



**POLICY ON NONDISCRIMINATION, GRIEVANCE
PROCESS AND CIVIL RIGHTS INVESTIGATION PROTOCOL**

**Whittier College
March 2021**

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Sexual Misconduct Policy found at www.whittier.edu/policies/sexualmisconduct.

I. Statement of Nondiscrimination

Whittier College (the College) is a community of students, faculty, staff and administrators dedicated to teaching, learning, service and scholarship. The College encourages intellectual exploration in the context of a supportive and respectful community in which students, faculty, staff and administrators can pursue their education and work free from discrimination, harassment, coercion, intimidation and exploitation. To accomplish this goal, the College seeks to create and maintain an environment free of this conduct. As such, it prohibits discrimination and harassment on the basis of race, color, creed or religion, national/ethnic origin, marital, pregnancy or parenting status, age, sex, sexual orientation, gender identity/gender expression, military status, disability in the school environment, or on the basis of any other characteristic protected under local, state or federal law, including all academic, educational and extra-curricular activities and programs administered, operated or sponsored by, or related to the College.

II. Notice of Nondiscrimination Policy

A. Designated College Officers

All persons listed in this section may generally be referred to as Anti-Discrimination Compliance Coordinators or designated College Grievance Officers elsewhere in this Policy.

All complaints relating to Students:

Lafayette Baker, J.D., Associate Dean of Students, Title IX Coordinator, Director of Housing & Residential Life 13406 E. Philadelphia Street, Room 142, Campus Center, Whittier, CA 90608 lbaker@whittier.edu
562.907.5028

Complaints involving Staff:

Cynthia Joseph, J.D., *Vice President, Chief Administrative Officer*, Deputy Title IX Coordinator, 7214 Painter Ave. Street, Campus Center Upper Level, Whittier, CA 90608
cjoseph@whittier.edu 562.907.4830 and

Maritza Magallanes, Director of Human Resources
7214 Painter Ave. Street, Campus Center Upper Level, Whittier, CA
mmagallanes@whittier.edu 562.907.4583

Complaints involving Faculty:

Sal Johnston, Ph.D. Vice President & Dean of Faculty, Deputy Title IX Coordinator,
13406 E. Philadelphia Street, Mendenhall, First Floor, Whittier, CA 90608

sjohnston@whittier.edu

562.907.4204

B. Notice to Community

At the beginning of each academic year the applicable College Grievance Officers will notify students, faculty, staff, and administration how to access the College policy on nondiscrimination on the College website. This notification will include names of persons designated to respond to allegations of discrimination.

C. Notice to Applicants

The Associate Vice President, Human Resources and Organizational Development will provide all applicants for faculty, staff, and administrative positions with a copy of the Policy on Nondiscrimination and complaint procedures.

The Vice President for Enrollment Management will provide student applicants with a copy of the Policy on Nondiscrimination. For any applicant who asserts that he or she was denied admission based on discrimination, the Vice President will also notify applicants how to access the Civil Rights Investigation & Grievance Process.

III. Civil Rights Investigation and Grievance Process

Persons who have a good faith belief that they have been the victim of discrimination or harassment or those persons who have knowledge that discrimination or harassment prohibited under this Policy has occurred may file a grievance with the designated Grievance Officer. Complaints relating to discrimination or harassment based on sex, including all forms of Sexual Misconduct, will be investigated and adjudicated under the College's Sexual Misconduct policy, found at www.whittier.edu/policies/sexualmisconduct.

A. Definitions

1. Discrimination is any distinction, preference, advantage, benefit for or detriment to an individual compared to others that is based upon race, color, creed or religion, national/ethnic origin, marital, pregnancy or parenting status, age, sex, sexual orientation, gender identity/gender expression, military status, disability in the school environment, or on the basis of any other characteristic protected under local, state or federal law that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the College's educational program.

Some examples of discrimination are:

- Repeated comments to persons with disabilities such as “requiring the College to install so many handicap ramps increases tuition for all of us”
- Not being selected for a sport based on the person’s race, national origin, religion, etc.
- Denial of work study job based on the person’s race, national origin, religion, etc.
- Refusal to mentor a female math student because of a belief that females are not as good in math as males.

2. *Harassing Conduct* is based on an individual’s actual or perceived race, color, creed or religion, national/ethnic origin, marital, pregnancy or parenting status, age, sex, sexual orientation, gender identity/gender expression, military status, disability in the school environment, or on the basis of any other characteristic protected under local, state or federal law that is so severe, persistent or pervasive that it interferes with or limits a student’s ability to participate in or benefit from the College’s educational programs.

3. *Sexual Misconduct* - Sexual Misconduct as used in this Policy and the College’s Sexual Misconduct Policy is an umbrella term intended to include harmful behavior when done because of a person’s sex/gender or sexual/gender identity, and includes but is not limited to the prohibited conduct set forth in the Sexual Misconduct Policy. Acts of Sexual Misconduct may be committed by any person upon another person regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Sexual Misconduct includes *Sexual Harassment*. As applied to students, Sexual Harassment can be harassment by one student to another student, harassment by a faculty or staff member to a student, harassment by a third party to a student or harassment by a student to a faculty/staff member. Definitions and examples of College’s discrimination and harassment based on sex can be found in the attached Sexual Misconduct Policy.

B. Reporting Complaints Concerning Discrimination and/or Discriminatory Harassment

Students (or applicants alleging discrimination) who believe they have been subjected to discrimination or harassment in violation of this Policy (except for acts covered by the Sexual Misconduct Policy) should follow the procedure outlined in this Policy, and are encouraged to immediately report these concerns. Students who believe they have been the victim of, or know of someone who has been the victim of Sexual Misconduct shall follow the procedures set forth in the Sexual Misconduct Policy found at www.whittier.edu/policies/sexualmisconduct. Staff must promptly report to the designated Grievance Officer all incidents of discrimination or harassment of which they become aware by whatever means they become aware. The College will investigate formal

and informal complaints of discrimination or harassment. The College will initiate an adequate, reliable and impartial investigation designed to provide a fair and prompt, and determination about whether the College's Nondiscrimination Policy has been violated. If a determination is made that the Policy has been violated, the College will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

Students or applicants to the College who wish to formally or informally report a concern or complaint relating to discrimination or harassment may do so by reporting the concern to the Grievance Coordinator for students: Lafayette Baker, Campus Center, room 142, 562-907-5028, lbaker@whittier.edu.

Individuals with complaints of this nature also always have the legal right to file a formal complaint with the United States Department Education:

Office for Civil Rights (OCR)
50 United Nations Plaza
Mail Box 1200, Room 1545
San Francisco, CA 94102
Customer Service Hotline #: (415) 486-5555
Facsimile: (415) 486-5570
TDD#: (877) 521-2172
Email: OCR.SanFrancisco@ed.gov
Web: <http://www.ed.gov/ocr>

C. Grievance Procedure for Student Complaints

This Policy is intended to apply to civil rights student grievances against employees, employee civil rights grievances against students, student-against-student and student-against-third party civil rights grievances, and applicants for admission alleging discrimination prohibited by this Policy. To the extent that a grievance is alleged by a student against a staff or faculty member, policies and procedures set forth in the Employee Handbook or Faculty Handbook shall take precedence over this Policy.

Attempting to resolve a complaint informally is not required but is encouraged. A student can file a formal complaint at any time. Before pursuing the formal complaint process, and whenever possible and safe, the student is encouraged to first discuss the issue with the individual involved in the complaint. If satisfactory resolution is not reached after discussion with the individual, and that individual is a member of the faculty, staff, or administration, the student is encouraged to contact the individual's direct supervisor to attempt to resolve the complaint. The College does not require a student to work out an issue directly with the person involved or that person's supervisor; the student may always file a formal complaint.

If informal attempts to resolve a complaint are not successful or if a student wishes to immediately file a formal grievance, the student should consult the Procedures contained at pages 15 through 21 of the Sexual Misconduct Policy found at www.whittier.edu/policies/sexualmisconduct as the same procedures applicable to Sexual Misconduct complaints shall apply to complaints of other types of unlawful discrimination as described in this Policy.

The College will not tolerate intentional false reporting of incidents. It is a violation of College policy to make a false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

IV. Miscellaneous Provisions

A. Retaliation

It is a violation of this Policy for any member of the College community to retaliate against any person who has reported alleged discrimination or harassment or sought advice through the process described in this Policy of the Sexual Misconduct Policy. It is also in violation to retaliate against anyone who has participated in any related proceedings. This applies to all complainants, respondents, and witnesses.

B. Counseling and Academic Support Services

The College will offer academic support and counseling services to any person found to have been subjected to discrimination or harassment, and where appropriate, to the person who committed the discrimination or harassment. The Support Resources/Student Support Person Program described at pages 11-14 of the Sexual Misconduct Policy should be consulted in the event these services are desired.

C. Resolution/Corrective Measures/Sanctions

In addition to those sanctions/consequences set forth in the Sexual Misconduct Policy, possible resolution for a complainant may include one or more of the following at the College's sole discretion:

- Removing the responsible person from the environment with the assurances that the person found responsible will not be in a position to retaliate, judge the complainant's performance, or influence the judging of the complainant's performance;
- In cases where the complainant is a student and the respondent is a faculty member, moving the complainant to a new class or having the complainant's course work evaluated by another professor in the same department;
- In cases where both complainant and person responsible are students, moving the responsible student to a different residence hall, class section or

work environment, or suspension of the responsible student until the complainant has left the College;

- Providing an escort to ensure that the complainant can move safely between classes and activities;
- Counseling services;
- Modifications to academic requirements and providing academic support services, such as tutoring;
- Arranging for the complainant to retake a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record;
- Ensuring that complainants and their families know how to report any subsequent problems;
- Conducting follow up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems;
- Remedies for the broader campus community such as counseling and training.

The College reserves the right to impose ANY level of sanction for violation of this Policy ranging from a reprimand or warning, up to and including suspension or expulsion/termination and withholding of diploma. These sanctions may also include but are not limited to: Counseling services when appropriate; Performance of community service; Completion of an educational program; Probation; No contact order; and Residence Hall relocation or suspension.

In cases involving Student organizations as a Respondent, de-activation, de-recognition, and loss of privileges for a period of time are some examples of the discipline that may be imposed.

D. Confidentiality

The College recognizes the sensitive nature of discrimination and harassment complaints, both for the complainant and the respondent. Both parties are entitled to as private a resolution of informal and formal complaints as can be afforded. The College expects all members of the College community to respect the right of the parties and the private nature of these issues.

Any person named in the Policy, whether by name or name of position, with an official role, or as participants in the processes established by this Policy, shall not disclose any information relating to any complaint of discrimination or harassment to anyone who does not have a legitimate need to know in order to implement this Policy. Designated Grievance Officers, who receive informal and formal complaints, should, at the initiation of each stage, discuss with the complainant and respondent the extent to which their discussions may be kept confidential under this Policy.

While efforts will be made to communicate information about alleged discrimination and harassment only to those who have a legitimate need to know, there may be situations where the designated Grievance Officer or other College officer will be required to make appropriate disclosures in order to eliminate a threat of imminent harm to a complainant or other members of the College community. If a complainant requests confidentiality, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request. If a student requests that her or his name not be disclosed to the respondent or that the College not investigate or seek action against the respondent, the College will inform the student that it may not be able to honor that request as it must balance the concerns of the reporting student with the College's interest in providing a safe and nondiscriminatory environment for all students.

E. Training, Education, and Prevention

The College administers a program to promote an environment on campus in which all members of the College community can function free of discrimination and harassment. Educational activities will be conducted regularly for all members of the College community, including College officers, department chairpersons, supervisors, faculty members, staff members and students. The Title IX Coordinator, with the cooperation of the Human Resources Associate Vice President, shall be in charge of coordinating the training of designated College employees and faculty.

All College officers, department chairpersons, and supervisors share the responsibility to take educational and preventive steps in their areas. Examples of these steps include:

- Distributing educational materials on the College Policy;
- Periodically raising the subject of discrimination and harassment at faculty meetings, staff meetings, orientation sessions, society and club meetings, residence hall meetings, and at other appropriate occasions;
- Expressing strong disapproval of discrimination and harassment at such meetings and when incidents of discrimination or sexual harassment occur;
- Incorporate education on discrimination and harassment policies and procedures into new student orientation;
- Informing members of the College community of their right to raise the issue and how to raise the issue;
- Developing methods to sensitize members of the College community;
- Urging caution with respect to consensual sexual relationships in circumstances where there is an imbalance of power (formal or informal), particularly when one of the parties has academic or supervisory authority over the other; and
- Enforcing appropriate sanctions set out in this Policy.

F. Revisions

This Policy will be reviewed on an annual basis and updated or modified as needed. The provisions of this Policy pertaining to what constitutes discrimination or harassment in effect at the time of any alleged misconduct shall apply. The investigation and adjudication of any complaint of under this Policy shall be handled in accordance with those procedures in effect at the time a person is notified of his or her alleged misconduct. All updates or edits to this Policy shall be published on the College's website with a date of the last revision.

This document was edited on March 10, 2021.