

Policy on Discriminatory Acts

Introduction

Ursinus College is committed to the continuous development of an environment in which all members of its community are valued as individuals, and are respected, affirmed, welcome, and safe as they pursue their lives on this campus. As one component in the development of an equitable and safe campus climate, this policy aims to clarify and expand procedure in the event of discriminatory acts, including hate crimes. It aims to simplify procedures for those submitting reports of discriminatory acts and to ensure respondent responsibility for such acts; in addition, it aspires toward an initial step in healing the community in the aftermath of such acts. The goal of this policy is to contribute to the formation of a diverse, inclusive, and just community that respects the humanity of all its members and puts them in the position to excel at Ursinus and throughout their lives.

Ursinus recognizes that excellent educational experiences include and must allow for divergent viewpoints and perspectives, some of which may challenge individual beliefs, values, or cultural norms. As a campus community, we value and protect academic freedom and the free and open exchange of ideas. This policy is not intended to undermine or weaken these precepts. Rather, it emphasizes that all members of the College community are responsible for maintaining an environment in which people are free to learn and work without fear of discrimination or harassment. As an institution of higher learning, Ursinus aspires to create a safe environment – one in which all members can live, work, and study together. Through providing clear procedures responding to behaviors that harm marginalized members of our community, we aim to take one small, incremental step in improving our environment. These ideals are aspirational, and we have not always succeeded in the past at achieving them. However, they are not beyond our grasp.

This Policy sets forth the way the College will respond to reports of discriminatory acts, including hate crimes. The College will not only seek to hold responsible those who have perpetrated such acts but also endeavor to repair the deleterious impacts of such acts on our community and prevent them from recurring. Discriminatory acts, be they discriminatory harassment or hate crimes, violate college policy and, in many instances, state and federal law; are antithetical to the standards and values of the College; and will be addressed vigorously.

Definitions

A Discriminatory act is a completed, attempted or threatened abusive or hostile act against persons, property, or an institution, where such acts manifest evidence that the

target was intentionally selected on the basis of the target's actual or perceived race, color, national origin, gender, sexual orientation, gender identity or expression, religion, age, creed, ancestry, veteran status, marital status, disability, or other classification protected by applicable law.

Discriminatory acts comprise two sub-categories:

- **Discriminatory Harassment:** An act that has the purpose or effect of unreasonably interfering with a person's employment or education, creating a hostile employment or educational environment where the motivation for this act is based substantially on the target's actual or perceived identity as a member of a class protected by the College's non-discrimination policy.
- **Hate Crime:** A hate crime is defined by federal and state law. It requires an underlying criminal act - e.g., criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property – where such crime manifests evidence that the target was intentionally selected because of the respondent's bias related to the target's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin and/or disability or other classification protected by applicable law.
- **A Target** is someone who has been directly and individually subject to a discriminatory act.
- **A Complainant** is someone who has submitted a report of a discriminatory act, whether or not that person was the target.
- **A Respondent** is someone who has been identified by a complainant or by a preliminary investigatory process as an individual likely to have committed a discriminatory act.

How Do I Report a Discriminatory Act?

There are three ways to report an act of discrimination generally:

1. **File a report with Campus Safety** – Campus Safety, located in Wismer Hall, off Olin Plaza is open 24 hours a day. Call 610-409-3333 or go to the office to file a report with a Campus Safety Officer. **If the discriminatory incident presents immediate safety concerns, contact Campus Safety (610-409-3333) or call 911.**
2. **[File a report using this online form](#):** This form can be used by all members of the campus community.

3. There are other ways to report an act of discrimination. These options depend on whether the person reporting the incident is a student, faculty member or member of the staff:

For Students: Contact the Institute for Inclusion and Equity or call Student Affairs. Your call will be directed to Ashley Henderson, Director, Institute for Inclusion and Equity (610-409-3718) or Dan Kelly, Director of Student Conduct (610-409-3590).

For Faculty: Contact Academic Affairs at doffice@ursinus.edu or call 610-409-3790. Your call or email will reach Mark Schneider, VP of Academic Affairs and Dean of the College.

For Staff: Contact Human Resources at hr@ursinus.edu or 610-409-3589 or 610-409-3073. Your call or email will reach Cale Nelson, Director of Human Resources.

Privacy: The College strives to protect the privacy of targets, complainants, and respondents; to speed investigations, anonymous reporting is discouraged. The privacy of all parties to a report of a discriminatory act will be respected consistent with the College's policies; where privacy cannot be strictly kept, it will be tightly controlled. Witnesses are also expected to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the complainant or the responding party may lead to conduct action by the College. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials.

Is It Ever Too Late to Report a Discriminatory Act?

No. An investigation can be opened at any time based on new evidence that becomes available. The College does not limit the time frame for reporting, although a delay in reporting may impact the College's ability to investigate the incident and take certain actions.

What Happens After I Report a Discriminatory Act?

The College encourages students, faculty, and staff to report discriminatory acts as soon as possible upon experiencing or learning of the details of an incident. Reports will be forwarded to the appropriate College resource for follow-up.

Reports of discriminatory acts related to students will be handled in accordance with the [Student Code of Conduct](#), and/or the Policy Prohibiting Title IX Misconduct and Other Sexual and Gender-Based Discrimination, Harassment, and Related Misconduct.

Reports of discriminatory acts related to faculty, staff, or visitors of the College will be handled in accordance with the appropriate faculty and staff policies and procedures. See, for example, the Non-Discrimination and Equal Employment Opportunity Policy and Policy Prohibiting Title IX Misconduct and Other Sexual and Gender-Based Discrimination, Harassment, and Related Misconduct.

Reports of discriminatory acts that contain information indicating a possible violation of the Policy Prohibiting Title IX Misconduct and Other Sexual and Gender-Based Discrimination, Harassment, and Related Misconduct will be handled in accordance with that policy. See [Policy Prohibiting Title IX Misconduct and Other Sexual and Gender-Based Discrimination, Harassment, and Related Misconduct](#).

Reports of discriminatory acts that contain information indicating a possible discrimination based on disability will be handled in accordance with the [College's disability discrimination grievance process](#).

What Is the Investigatory Process?

Consistent with the College's policies, the investigation may include review of the report and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation will be determined by and at the discretion of the appropriate office listed above.

Possible outcomes of an investigation include (1) a finding that a discriminatory act occurred but that the individual responsible cannot be identified, with appropriate remedial measures; (2) a finding that a discriminatory act occurred, and that the responsible party can be identified, with the issuance of an appropriate sanction and/or remedial measures; and (3) a finding that a discriminatory act did not occur.

The investigation, including outcome, is confidential in accordance with college policies and applicable law.

If the respondent is a known student, and the investigation identifies sufficient information regarding a discriminatory act, the complainant may have the following options:

- **Restorative Resolution Process:** If both the complainant and the respondent agree to the Restorative Resolution process, they will participate in facilitated conversation, possibly with representatives of affected communities (for example, members of a specific identity group, a residence hall community, or members of a student organization), to establish a plan for repairing damage to

those affected and/or targeted by the discriminatory act. This process requires respondents to acknowledge their part in the incident and to accept restorative actions agreed upon by all parties. **Note:** The perceived severity and impact of the discriminatory act will determine whether this option applies to particular cases. The case will be reviewed to determine whether this option applies. For example, restorative resolution would not likely be available for discriminatory acts resulting in significant property damage or physical assault.

- **Student Code of Conduct Process:** Depending on the nature of the discrimination and the alleged prohibited conduct, the process may include an Administrative Hearing or Conduct Panel Hearing. [Details](#)
- **No Disciplinary Action, Discrimination Reported:** Complainants may decide to report the incident and request that no further action be taken. Ursinus will evaluate any such request in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all members of its community. In certain situations, the College may need to move forward regardless of the complainant's wishes.

It is a violation of college policy to retaliate against any person making a discrimination complaint or against any person cooperating in the investigation of (including testifying as a witness to) an alleged act of discrimination. For these purposes, "retaliation" includes intimidation, threats, or harassment against any such complainant or third party. Retaliation should be reported promptly to Campus Safety, or the Administrator handling the case and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of discrimination. Whether or not the College moves forward with a resolution process, the incident will be coded and reported as appropriate in Ursinus's hate crime or discrimination incident statistics.

If the respondent is a known faculty or staff member and the investigation identifies sufficient information of a discriminatory act, disciplinary action and/or restorative resolution will be taken consistent with appropriate faculty and staff policies and procedures, including the college's Non-Discrimination and Equal Employment Opportunity Policy. Whether moving forward with an adjudication process or not, the incident will be coded and reported as appropriate in Ursinus's discriminatory act or hate crime statistics.

If the respondent is unknown, the complainant may have the following options:

- **Request Further Investigation:** The complainant may request an investigation, at which point the incident will be turned over to the appropriate College officials

for further investigation. If the alleged discriminatory act targets property or the institution, then we encourage campus constituents to report the incident so that the College can commence with an investigation.

- **No Action, Discrimination Reported:** Ursinus is committed to keeping accurate records of all discriminatory incidents, even when the respondent is unknown. As such, we encourage reporting of all incidents of discrimination, even if the respondent is unknown and unlikely to be known. Depending on the circumstances, the College may need to move forward with further investigation regardless of the complainant's wishes.

How Will Discriminatory Acts Be Reported to the Campus Community?

Discriminatory Acts Reporting: Each year the College will post, via the College website, a summary report of discriminatory acts. To respect the privacy of all those involved and/or consistent with federal/state laws, the report will disclose only the following:

- Type of discrimination (racial, national origin, sexual orientation, religion, etc.);
- Type of incident (assault, vandalism, hazing, etc.);
- General description of location (on or off-campus, residence unit, classroom, etc.);
- Status of the case (respondent unknown, referred to student conduct, no action requested, etc.);
- Whether the incident will be listed as a hate crime in the Annual Security & Fire Safety Report.

Hate Crimes Reporting: In addition, in accordance with the **Clery Act**, the College will disclose statistics for hate crimes in its **Annual Security & Fire Safety Report** released by October 1 each year. Clery crime definitions are available on the College's **website**.

Timely Warnings and Emergency Notifications: When the College identifies or receives a report of an incident, occurring either on or off campus, that constitutes a serious or continuing threat, the campus community will be notified according to **College Emergency Notification Procedures**.

Other Reporting: The College will, as appropriate and consistent with college policies and the law, provide additional communication to faculty, students, and staff both in the immediate and longer-term aftermath of discriminatory incidents. The primary mode of communication to the campus will be email.

How Will the College Community Heal from Acts of Discrimination and Work to Prevent Future Incidents?

By their very nature, discriminatory acts reinforce and perpetuate inequalities in our community. These actions create an unsafe environment, increasing the isolation and discomfort of those individuals and groups that are often the targets of discriminatory acts. We aim to respond to these actions by collectively affirming our principles of inclusion and access for all. Discriminatory actions may cause physical damage, bodily harm, and serious wounds to our community, so it is essential that we seek to heal these wounds through actions that disavow discrimination. To this end, the College will work collaboratively across divisions and offices to initiate actions that attempt to heal the injuries to both the targets of discrimination and the campus as a whole.

What If I Have Questions?

For questions related to acts of discrimination involving students, please contact:

Student Conduct

610-409-3590

Wisner Center – Student Affairs Suite on Main Level

Dan Kelly, Director of Student Conduct

Or

Institute for Inclusion and Equity

610-409-3653

Wisner Center – Lower Level

Ashley Henderson, Director of the Institute for Inclusion and Equity

For questions or concerns related to acts of discrimination involving faculty and staff of the College, please contact:

Human Resources

610-409-358 or 610-409-3073

Corson Hall – Lower Level

Cale Nelson, Director, Human Resources

For questions or concerns related to acts of discrimination involving faculty, please contact

Academic Affairs

610-409-3790

Corson Hall

For questions or concerns related to acts of discrimination involving visitors of the College, please contact:

Campus Safety

610-409-3333

Wismer Hall-Olin Plaza

How will this policy be reviewed and revised?

This is a living document as well as a policy statement, and it will be subject to improvement and revision as the college moves forward in the future. The policy will be reviewed on a regular basis by a team including members of the Dean's Office, Diversity Committee, Student Affairs, and Office of the President, as well as members of the Diversity Action Resource Team (or DART), in light of incidents, reporting, adjudication, and restorative resolution.