined to the back of the meeting space. For safety reasons, signs and banners should not be affixed to sticks or other sharp or hard objects.

3. Noise that expresses spontaneous and temporary response to particular statements will be acceptable; for example, cheering or booing a particular remark, applauding or hissing, and so on. Sustained or repeated noises that substantially interfere with the audience's ability to hear the speaker will not be acceptable, whether the noises are produced inside or outside the meeting; examples of this would be chanting, sustained booing, foot-stamping, singing, and so on.

4. Force or the threat of force is never an acceptable form of protest. "Force" is meant to include assault on any individual, whether speaker, audience member, dissenter, or staff member; physical interference with the freedom of movement of another person; defacing of signs; tampering with audio-visual equipment; throwing objects; and other gestures that threaten physical harm to persons or property.

Sanctions

A variety of sanctions could follow from protests that violate these guidelines. At the time, such protesters can be expelled from a meeting or event, and if their protest involves illegal or violent activity, they may be subject to arrest.

After the event, individual undergraduate students who feel that the conduct of other undergraduates has been inconsistent with the values of the Honor Code may confront their fellow students and initiate proceedings under the Social Honor Code. Undergraduate students may also be subject to administrative sanctions imposed by a Dean's Panel; any student or member of the faculty or staff can consult the Dean of the Undergraduate College about the appropriateness of initiating this process. Haverford students will be subject to the same procedures and sanctions as Bryn Mawr students.

Cases involving members of the College community who are not undergraduate students will be referred to the appropriate faculty or staff committees or College officers. Disruptive persons who are not members of the Bryn Mawr community may be banned from future events or from the campus generally.