



## Olin College of Engineering

### **Olin College Nondiscrimination Policy and Procedures**

Olin College is committed to sustaining a welcoming environment for all. Discrimination on the basis of race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation, gender identity, and/or any other characteristic protected by law is prohibited. It is the policy of Olin College to adhere to all applicable state and federal laws prohibiting discrimination, harassment, and retaliation. Olin College is committed to providing an environment of well-being, learning, and accountability for its members by preventing the occurrence of harassment, discrimination, and retaliation and addressing its effects.

#### **Policy**

##### Scope

This Policy applies to current students, faculty, and staff and, where appropriate, prospective students and visitors. Prohibited conduct may occur on campus, in a program or activity of Olin College, or outside a program or activity of Olin College, if it affects the on-campus educational, shared living, or work environment.

The *Sexual and Interpersonal Misconduct and Title IX Policy* addresses conduct that falls within the scope of prohibited conduct as defined in that policy and the *Disability Accommodations Grievance Procedure* addresses allegations regarding failure to accommodate and/or disagreement with a determination of a disability accommodation or accessibility barriers. This Policy is designed to address discrimination, harassment, and retaliation that falls outside the jurisdiction of the *Sexual and Interpersonal Misconduct and Title IX Policy* and the *Disability Accommodations Grievance Procedure*.

This Policy, the *Sexual and Interpersonal Misconduct and Title IX Policy*, and the *Disability Accommodations Grievance Procedure* exclusively govern Olin College's formal response to reports of discrimination. When conduct may involve more than one policy, Olin College will determine which policy or policies shall govern the handling of a potential violation, based on the circumstances of the allegation and the terms of any other policy.

### Coordinator

The Director of Nondiscrimination Initiatives serves as Olin College's Title IX Coordinator and Section 504 Coordinator and is responsible for coordinating compliance with nondiscrimination laws and overseeing this Policy.

### Prohibited Conduct

Olin College prohibits discrimination on the basis of protected class identity. This includes discrimination on the basis of the following protected classes:

- Race
- Religion
- Color
- National origin
- Age
- Marital or parental status
- Veteran status
- Sex
- Disability
- Genetic information
- Sexual orientation
- Gender identity

Discrimination is also prohibited against individuals who associate with members of a protected class and thereby experience discriminatory treatment based on that association, even if they are not members of a protected class themselves.

### *Discriminatory Disparate Treatment*

Discriminatory disparate treatment is singling out or targeting an individual for less favorable treatment because of their protected characteristic. In the employment context, the less favorable treatment must negatively affect the terms and conditions of employment. In the education context, to rise to the level of discrimination, the treatment must unreasonably interfere with or limit the individual's ability to participate in or benefit from the institution's programs and activities.

Examples include but are not limited to:

- Failing or refusing to hire or admit an individual because of their protected characteristic;
- Imposing more severe discipline on a student or employee because of their protected characteristic;

- Giving a negative performance evaluation or grade/academic assessment because of an individual's protected characteristic;
- Terminating, suspending, dismissing, or expelling an individual based on their protected characteristic.

### *Discriminatory Harassment*

Discriminatory harassment is a form of discrimination that includes unwelcome verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working, shared living, or educational environment, on the basis of that protected class status. Olin College will determine whether conduct falls within this definition by using both an objective standard (would a reasonable person experience the conduct as intimidating, hostile or offensive) and a subjective standard (did the person perceive the conduct as intimidating, hostile or offensive).

Discriminatory harassment based on sex is addressed by the *Sexual and Interpersonal Misconduct and Title IX Policy*.

### *Retaliation*

Retaliation is an intentional adverse action taken against another person for submitting a report of discrimination or participating in the investigation of a report of discrimination. Adverse actions can include intentional action taken by a party or allied third party and may take the form of words or actions that constitute intimidation, threats, or coercion. To constitute retaliation, the words or actions must be sufficiently adverse to deter a reasonable person from submitting a report of discrimination or participating in the investigation of a report of discrimination.

## **Procedures**

### Submitting a Report

Reports of discrimination should be directed to the Director of Nondiscrimination Initiatives. All community members are encouraged to report discrimination they have witnessed or experienced. Reports may be submitted through Ethics Point's online reporting system (including anonymously), in writing, or verbally.

If an individual wishes to allege that the Director of Nondiscrimination Initiatives has engaged in prohibited conduct, the report may instead be submitted to the Deputy Title IX Coordinator or designee, who may then assume the responsibilities under this Policy in place of the Director of Nondiscrimination Initiatives.

### Response to a Report

Upon receipt of a report of discrimination, the Director of Nondiscrimination Initiatives or designee will reach out to the reporter and/or the impacted party, if known, to provide information about resources and options, including supportive measures and this Policy. If no impacted party is identified, the Director of Nondiscrimination Initiatives or designee may conduct informal fact finding to identify the impacted party and/or determine community impact.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to either party before or after submission of a report of discrimination, regardless of whether an investigation is conducted. Such measures are designed to restore or preserve equal access to Olin College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Olin College's educational environment, or deter discrimination. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

### Optional Informal Resolution

Where appropriate, Olin College may facilitate informal resolution in response to a report of discrimination. Informal resolution is a voluntary process where parties may reach a mutually agreed-upon resolution in writing, facilitated by the Director of Nondiscrimination Initiatives or designee.

If an investigation of a report is ongoing, the investigation may pause while the parties consider informal resolution, and the investigation will resume if informal resolution efforts are unsuccessful. A party may withdraw from the informal resolution process, or the Director of Nondiscrimination Initiatives may determine that informal resolution is no longer appropriate, at any time before the parties agree to an informal resolution in writing.

A report of discrimination will be deemed resolved when the parties expressly agree in writing to an informal resolution that is acceptable to them, and which is deemed acceptable and approved by the Director of Nondiscrimination Initiatives in consultation with other appropriate Olin College administrators.

### Initiating an Investigation

An impacted party who believes they have experienced discrimination under this Policy may request that an investigation be conducted into the report of discrimination. This request should

be made in writing to the Director of Nondiscrimination Initiatives and should include the names of those involved, if known, and the specifics of the prohibited conduct alleged.

Upon receipt of such request, the Director of Nondiscrimination Initiatives will assess whether the alleged prohibited conduct falls within the scope of this Policy. To make this determination the Director of Nondiscrimination Initiatives or designee may conduct informal fact finding, including conversations with involved parties or witnesses and review of relevant documents.

The Director of Nondiscrimination Initiatives will dismiss a request for investigation if it is determined that the prohibited conduct, as alleged and informed by any informal fact finding, would not violate the Policy. If a request for investigation is dismissed, the requesting party will be notified in writing.

The Director of Nondiscrimination Initiatives may separately determine that an investigation into a report of discrimination is appropriate, even if an investigation is not requested or preferred by an impacted party. In determining whether to initiate an investigation in such circumstances, the Director of Nondiscrimination Initiatives will weigh several factors, including but not limited to the interests of the impacted party, the alleged impact of the conduct on the Olin College community, the safety of individuals and the community, the availability of information, whether there is indication of a pattern or practice of such prohibited conduct, and the severity of the allegations.

### Investigation

If an investigation is initiated under the Policy, the parties will receive written notice of the allegations, a copy of this Policy, and identification of the impartial investigator.

The impartial investigator—the Director of Nondiscrimination Initiatives or designee—will gather and review relevant information, including statements from the parties and witnesses and relevant documents, as reasonable and appropriate. This information will be compiled in a case file. The investigator will provide each party with the opportunity to review the case file prior to conclusion of the investigation. The parties will have ten business days to provide any written response to the case file.

The investigator will review the case file and any written responses submitted by the parties and prepare an investigation report. The investigation report will include a summary of the relevant information, findings on whether the Policy was violated based on the preponderance of the evidence, and the rationale for the decision. Any sanction(s), remedies, or corrective measures may be determined in consultation with the appropriate representatives of the College.

An investigation may be dismissed under specific circumstances, including: the inability to identify the respondent, the respondent is no longer participating in an Olin College program or

activity or is no longer enrolled or employed at Olin College, or a withdrawal of the request to investigate by the impacted party. If such dismissal occurs, the parties will be notified in writing.

The Director of Nondiscrimination Initiatives or designee may impose reasonable timeframes to enable the timely completion of the process. The Director of Nondiscrimination Initiatives or designee may extend timeframes in the interest of the integrity and completeness of the process, to accommodate witness availability, or for other legitimate reasons, including the complexity of the investigation and the severity or extent of the alleged conduct. Timeframes apply to all parties equally.

### Appeal Rights

Upon receipt of the investigation report, the parties may appeal on the following grounds:

1. Procedural error by the investigator that materially prejudiced the party requesting review and/or affected the outcome of the case;
2. Previously unavailable and/or newly discovered material or relevant evidence that could have significantly impacted or affected the outcome of the case that was not known to the party requesting review and not available to the investigator;
3. The Director of Nondiscrimination Initiatives and/or investigator had a conflict of interest or bias that affected the outcome; and/or
4. The sanction is disproportionate to the findings.

Failure to submit a written appeal within three (3) business days forfeits the right to appeal under the Policy, regardless of the outcome of the other party's appeal (if submitted). If either party submits an appeal, the Director of Nondiscrimination Initiatives or designee will notify the other party that an appeal has been filed and the grounds of the appeal. The non-appealing party may submit a written response within five (5) business days after notice of an appeal.

The appeals officer, who may be the Director of Nondiscrimination Initiatives or designee but will not be the investigator, will provide a written decision on the appeal. Appeals are decided based on the objective evaluation of the record of the original investigation and any relevant evidence submitted by the parties with the appeal(s).

The appeals officer may:

1. Deny the appeal and affirm all or part of the findings or the determination of sanction; or
2. Refer the matter back to the investigator for further consideration, with specific instruction.

The decision of the appeals officer will be in writing, describing the result of the appeal and the rationale for the result, and is final.

## Sanctions and Remedies

If there is a finding that the Policy was violated, Olin College will implement appropriate remedies designed to restore access, address the effects of the conduct, and prevent recurrence. If applicable, any remedies or corrective measures will be implemented at the time the appeals window closes, if none is submitted, or when the appeal decision is issued.

*Employees:* Sanctions imposed with respect to respondents who are employees may include, but are not limited to, one or more of the following: dismissal from employment, non-renewal of an employment contract, suspension, probation, reprimand, warning, issuance of a no-contact order, training and/or counseling.

*Students:* Sanctions may include, but are not limited to, one or more of the following: expulsion, suspension, probation, reprimand, warning, restitution, education/counseling, issuance of a no contact order, restriction from extracurricular programs or activities, loss of leadership opportunity or positions in activities, housing restriction/relocation, and/or loss or restriction from Olin College employment.

In determining an appropriate sanction, Olin College may take into account the nature and circumstances of the prohibited conduct, the impact of the prohibited conduct on the impacted party and/or the Olin College community, the disciplinary history of the respondent, and any other mitigating or aggravating circumstances.

The Director of Nondiscrimination Initiatives may also identify additional remedies to address the effects of the conduct on the impacted party.

## Advisor

Each party may have a single advisor of their choice to guide and accompany them throughout the reporting process, investigation, and appeal processes. The advisor may be a friend, mentor, family member, advocate, confidential resource provider, attorney or any other supporter a party chooses to advise them.

During the investigation, advisors may not communicate on behalf of the party that they represent. However, the advisor may ask to suspend any meeting or interview briefly to provide private consultation related to the investigation proceeding in progress. An advisor is subject to the same confidentiality expectations applicable to the parties. Accommodations, including the scheduling of interviews, generally will not be made for any advisor if they unduly delay the process. Without prior approval of the Director of Nondiscrimination Initiatives, as determined in their sole discretion, the advisor is not permitted to attend a meeting or proceeding without the party. Olin College reserves the right to take appropriate action regarding any advisor who

disrupts the process or does not abide by the restrictions on their participation as determined in the sole discretion of the Director of Nondiscrimination Initiatives.

### Privacy

All activities under these procedures will be conducted with regard for the legitimate privacy and reputational interests of all parties involved. During the process of an optional informal resolution or investigation, all parties, including witnesses, will be notified of the expectation that they keep information about the case – including any documents that they may receive or review – confidential. They will also be notified that sharing such information might compromise the investigation or may be construed as retaliatory. Medical and counseling records are privileged and confidential documents that parties will not be required to disclose. The parties remain free to share their own experiences, other than information that they have learned solely through the procedures and processes under this Policy. To avoid the possibility of compromising the investigation, it is generally advisable to limit the number of people in whom the parties confide.

### Academic Freedom

Olin College recognizes that the protection of free and open speech and the open exchange of ideas is important to any academic community. This recognition is therefore an important element in the objective “reasonable person” standard used in judging whether discrimination has occurred. This Policy is meant neither to proscribe nor to inhibit discussion, in or out of the classroom, of complex, controversial or sensitive matters, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. Olin College also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry and learning. Such abuse is unacceptable. If someone believes that another’s speech or writing is offensive, wrong or hurtful, they are encouraged to express that judgment in the exercise of their own free speech or to seek redress under this Policy or other Olin College policies as appropriate. This Policy is designed to be consistent with academic freedom and Olin College’s recognition of the importance of free and open speech and open exchange of ideas within its academic community.