

## WESTMONT COLLEGE

### BIAS, HARASSMENT, AND DISCRIMINATION POLICIES AND PROCEDURES

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#### SCOPE AND PURPOSE OF POLICY

Westmont College values diversity and is committed to providing a diverse learning, living and working environment consistent with its mission and heritage, both of which are deeply rooted in the evangelical Christian faith tradition. The college lawfully exercises the right to seek and hire faculty and staff who are co-religionists. At all levels of employment members of its community will conduct themselves according to standards consistent with the college's established faith-based tenets.<sup>1</sup>

In all of our actions, we seek to affirm every individual as created in the image of God, worthy of dignity and respect. The college will not tolerate unlawful harassment, discrimination or bias-related incidents in any of its programs, practices or policies; nor will it tolerate retaliation against any individual for making a complaint, for participating in the investigation of a complaint, or for otherwise opposing unlawful conduct as described in this policy and the procedures that follow.

#### SCOPE OF POLICY

As stated in the college's [Notice of Nondiscrimination](#), the college prohibits and will not tolerate harassment, discrimination or bias-related incidents by or against its students, faculty, staff, independent contractors, applicants for employment and admission and guests to the college. This includes and is not limited to harassment, discrimination or bias-related incidents based on race, color, sex, sexual orientation, gender identity, marital status, religion, creed, age, national origin, citizenship status, workers' compensation status, physical or mental disability, veteran status, or any other status protected under applicable local, state, or federal law; or any other distinguishing characteristic protected by applicable non-discrimination law. All community members must comply with this policy, on campus or off campus, regardless of whether they are engaged in activities sponsored by the college, or otherwise related to the college or its business.

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 require the college to appoint a Compliance Officer responsible for the administration and supervision of the policy and procedures related to disability harassment, discrimination, and bias-related incidents. The Compliance Officer responsible for the administration and supervision of the policy and procedures related to harassment, discrimination, and bias-related incidents is Dr. Edee Schulze, Vice President for Student Life ([eschulze@westmont.edu](mailto:eschulze@westmont.edu); (805) 565-6028). Dr. Michael Everest in the Office of the Provost, serves as the Grievance Officer for Students to whom grievances regarding the provision of academic accommodations and support services may be reported.

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<sup>1</sup> See Westmont's Community Life Statement for a description of how the college's faith-based tenets shape its vision for Living in Community and its Behavioral Expectations.

For sexual discrimination, sexual harassment and sexual assault, contact the Title IX Coordinator (Dr. Edee Schulze, [eschulze@westmont.edu](mailto:eschulze@westmont.edu), (805) 565-6028) or refer to the [Unlawful Sexual Misconduct Policy and Procedures](#), which comply with Title IX, Campus Sexual Violence Elimination Act (Campus SAVE Act), The Violence Against Women Act (VAWA) and CA Senate Bill 493 2020. To the extent that complaints of unlawful sexual misconduct, sexual exploitation, sexual violence and nonconsensual sexual contact do not constitute Title IX complaints, as determined under the college's [Unlawful Sexual Misconduct Policy and Procedures](#), they will be addressed through this policy.

## PURPOSE OF POLICY

The purposes of this policy include:

- Prohibiting all forms of harassment, discrimination, and bias-related incidents;
- Creating a work and learning environment that is free from harassment, discrimination, and bias-related incidents;
- Encouraging good faith complaints when harassment, discrimination, or a bias-related incident has occurred; and
- Providing options for addressing and resolving complaints of harassment, discrimination, or bias-related incidents.

Persons who believe that they have experienced harassment, discrimination or a bias-related incident or have witnessed the same of another community member are strongly encouraged to promptly report it to the college. Options for reporting alleged incidents to the college are listed below. The college will take prompt corrective action against any harassment, discrimination or bias-related incidents by or against its community members. All college community members are directed to abide by the procedures outlined in this policy.

All reports will be taken seriously and the college will respond according to this policy to anyone who acts in good faith to report unlawful harassment, discrimination or bias and suffers actual or threatened retaliation or reprisal. Complaints of harassment, discrimination or bias-related incidents will be treated with confidentiality to the extent feasible, given the need to conduct a thorough investigation and take corrective action.

If it is determined through an investigation that harassment, discrimination or a bias-related incident has occurred, the college will take appropriate action reasonably calculated to end the behavior, take appropriate corrective action aimed at preventing any ongoing or subsequent policy violation, and appropriately care for those who may have been harmed. Throughout the investigative process, the presumption shall be that the respondent is not responsible for the alleged conduct until a determination is made. Depending on circumstances and the severity of the conduct, corrective action will vary. Resolution steps could include a range of sanctions, up to and including expulsion (for students) and termination (for employees).

## DEFINITIONS

### BIAS-RELATED INCIDENTS

Bias-related incidents refer to language, images or behaviors that demonstrate bias against another person based on but not limited to his or her membership in a group, based on race, ethnicity, national origin, sex, gender identity or expression, sexual orientation, disability, age, religion, or an individual's particular characteristics, role, or behavior.

Expression of ideas or points of view that may be offensive or inflammatory to some may not necessarily be a bias-related incident. The college values freedom of expression and the open exchange of ideas. This value of openness protects controversial ideas, but it does not protect harassment or expression of bias or harassment aimed at individuals that violate college policy.

#### HARASSMENT

Behaviors that harm (whether intentionally or unintentionally) an individual based upon their membership in a group listed above or have the purpose or effect of unreasonably or substantially interfering with an individual's safety and security by creating an intimidating, hostile, or demeaning environment for education, work, or other activity authorized by the college may be harassment. Depending upon the severity or pervasiveness of the action, harassment could occur as a result of one act or may result from a series of acts that create a hostile environment.

#### DISCRIMINATION

Discrimination refers to specific conduct prohibited by law that unfairly treats people differently because of their characteristic or perceived characteristics that the law deems to be unrelated to merit. Harassment can be a form of discrimination as it can have the effect of unfairly excluding a person from their ability to fully participate in their educational or employment experience. Unlawful discrimination often results from bias. Bias-related incidents, however, do not always result in unfair treatment that violates nondiscrimination laws.

#### UNLAWFUL SEXUAL MISCONDUCT

Unlawful sexual misconduct is a broad and overarching term used to identify the conduct that constitutes a form of sex discrimination which violates federal and state law, including Title VII of the Civil Rights Act of 1964; Title IX; Education Amendments of 1972, CA Senate Bill 493 2020, and college policy. Unlawful sexual misconduct covers a range of sexual acts committed by one person against another by use of coercion or intimidation or when the individual does not otherwise provide consent or is incapable of providing consent for reasons of age, unconsciousness, mental impairment, or ingestion of drugs, alcohol or other substance. All unlawful sexual misconduct is prohibited and includes, but is not limited to sexual harassment, sexual violence, domestic violence, dating violence, sexual assault, stalking, and sexual exploitation. Unlawful sexual misconduct may be categorized as a Title IX complaint depending on the facts of the situation. If so, it is adjudicated under the [Unlawful Sexual Misconduct Policies and Procedures](#). If not, it is adjudicated under the college's Bias, Harassment and Discrimination Policy. Definitions pertaining to sexual misconduct in the [Unlawful Sexual Misconduct Policies and Procedures](#) will be used regardless of which policy is used for adjudication.

### **REPORTING HARASSMENT, DISCRIMINATION, AND BIAS-RELATED INCIDENTS**

## DECIDING TO REPORT AN INCIDENT

If you are not sure if you experienced a bias-related incident or harassment and/or would like to discuss the incident, please contact one of the following:

- Office of Student Life (805) 565-6028
- Intercultural Programs (805) 565-6125
- Counseling and Psychological Services (805) 565-6003
- Campus Pastor's Office (805) 565-6170
- A trusted faculty or staff member (Some faculty and staff are considered Report Recipients and therefore are required to report information to the Compliance Officer. See Report Recipients list in this policy.)

## REPORTING AN INCIDENT TO THE COLLEGE

The college encourages the prompt reporting of harassment, discrimination or bias-related incidents covered under this policy for resolution in accordance with the procedures as described here. Reports may be made by the individual who experiences harassment, discrimination or a bias-related incident or by someone who has a concern that a possible harassment, discrimination or bias-related incident involving a student, faculty, staff member, prospective student or applicant has occurred.

Reports to the college can be made at any time by using the [on-line Bias Incident Reporting Form](#). Reports submitted through the Bias Incident Reporting Form go directly to the Compliance Officer. Alternatively, a report may be given directly (in person, telephone, mail, or email) to any individual listed in the section below titled, "Report Recipients." The Compliance Officer (Dr. Edee Schulze, [eschulze@westmont.edu](mailto:eschulze@westmont.edu)) must be contacted promptly by a Report Recipient. Emergencies may be reported to Campus Safety anytime by contacting (805) 565-6222 or the On Call Resident Director at (805) 565-6273 (OCRD).

## REPORT RECIPIENTS<sup>2</sup>

If a member of the Westmont community has a concern or has become aware of an instance of possible harassment, discrimination or a bias-related incident involving a student, faculty or staff member, sharing information about such an incident potentially covered under this policy with any of the following Report Recipients<sup>3</sup> is considered reporting it to the college and will initiate the college's response and resolution process under this Policy:

- Resident Directors
- Resident Assistants

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<sup>2</sup> CA SB 493 refers to these employees as "Responsible Employees"

<sup>3</sup> If the accused is the Compliance Officer, the Provost and Dean of Faculty, or the Vice President for Student Life, then the President will be notified and help determine an appropriate investigation strategy. If the accused is the President or a member of the Board of Trustees, then the Chair of the Board of Trustees will be notified and help determine an appropriate investigation strategy. If the accused is the Chair of the Board of Trustees, then the Vice Chair of the Board of Trustees will be notified and help determine an appropriate investigation strategy.

- Student Life Deans
- Faculty department chairs
- Student Life Directors and Coordinators
- Assistant Vice President and Associate Director of Human Resources
- Faculty, adjunct faculty, instructors or lecturers
- Laboratory directors, coordinators, or principal investigators
- Internship or externship directors or coordinators
- College employee supervisors
- Athletic Director, Associate Athletic Director, Assistant Athletic Director, Coaches
- Directors of Off Campus Programs
- Director of Institutional Resilience (Title IX Deputy)
- Title IX Coordinator
- Vice Presidents
- Provost and Dean of the Faculty
- President

#### **WHAT YOU CAN EXPECT FROM THE COLLEGE**

- Meet with you promptly
- Treat you and your concern with respect and sensitivity
- Discuss your options
- Provide campus and community resources and support
- Request class, work or residence hall adjustments during the investigation and decision-making process
- Communicate information as appropriate
- Gather and preserve evidence
- Investigate case as appropriate
- Take appropriate action
- Confidentiality to the extent possible
- Seek justice, richer understanding, and ultimately restoration of all involved.

#### **THE COLLEGE'S DUTY TO INVESTIGATE AND/OR TAKE CORRECTIVE ACTION**

Regardless of whether a complaint has been received, the college may, at any time and at its sole discretion, initiate an investigation of or take action against any harassment, discrimination or bias-related incidents occurring within the Westmont community. Requests of the reporting party to withhold her/his identity will be reviewed in light of the college's responsibility to provide a safe and non-discriminatory environment for all community members. Any response by the college may be hindered by the complainant's wishes for anonymity and/or inaction.

As per CA SB 493, under this policy, the college has responsibility to respond promptly and supportively when the college knows (actual knowledge), or allegations of sexual misconduct against a student or reasonably should know (constructive notice) about possible instances of sexual harassment against a student within an education program or activity of the college or outside of an education program or

activity, whether on-campus or off-campus, if the incident could contribute to a hostile educational environment or interfere with a student's access to education.

## **SUPPORT SERVICES**

It is strongly recommended that any individual involved in the resolution of a harassment, discrimination or bias complaint seek personal support through relationships with a few trusted family members or friends. Additional support is available for students through Counseling and Psychological Services (CAPS) or the Campus Pastor's Office. Individuals with disabilities may request assistance from the Office of Disability Services. Support for employees may be accessed through Human Resources or the Provost's Office.

## **WITNESS TRUTHFULNESS**

One of the core values of the Westmont community is integrity and truth telling. As such, all individuals participating in discrimination, harassment or bias-related incident proceedings are expected to tell the full and complete truth throughout the process. The college will not consider polygraph examinations in any discrimination, harassment or bias-related incident proceedings.

## **INTERIM MEASURES**

Interim protective measures, such as changing the work, transportation, living or academic environment, will be considered immediately for a complainant if necessary to address a harassment, discrimination or bias-related incident while the complaint is under investigation. The college will make information available to complainants on the right to seek interim measures and will meet with the complainant to discuss any interim measures that are needed. In addition, the complainant may request an interim measure by contacting the Compliance Officer at any time.

## **NO RETALIATION**

Retaliation means any materially adverse action, intimidation, threat, coercion, discrimination, act intended to cause fear, or exertion of pressure against any individual for the purpose of interfering with any right or privilege secured by applicable laws, or because an individual has made a report or complaint, testified, assisted or participated or refused to participate in any manner in a harassment, discrimination or bias-related incident investigation, proceeding or hearing. Federal and state law, as well as the college's policy, prohibits retaliation, threats of retaliation, suspension, or discharge against persons for raising good faith concerns regarding a harassment, discrimination or bias-related incident. Any retaliatory conduct is subject to disciplinary actions.

## **INVESTIGATION OVERVIEW**

The college shall provide a prompt, fair, unbiased, trauma-informed and impartial investigation and resolution. The college endeavors to resolve complaints made under this policy within 60 days from the date the complaint is received or a complaint recipient is otherwise made aware of alleged conduct covered under this policy. However, in some cases (e.g., complex facts; large number of witnesses; official break in the academic calendar, etc.), an extension of that time may be necessary. In the cases where the respondent is a student, or a member of the staff or faculty, the determination of whether a policy violation has occurred, the imposition of any appropriate sanctions, and the implementation of any appeal process are handled in accordance with existing procedures outlined in the relevant handbook.

In all other cases, the Compliance Officer, President, and Provost and Dean of Faculty will determine the appropriate investigation process, whether a policy violation has occurred, and any appropriate corrective action aimed at preventing any ongoing or subsequent policy violation.

#### **RELATED POLICIES AND PROCEDURES**

1. [Notice of Non-Discrimination](#)
2. [Unlawful Sexual Misconduct Policy and Procedures](#)

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