Colby College Harassment and Sexual Harassment Policy and Complaint Procedures

Updated December 8, 2015

The right of free speech and the open exchange of ideas and views are essential, especially in a learning environment, and Colby College upholds these freedoms vigorously. The College is committed to assuring dignity for all and desires to be welcoming to every member of the campus community. In furtherance of that aim, Colby has developed this policy, which prohibits harassment. Harassment directed against some categories of individuals expressly protected by the Maine Civil Rights Act and the Maine Human Rights Act, including sexual harassment, may also qualify as unlawful discrimination.

**Harassment**

Harassment is defined as unwelcome hostile or intimidating remarks, spoken or written (including, for example, e-mail, text messages, postings on electronic message boards, voicemail messages), or physical gestures directed at a specific person based on that person’s race, color, sex, sexual orientation, gender identity, pregnancy, religion, age, ancestry or national origin, disability, military status, or genetic information.

Because harassment results in loss of self-esteem for the victim and in the deterioration of the quality of the classroom, campus life, athletic, social, or workplace environment, the College prohibits harassment, including sexual harassment. Harassment by any student or by any employee of the College will not be tolerated. It also is a violation of this policy for any person accused of harassment to retaliate against any person who reports an incident of harassment. Students and employees should feel free to report such incidents without fear of reprisal.

**Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature. It can include sexual advances, requests for sexual favors, sexual violence, and other verbal or physical conduct of a sexual nature when this conduct is unwelcome. When sexual harassment is sufficiently severe or pervasive that it denies, limits, or adversely affects a student’s ability to participate in or benefit from the Colby educational experience, a student’s employment at Colby, or the employment of faculty or staff, then the sexual harassment creates a hostile environment. A single instance of sexual harassment can constitute a hostile environment. The College will investigate incidents of sexual harassment promptly and will take corrective action to prevent its recurrence and correct its discriminatory effects.

**Harassment in the Classroom**

Colby believes that academic freedom is the cornerstone of a college education, and faculty members have wide latitude to conduct classroom sessions in creative and intellectually stimulating ways. A true and valued learning experience may cause discomfort, as students are challenged and exposed to new and perhaps disquieting ways of thinking or living. Nonetheless, students have the right to participate in the classroom without being subjected to harassment in violation of this policy. It is incumbent on faculty members to balance the demand of rigorous and thought-provoking teaching with the expectation that students will not be personally harassed or singled out in the learning process on the basis of group membership. Instructors
have the special responsibility to explain to their students, when necessary, the educational purpose of any classroom technique or practice.

**Procedures for Harassment Complaints Against a Student**

Harassment by a student of another student, a faculty member, a staff member, or a third party (in circumstances directly affecting the College community) is a violation of Colby’s Code of Student Conduct. A report of harassment by a student should be made to the Office of the Dean of Students. In accordance with Title IX, instances of sexual harassment should be reported to Associate Dean of Students Tashia Bradley (207-859-4250/4256; tbradley@colby.edu; Eustis Suite 203C (no appt. necessary)) or Director of Equal Employment Opportunity Cora Clukey (207-859-5511; cclukey@colby.edu; Roberts 122). Dr. Bradley and Ms. Clukey serve as Colby’s Title IX Coordinators. The Student Disciplinary Procedures set forth in the Colby Student Handbook will apply to the report. The Student Handbook can be found online on the Dean of Students webpage http://www.colby.edu/administration_cs/student-affairs/deanofstudents. Possible sanctions for a student found responsible for harassment include, but are not limited to, disciplinary probation, community service, suspension, or expulsion. In addition, the Office of the Dean of Students will consider, and if appropriate impose, interim measures to protect a student who claims he or she has been a victim of harassment, including sexual harassment.

**Procedures of Harassment Complaints Against a Faculty or Staff Member**

A complaint of harassment against a member of the faculty or staff by a student, faculty member, staff member, or third party (in circumstances directly related to the faculty or staff member’s position within the College) should be made to the College’s Director of Equal Employment Opportunity, Cora Clukey (ext. 5511; cclukey@colby.edu). The Director of Equal Employment Opportunity will investigate the complaint promptly, either directly or through a designee. The investigator will issue a report of the investigation. If the investigator concludes that harassment has occurred, he or she will include in the report the remedial action to be taken, including sanctions against the accused faculty or staff member where appropriate. Except in cases involving sanctions of suspension or dismissal of the accused faculty or staff member, the decision of the investigator is final.

For complaints against a faculty member, if the remedial action includes a sanction of suspension or dismissal of the accused faculty member, the faculty member has the right to a hearing before a Faculty Hearing Committee under Section XII of the Faculty Personnel Procedures set forth in the Faculty Handbook.

For complaints against a staff member, if the remedial action includes a suspension or dismissal of the accused staff member, the staff member has the right to appeal the decision to the Staff Appeals Board. The appeal will proceed as provided in the Staff Handbook.

Members of the Colby community are encouraged to use the complaint procedures outlined above. Complaints may also be filed with the Maine Human Rights Commission (207) 624-6290, State House Station, Augusta, ME 04333.