



Policy on Prohibited Discrimination, Harassment and Retaliation

Table of Contents

I.	KEYWORDS.....	1
II.	INTRODUCTION.....	4
III.	SCOPE OF POLICY.....	5
IV.	IMPLEMENTATION.....	5
	A. Responsible Presidential Staff Member.....	5
	B. Revisions to the Policy.....	6
V.	STATEMENT OF POLICY.....	6
	A. Summary of Policy.....	6
	B. Notice of Non-Discrimination & Harassment.....	6
	C. Statement Against Retaliation.....	7
	D. Statement of Privacy.....	7
	E. Education, Resources, and Support.....	8
	1. Supportive Measures.....	8
	F. Academic Freedom, Freedom of Expression and Formal Complaints.....	9
	1. Academic Freedom.....	9
	2. Freedom of Expression.....	9
	G. Definitions of Prohibited Conduct & Examples.....	9
	1. Protected Category.....	10
	2. Discrimination.....	10
	3. Harassment.....	10
	4. Retaliation.....	13
	H. Other Conduct of Concern.....	13
VI.	REPORTING, DISCRIMINATION, HARASSMENT and RETALIATION.....	14
	A. Who Can Report.....	14
	1. Designated Employee.....	14
	2. Anonymous Report.....	15
	B. Where to Report.....	15
	1. Report to the College.....	15
	2. For Emergencies.....	16
	C. Timeframe for Reporting a Complaint.....	16
	D. Prohibition Against False Accusations.....	16
VII.	CAMPUS RESOURCES AND SUPPORT.....	17
	A. Office of Diversity, Equity and Inclusion.....	17
	B. Confidential Student Resources.....	17
	C. Private (Non-Confidential) Student Resources.....	18
	D. Confidential Employee Resources.....	19
	E. Private (Non-Confidential) Employee Resources.....	20
VIII.	POLICY HISTORY.....	20
	A. Effective Date.....	20
	B. Revision Date(s).....	20

I. **KEYWORDS**

Advisor means a person chosen by a Party to accompany the Party to any meeting, interview, or hearing related to the investigative process. An Advisor may not speak on behalf of a Party or otherwise directly participate in the hearing or investigative meetings and must be a member of the Swarthmore College community as either professional or instructional staff.

Age means the number of years from the date of a person's birth. With respect to employment, individuals who are forty (40) years of age or older are protected from discrimination and harassment based on age. There is no age threshold for protection from discrimination for students or other participants in educational programs or activities.

College Community means Swarthmore College instructional staff, staff (including employees covered under Collective Bargaining Agreements), students, managers, officers, and other members of the College community. It also applies to applicants for admission or employment, visitors, and third Parties doing business or providing services on campus, including vendors, independent contractors, and consultants. When used in this Policy, "employee" generally refers to both staff and instructional staff members.

Color means an individual's skin tone, complexion or shade.

Complainant means an individual who is alleged to have been subjected to Discrimination, Harassment and/or Retaliation, as defined in this Policy, or the victim of Retaliation for engaging in a protected activity.

Day(s) means a business Day when the College is in normal operation. Although classes are not held, Fall, Spring and Summer break will typically be included as the College is in normal operation.

Disability means a physical or mental impairment that substantially limits one or more major life activities. Individuals are protected from discrimination if they have such an impairment; have a record of such impairment; or are regarded as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment or volunteer position or the academic, athletic or extra-curricular program, with or without reasonable accommodation.

Designated Employee means all deans, department heads, instructional staff, directors and supervisors, as well as any staff, student employees or volunteers who are responsible for student welfare. Designated employees must report immediately to the College's Equal Opportunity Officer any and all incidents they have reason to believe constitute discrimination and harassment under this Policy, regardless of whether or not the individual witnessed the incident themselves or learned of it through the Complainant or a Third Party.

Determination means a conclusion by the Preponderance of the Evidence as to whether there is sufficient information to conclude that the conduct occurred as alleged and, if so, whether such alleged conduct constitutes a violation of College Policy.

Ethnic or National Origin means an individual's actual or perceived country or ethnicity of origin.

Equal Opportunity Officer is an official designated by the College to ensure compliance with Title VI, Title VII, other civil rights and anti-discrimination laws, and this Policy. References to the Equal Opportunity Officer throughout this Policy may also include a designee for specific tasks.

Formal Complaint means a document signed by a Complainant or the Equal Opportunity Officer that includes a brief description of the allegations of discrimination, harassment and/or retaliation with date/location if known, identifying the Respondent and articulating the Complainant's intent to file a Formal Complaint and requesting a formal investigation. A Formal Complaint is required in order to begin participation in the Formal Resolution Process. However, under some circumstances, the Equal Opportunity Officer may pursue a Formal Resolution Process without a Formal Complaint.

Gender means a socially constructed set of expectations, roles, behaviors and activities a given society or culture considers appropriate for individuals generally based on an individual's sex assigned at birth.

Gender Expression means the external appearance of one's gender identity, usually expressed through behavior, clothing, haircut, or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender Identity means one's innermost concept of self as a man, woman, a blend of both or neither - how individuals perceive themselves and what they call themselves. One's gender identity may or may not be aligned with their sex assigned at birth.

Genetic Information means information about (i) an individual's genetic tests, (ii) the genetic tests of family members of such individuals, and (iii) the manifestation of a disease or disorder in family members of such individuals. Genetic Information includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual.

Hate Crime is defined in federal and state statutes as a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias

against the victim's identity or group affiliation. See PA Ethnic Intimidation Act (Act 154 of 1982, 18 Pa. C.S. §2710).

Initial Assessment means an immediate assessment conducted in every report of Discrimination, Harassment, Retaliation and/or Conduct of Concern to evaluate any risk of harm to individuals or to the campus community and what steps are necessary for the College to take to address those risks.

Investigator means the person(s) charged by the College with gathering facts about an alleged violation of this Policy, assessing relevance, synthesizing the evidence, and compiling this information into an Investigative Report.

Investigative Report means a written document prepared by the Investigator that fairly summarizes all relevant evidence collected and reviewed during the course of an Investigation.

Military/Veteran Status means the status of an individual with respect to being or having been a military service member. This includes disabled veterans, special disabled veterans, veterans of the Vietnam Era, and other protected veterans as defined by federal and state law.

Party means the Complainant or Respondent.

Parties include the Complainant(s) and Respondent(s), collectively.

Policy means Swarthmore College's Policy on Prohibited Discrimination, Harassment, and Retaliation.

Preponderance of the Evidence This is the standard for determining whether a violation of this Policy has occurred and means that more than 50% of the evidence supports the finding. The Preponderance of the Evidence is equivalent to "more likely than not."

Prohibited Conduct Conduct defined in [Section V.G.1-4](#) that violates this Policy.

Race means an individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person's race, such as a person's color, hair (including hair texture or hairstyle commonly associated with a particular race), facial features, height and weight.

Religion/Religious Expression means all aspects of religious observance and practice as well as belief.

Remedy(ies) are measures directed toward the Complainant and/or the College Community to address safety, prevent recurrence, and restore equal access to the College's programs and activities after a Respondent is found to have violated this Policy.

Respondent means an individual who has been alleged to have committed acts of Discrimination, Harassment and/or Retaliation.

Retaliation means any adverse action taken against a person or group for raising concerns of discrimination, harassment or retaliation, making a good faith report of Prohibited Conduct, or participating, or choosing not to participate, in any process or proceeding under this Policy.

Sanction(s) means a consequence imposed by the College on a Respondent who is found to have violated this Policy.

Sex (Assigned at Birth) means a designation at birth (male, female, and intersex) generally based on external appearance of sex organs. Sex also includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth. Conduct of a sexual nature is by definition based on Sex as a Protected Category.

Sexual Orientation means one's sexual, romantic, physical, and/or emotional attraction (or lack of attraction) to others.

Shared Ancestry means an individual's actual or perceived shared ancestry or ethnic characteristics.

Supportive Measures are non-disciplinary, non-punitive individualized services that may be provided to parties upon request to restore or preserve a party's access to the College's program or activity, when deemed by the Equal Opportunity Officer to be appropriate and reasonably available. These measures are put in place under the discretion of the Equal Opportunity Officer who may consult with relevant authorities including, but not limited to other College administrators and external entities. Supportive Measures can be provided or considered even if no Formal Complaint is filed with the College.

Third Party means any other participant in the process, including a witness to the misconduct or an individual who makes a Report on behalf of another.

II. INTRODUCTION

The Policy on Prohibited Discrimination, Harassment and Retaliation (hereinafter referred to as the **Policy**) will:

Swarthmore College Policy Prohibiting Discrimination, Harassment and Retaliation

- Define **Discrimination**, **Harassment** and **Retaliation** that violate our community standards;
- Define **Other Concerns** that may cause harm to the community, but may not rise to the level of a Policy violation;
- Identify campus and community resources and Supportive Measures, resources, and options available for all members of the Swarthmore community;
- Provide information about how to make a report to the College, to law enforcement, or to other entities external to the College;
- Outline College procedures for the review, investigation and resolution of complaints against Swarthmore students and employees; and
- Provide centralized evaluation and response to reports of Prohibited Discrimination, Harassment, and Retaliation.

III. SCOPE OF POLICY

This Policy applies to all Swarthmore College employees, students, board of managers, and other members of the College Community. This Policy also applies to visitors, volunteers, non-employee associates and third parties doing business or providing services on campus, including vendors, independent contractors, and consultants. When used in this Policy, “**Employee**” refers to all full-time, part-time, or voluntary employees and includes all tenured, tenure-track, and non-tenure track faculty (including part-time), exempt or non-exempt staff members and those covered under any collective bargaining agreements.

This policy applies to conduct occurring:

- on Swarthmore College property; or
- at College-sanctioned events; or
- programs that take place off-campus, including study abroad and internship programs; or
- off-campus conduct that is likely to have a substantial adverse effect on any member of this Swarthmore College Community or Swarthmore College, including, under some circumstances, conduct occurring online.

IV. IMPLEMENTATION

A. Responsible Presidential Staff Member

The Vice President for Diversity, Equity and Inclusion oversees this Policy. Implementation of this Policy is the responsibility of the Vice President for Diversity, Equity and Inclusion and the Director for Diversity & Equity/**Equal**

Opportunity Officer. For inquiries regarding this Policy, please contact them at ooo@swarthmore.edu or 610-957-6213.

B. Revisions to the Policy

The President or designee approves this Policy and any revisions. The Vice President for Diversity, Equity and Inclusion may recommend revisions to the Policy based on applicable bylaws and other policies, and local, state, and federal law. The Equal Opportunity Officer will ensure that the Policy is regularly reviewed and updated in a manner that is consistent with other College policies.

V. STATEMENT OF POLICY

A. Summary of Policy

This Policy provides a unified, College-wide, centralized approach to preventing and responding to Discrimination, Harassment, Retaliation, and related conduct. The College will respond promptly and equitably to all reports of Discrimination and Harassment based on a protected class or Retaliation based on an individual's participation in a protected activity. To further this effort, Swarthmore has adopted this Policy, to meet its legal and regulatory requirements pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), Title VI of the Civil Rights Act of 1964 ("Title VI"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and other relevant state and federal laws and local ordinances. The College is committed to maintaining fairness for all **Parties** and to balancing the needs and interests of the individuals involved with the safety and well-being of the community.

All key words are defined below in [Section I](#).

For emergencies, the College encourages all individuals to call 911 or the Swarthmore College Public Safety Department at (215) 895-2222.

B. Notice of Non-Discrimination & Harassment

The College expressly prohibits any form of discrimination and harassment on the basis of any College-recognized protected classification, including sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital status, medical condition, veteran status, or disability in any decision regarding admissions, employment, or involvement in a College program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, the Pennsylvania Human Relations Act, and the Borough of Swarthmore Ordinance on Non-Discrimination.

See the [Swarthmore College Title IX and College-Defined Sexual Misconduct Policy](#) for the College's Policy and procedures regarding reporting, review, investigation, and resolution of all sexual and gender-based discrimination or harassment concerns against students and employees.

C. Statement Against Retaliation

It is a violation of College Policy and law to retaliate against an individual or a group because the individual or group reported to the College an allegation or participated in an investigation or resolution of a complaint of Discrimination, Harassment and/or Retaliation. The College recognizes that Retaliation can take many forms, may be committed by an individual or a group against an individual or a group, and that a Respondent can also be the subject of Retaliation by the Complainant or a Third Party. The College will promptly respond to any report of Retaliation and may pursue disciplinary action as appropriate.

D. Statement of Privacy

The College is committed to protecting the privacy interests of all individuals involved in a report of Discrimination or Harassment. In any report, investigation, or resolution of an allegation made under this Policy, every effort will be made to protect the privacy interests of the individuals involved in a manner consistent with the need for a thorough review of the allegation and the protection of any individual or the broader campus community. Information related to a report under this Policy will be shared only with those College employees who “need to know” in order to assist in the investigation and/or resolution of the complaint. At all times, the privacy of the Parties will be respected and safeguarded. All College employees who are involved in the review, investigation or resolution of a report will only share information with others on a need-to-know basis.

The College expects all community members involved in any report, investigation, or resolution of an allegation made under this Policy to respect the privacy of all parties involved, including the Complainant, the Respondent, and all witnesses.

Students or employees wishing to obtain confidential assistance or access to campus resources without making a report to the College may do so by speaking with professionals who are obligated by law to maintain confidentiality. These professionals, who are identified in the Confidential Resources section of this Policy, include individuals in the Student Health and Wellness Center, Counseling and Psychological Services, spiritual advisors, and confidential resources available to regular College employees through the Employee Assistance Program.

If a Complainant requests that their name or other identifiable information remain confidential, the College will seek to respect the request of the Complainant, and

where it cannot do so, the College will communicate with the Complainant about the reasons why the request for confidentiality cannot be honored. In cases where confidentiality is requested, the College will balance this request with its obligation to provide a safe and non-discriminatory environment for all College Community members. Depending on the information provided, maintaining the confidentiality of a Complainant may limit the College's ability to take action in response to a report.

All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Titles VI and VII of the Civil Rights Act, and Title IX of the Education Amendments Act of 1972, College Policy, and all applicable federal, state and local laws. No information shall be released from such proceedings, or other aspects of addressing reports received under this Policy, except as required or permitted by law or College Policy.

E. Education, Resources, and Support

The College educates its community about Discrimination, Harassment and Other Conduct of Concern through various educational opportunities for instructional staff, staff and students. These include, but are not limited to, designated employee training, educational programs for senior administrators and first responders, first-year and transfer-student orientation programs each fall, and in-person programs for residential living and athletics organizations. Through tracking trends within areas of the College, the Equal Opportunity Officer is proactive about targeted training as needed. The Office of Diversity, Equity and Inclusion and other College partners offer Discrimination, Harassment and Other education and information programs to College students and employees upon request. Literature on inclusive culture, violence prevention, bystander prevention of incidents, risk reduction and College response is also available.

The College also provides support to those individuals who have been impacted by Discrimination, Harassment and/or Retaliation. A comprehensive list of on and off-campus resources (private and confidential) can be found in [Section VIII](#) of this Policy.

1. Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services that may be provided to parties upon request to restore or preserve a party's access to the College's program or activity, when deemed by the Equal Opportunity Officer to be appropriate and reasonably available. These measures are put in place under the discretion of the Equal Opportunity Officer who may consult with relevant authorities including, but not limited to other College administrators and

external entities. Supportive Measures can be provided or considered even if no Formal Complaint is filed with the College.

Supportive Measures may be designed to address individual safety and well-being and to promote fair access to adjudicatory and resolution processes. In determining appropriate Supportive Measures, the College is committed to maintaining fairness for all Parties and to balancing the needs and interests of the individuals involved with the safety of the community.

F. Academic Freedom, Freedom of Expression and Formal Complaints

1. Academic Freedom

Complaints against a faculty member that involve educational content or conduct in an instructional role may raise issues of academic freedom, which is addressed by the College's policy on [Academic Freedom and Responsibility](#), found in II-A.2 in the Handbook for Instructional Staff. In such cases, the Equal Opportunity Officer will confer with the Provost and Dean of Faculty (or designee) to determine how academic freedom should factor into a discrimination, harassment and/or retaliation assessment, an investigative report, case resolution, and/or a sanction.

2. Freedom of Expression

As an institution of learning, Swarthmore College recognizes the value of every member of our community to express their agreeing or dissenting opinions - even on the most sensitive and controversial issues - through participation in inquiry, discussion and debate. In addition, Swarthmore College is also committed to maintaining a safe, inclusive and respectful campus environment in which no community member is harassed, threatened or intimidated. To that end, we recognize that freedom of expression is not limitless and, while the College encourages robust debate and discussion, we simultaneously expect that such debate and discussion is lawful and follows all College policies. Adhering to this expectation allows the College not only to protect community members from physical injury, but also to protect campus facilities and spaces from damage, vandalism or activities that disrupt daily operations, create a prohibited hostile environment, or subject members of our community to unlawful discrimination, harassment, targeting or intimidation based on race, national origin or shared ancestry, sex, gender identity or expression, sexual orientation, disability, or other protected class.

G. Definitions of Prohibited Conduct & Examples

The College prohibits Discrimination and Harassment based on a protected category.

1. Protected Category

An identity protected by federal, state or local law, including the following: sex, race, color, ethnic or national origin (including shared ancestry and ethnic characteristics), sexual orientation, gender identity or expression, pregnancy or related conditions, marital status, medical condition, veteran status, or disability or any other characteristics prohibited by law (*i.e.* creed, marital status, citizenship status, etc.).

Alleged Discrimination and Harassment based on gender identity or expression, sex, pregnancy or related conditions, or sexual orientation fall within the purview of the [Title IX and College-defined Sexual Misconduct Policy](#).

For definitions of each these categories, see [Section I](#) of this Policy.

2. Discrimination

Discrimination is subjecting an individual or group to adverse action, including different treatment, on the basis of one or more actual or perceived Protected Categories.

An *adverse action* occurs when there is unequal or different treatment under College authority that denies, limits, or interferes with an individual's ability to participate in, or receive the benefits of, the College's programs, including its activities and employment.

Examples of Discrimination

This list of examples is intended to help the reader better understand the real-world implications of this Policy and is not meant to be exhaustive.

The following conduct may constitute Discrimination, depending on the specific facts and circumstances:

- Refusing to grant a student a letter of recommendation because the student wears a Star of David on a necklace or a kippah.
- Ridiculing a colleague or peer for using a mobility device.
- Not including or assigning a student in a lab group because they wear a hijab or keffiyeh.
- Being more critical of a student's work because they are Asian

3. Harassment

Harassment is unwelcome conduct such as, but not limited to, verbal, physical, written, audio or visual conduct, or conduct using technology/social media based on actual or perceived Protected Categories that, based on the totality of circumstances, is subjectively and objectively offensive and is severe, pervasive or persistent such that it limits or denies a person's ability to participate in or benefit from the education, employment, or other programs or activities of the College or has the purpose or effect of creating an academic or working environment that a reasonable person would consider to be intimidating, hostile, or offensive.

Harassing act(s) need not be targeted at the Complainant to create a hostile environment. The act(s) may be directed at anyone. Even a single or isolated incident can, in some situations, create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical.

The totality of the circumstances, which includes but is not limited to the following factors, is assessed in determining whether conduct creates a hostile environment:

- The context, nature, scope, frequency, duration, and location of the incident;
- The relationships of the persons involved;
- The effect of the conduct;
- Whether the conduct would be objectively viewed as intimidating by a reasonable person; and
- Whether the conduct may be protected by academic freedom or involve free expression interests. When the investigation implicates academic freedom, the Equal Opportunity Officer and/or their designee will consult with the Provost and Dean of Faculty or designee.

Harassment can take many forms:

- It can occur between equals (e.g., student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to staff, etc.) or between persons of differing power status (e.g., supervisor to subordinate, student to staff member, coach to student-athlete).

Swarthmore College Policy Prohibiting Discrimination, Harassment and Retaliation

- It can be committed by an individual or may be a result of the collective actions of an organization or group, such as a registered student organization.
- It can be committed against an individual, an organization or a group.

Examples of Harassment and/or Behaviors Contributing to a Hostile Environment

This list of examples is intended to help the reader better understand the real-world implications of this Policy and is not meant to be exhaustive.

The following conduct may constitute Harassment, depending on the specific facts and circumstances:

- Defacement of a person's property that is religious, cultural or ethnic in nature with hateful words or symbols on the basis of their religious, cultural or ethnic nature.
- "Jokes," innuendo or perpetuating negative stereotypes about a person on the basis of their Jewish ancestry.
- Verbal abuse or use of racist slurs or hostile behavior, which could include insulting, teasing, mocking, ridiculing, or degrading another person or group.
- Repeatedly referring to a Muslim student as a "terrorist," mocking the student's keffiyeh, and taunting the student as they walk through campus.
- Non-academic display, circulation or electronic transmission of images, memes or other materials that, when viewed from the standpoint of an objective person, are demeaning or hostile to one or more protected or perceived protected characteristics.
- Persistently requiring a Black individual to remark on the beliefs or actions of the entire Black community.
- Abusive, disruptive or harassing behavior (verbal or physical), which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on a Protected Category and/or in the context of a Hate Crime; and,
- Engaging in derogatory verbal and other behavior of a racial, cultural or religious nature in instructional settings.

4. Retaliation

Retaliation is defined as any adverse action taken against an individual based on (1) their report or other disclosure of alleged Discrimination and/or Harassment to any College employee and/or (2) their participation in or refusal to participate in, or assistance with, the investigative process, reporting, remedial, or corrective action/disciplinary process provided for in this Policy, unless otherwise compelled in this Policy.

Adverse action is defined as any conduct that would discourage a reasonable person from participating in a process provided for in this Policy.

Examples of Retaliation

This list of examples is intended to help the reader better understand the real-world implications of this Policy and is not meant to be exhaustive.

The following conduct may constitute Retaliation, depending on the specific facts and circumstances:

- A faculty member treats a colleague poorly because they participated as a witness against their fellow department-member who is being investigated for discriminatory behavior.
- A student who is part of a student group emails their entire group stating that another group member has submitted a Formal Complaint against them for harassment to try to get the group to ostracize the reporter.
- A staff member is told that the reason they will not be receiving high marks on their annual performance evaluation is because they made their colleagues uncomfortable and were insubordinate when the staff member raised concerns that a particular office policy is discriminatory. and made people uncomfortable by doing so.

H. Other Conduct of Concern

Some conduct may not rise to the level of prohibited Discrimination or Harassment but can nonetheless be disruptive to an individual's education or employment experience.

Other **Conduct of Concern** may be intentional or unintentional. Regardless of intention, expressions of this kind can have harmful impacts on individuals and the broader community. When this happens, the College seeks to offer support,

resources, and possible interventions. The purpose of reporting and recording such incidents is to bring the information forward for centralized analysis and evaluation. Other Conduct of Concern is often a one-time comment but is documented to provide the opportunity to analyze patterns and develop education for the community.

This conduct may include verbal or nonverbal conduct that communicates hostile, derogatory, or negative messages to target persons and is based on their actual or perceived membership in a category protected by this Policy but where the information does not support a formal resolution process under this Policy because it does not meet the elements of Prohibited Conduct. The Equal Opportunity Officer and/or their designee will evaluate the conduct to determine whether it is severe or pervasive, or otherwise meets the definition of Prohibited Conduct, in evaluating the appropriate response.

Examples of Conduct of Concern

This list of examples is intended to help the reader better understand the real-world implications of this Policy and is not meant to be exhaustive.

The following conduct may be Conduct of Concern, depending on the specific facts and circumstances:

- A faculty member specifically called on a student wearing a hijab asking about Ramadan observance.
- During lunch together, a staff member makes fun of their colleague's name and asks where they are really from.
- A Black student reports to their RA that one time a faculty member made a negative comment about the texture of their hair.
- A student who is watching a movie with a prominent Jewish actor says they really like the movie, but wishes the actor was "less vocal" about their religion.

VI. REPORTING DISCRIMINATION, HARASSMENT AND RETALIATION

A. Who Can Report

Any individual can report Prohibited Conduct.

1. Designated Employee

All employees, including students employed as Resident Assistants or Student Academic Mentors or volunteers who are responsible for student welfare, must report immediately to the Equal Opportunity Officer any and all incidents they have reason to believe constitute prohibited Discrimination, Harassment or Retaliation under this Policy, regardless of

whether or not the individual witnessed the incident themselves or learned of it through the Complainant or a Third Party. This reporting ensures that the College has a comprehensive process for centralized reporting, analysis, and appropriate response to Prohibited Discrimination, Harassment, and Retaliation. These individuals must make it clear to the Complainant that any allegation must be forwarded to the appropriate College officials and that no allegation can remain confidential once discussed with an employee of the College or volunteer who is responsible for student welfare.

Any individual required to make such a report *must* disclose all known, relevant information, including their own name and the names(s) of the person(s) who disclosed the information. This means that they are unable to keep information they have regarding the behavior confidential, even if asked by a party in the matter to do so.

2. Anonymous Report

Any individual (except Designated Employees and those with other legal reporting obligations - i.e., mandated reporters of child abuse) may make an anonymous report concerning an act of Discrimination, Harassment, and/or Retaliation. An individual may report the incident without disclosing their name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited. Mandatory/Designated Employees cannot satisfy their reporting obligation by making an anonymous report.

Anonymous reports may be made by telephone to the externally managed Ethico [Whistleblower Hotline](#): (866) 292-7713. This service allows the person making the report and College administrators to confer about additional details, while the reporting Party's identity remains unknown to those College administrators. More information from our hotline provider, Ethico, can be found on their [website](#). All reports will go to the Equal Opportunity Officer.

B. Where to Report

The College encourages individuals to report Discrimination, Harassment, or Retaliation to the Equal Opportunity Officer. However, the College also recognizes that an individual may choose to report such misconduct to *any* trusted employee of the College. For example, a student may choose to confide in a Resident Advisor, a faculty member, or a coach. Similarly, an employee may choose to confide in a supervisor. The individual or office that receives the report, if a Designated Employee, must forward it to the Equal Opportunity Officer. If the Equal Opportunity Officer is the Respondent, reports may be forwarded to the Vice President for Diversity, Equity and Inclusion.

1. Report to the College

To enable the College to respond to all reports in a prompt and equitable manner, any individual who wishes to report an incident of Discrimination, Harassment, or Retaliation is encouraged to make a direct report to:

Office of Diversity, Equity and Inclusion

Alison Berk, Equal Opportunity Officer

aberk1@swarthmore.edu or

eo@swarthmore.edu

(610) 957-6213

2. For Emergencies

If an individual is experiencing an emergency or is in fear for their health or safety, they should call Swarthmore College Public Safety or Swarthmore Borough Police Department for immediate assistance. They should then make a report to the College when safe to do so.

a) Swarthmore College Public Safety

Benjamin West House

Emergency phone number: x8333 or (610) 328-8333 from off-campus

General business number: x8281 or (610) 328-8281 from off-campus

b) Swarthmore Borough Police Department

121 Park Ave, Swarthmore, PA 19081

Emergency: 911

General business: (610) 543-0123

C. Timeframe for Reporting a Complaint

While there is no timeframe from reporting a complaint, community members are encouraged to report incidents as soon as possible.

Recognizing that the decision to report is individual, evidence, witness statements, and other investigatory information becomes more difficult to obtain the longer an incident goes unreported. The College's ability to respond and address the conduct may be affected by a delay in reporting.

D. Prohibition Against False Accusations

It is a violation of this Policy and other College policies to allege, report and/or pursue false or inaccurate reports of Discrimination, Harassment and/or Retaliation if the Complainant is aware, or should reasonably be aware, that the allegations are false or inaccurate.

An individual who makes a report that is later found to have been intentionally false may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation. This provision also does not apply to reports relayed by Designated Employees to the Equal Opportunity Officer. Similarly, a party or witness who is later proven to have intentionally given false information during the course of an investigation or resolution may be subject to disciplinary action. If the individual is a student, they may be referred to the Office of Student Conduct.

VII. CAMPUS RESOURCES AND SUPPORT

A. Office of Diversity Equity and Inclusion

The members of the Office of Diversity, Equity & Inclusion, led by the Vice President for Diversity, Equity and Inclusion, are knowledgeable and trained in the dynamics of Discrimination, and Harassment, including applicable local, state and federal laws, and in College policies and practices.

1. Equal Opportunity Officer

Oversees the College's centralized review, investigation and resolution processes for reports of Discrimination, Harassment, and/or Retaliation based upon a Protected Category. The Equal Opportunity Officer can be contacted by emailing ooo@swarthmore.edu

2. Title IX Coordinator

Coordinates the College's centralized review, investigation, and resolution of reports of sexual assault and harassment and gender-based inequity.

B. Confidential Student Resources

College employees who serve as confidential resources are prohibited by law and/or ethical guidelines from sharing information unless required to do so under very specific circumstances, such as when the safety of any person is at risk. Information shared with confidential resources when they are acting in the scope of their profession will not be disclosed to the Equal Opportunity Officer, the Title IX Coordinator or any other College official, without the express permission of the individual seeking services or as otherwise provided by law.

1. Counseling and Psychological Services (CAPS)

Worth Health Center

<https://www.swarthmore.edu/counseling-and-psychological-services>

(610) 328-8059

Students who have been subjected to Discrimination, Harassment and Retaliation and those who have been accused of Discrimination, Harassment and Retaliation may discuss their situations confidentially

with counselors at CAPS. An individual's conversations with College counselors will not be disclosed to anyone else in the College except in cases of a threat of imminent physical harm.

2. Interfaith Center Spiritual Advisors

Sproul Hall

(610) 328-8328

These individuals are religious counselors to provide spiritual guidance along with confidential support - when acting in their capacity as religious advisors - on a range of matters. In this policy, "spiritual advisor", synonymous with "religious counselor" and "pastoral counselor" as defined by the U.S. Department of Education, refers to a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. (See The Handbook for Campus Safety and Security Reporting, U.S. Department of Education, p.4-7, 2016.)

3. Student Health and Wellness

Worth Health Center

<https://www.swarthmore.edu/student-health-and-wellness>

(610) 328 - 8058

Swarthmore's Health and Wellness staff supports the needs of our diverse student body by providing individualized holistic care and campus-wide education. The nurse practitioner model offers acute and chronic health care services, as well as preventive health services with a focus on issues that impact college students. Students can also receive services in study abroad and travel immunization, allergy desensitization, reproductive health, vaccination, LGBTQ wellness, nutrition, alcohol and other drug counseling, violence prevention and healthy relationships counseling.

C. Private (Non-Confidential) Student Resources

1. Student Deans

Every Swarthmore student has an assigned [Student Dean](#), identified by name in the Degree Audit section of mySwarthmore. Student Deans are able to assist with finding balance between academics and other responsibilities, identifying mentors, navigating the Swarthmore community and other communities students may belong to, medical concerns, personal challenges, conduct concerns or other issues.

2. Intercultural Center

Hormel-Nguyen Intercultural Center, Sproul Hall

interculturalcenter@swarthmore.edu

(610) 328 - 7879

The Intercultural Center (IC) engages and empowers the community through advocacy, dialogue, and support networks to influence campus culture and promote inclusivity and identity consciousness.

3. Black Cultural Center

Robinson House

bcc@swarthmore.edu

(610) 690-5711

Swarthmore College's Black Cultural Center (BCC) strives to critically engage students whose educational, intellectual, and personal interests include issues of race, ethnicity and the varied social, cultural and political histories of Africans across the Diaspora.

4. Gender & Sexuality Center

GSC, Sharples Lane, behind the Faulkner Tennis Courts

pjennin1@swarthmore.edu

(610) 690-3710

The Gender and Sexuality Center (GSC) at Swarthmore College provides programs and services that support the personal and intellectual development of all students concerning issues of gender, gender identity, and sexual orientation, including LGBTQ+ (Lesbian, Gay, Bisexual, Transgender, Queer) students. Services offered are available to all interested students. In addition, it promotes systemic change toward a multicultural perspective across the institution, and fosters community-building and collaboration among diverse groups both within and outside of the college.

5. International Students Center

Hormel-Nguyen Intercultural Center

jgold12@swarthmore.edu

(610) 328-8361

The International Students Center provides comprehensive services and programs designed to support Swarthmore's international, undocumented, permanent resident, American living abroad and exchange student populations, including students from over 50 different countries. Services offered are available to all interested students.

D. Confidential Employee Resources

Confidential resources are prohibited by law and/or ethical responsibilities from sharing information unless required to do so under very specific circumstances, such as when a person's safety is at risk. Information shared with confidential resources when they are acting in the scope of their profession will not be

disclosed to the Equal Opportunity Officer, the Title IX Coordinator or any other College official, without the express permission of the individual seeking services or as otherwise provided by law.

1. Carebridge Employee Assistance Program

Employees may receive confidential counseling services through the Employee Assistance Program. The Employee Assistance Program is handled through Carebridge. They provide guidance and counseling for faculty and staff. For questions or assistance, call SupportLinc directly at 1-800-437-0911 or visit the College's [Employee Assistance Program web page](#). Access code: YXDEY

E. Private (Non-Confidential) Employee Resources

1. Office of Human Resources

101 South Chester Road
humanresources@swarthmore.edu
(610) 328-8397

2. Office of the Provost

Parrish Hall, East
(610) 328-8319

VIII. POLICY HISTORY

A. Effective Date:

B. Revision Date(s):