

informed of the Title IX Hearing Panel's finding of responsibility and resolutions orally at the first opportunity. In addition, the chair will send the complainant and respondent a written summary of the Panel's finding and resolutions within five (5) business days following the conclusion of the hearing.

**h. Appeal**

The respondent and complainant may appeal: 1) the decision made by the hearing panel, and/ or 2) the sanctions determined by the hearing panel.

The resolution of the Dean's Panel is final and binding on the student brought before the Panel unless (1) the student submits a valid written appeal to the President within ten days after having received the formal letter setting forth the Panel's finding and resolutions; or (2) the Panel's resolution was that the respondent brought before the Panel is to be separated or excluded from the College, in which case the Panel itself shall automatically submit the matter to the President of the College for review. The decision of the President on appeal is final and binding.

**i. Grounds for Appeal**

The grounds upon which a complainant or responded may appeal the decision and/ or sanctions are (a) the student believes a procedural error occurred, which the student feels may change or affect the outcome of the decision; (b) the student has substantive new evidence that was not available at the time of the hearing and that may change the outcome of the decision; or (c) the student feels that the severity of the sanction is inappropriate given the details of the case. The student's appeal shall identify the procedural error(s) if applicable or the new evidence and its relevancy as well as explain when it became available. In making a decision on a student's written appeal, the President will review all materials from the hearing, the Panel's resolution, and the written appeal submitted by the student. The President may uphold the Panel's determination, reverse its determination, or require a new Title IX Panel hearing.

**j. Record**

A report by the Chair of the Title IX Hearing Panel will be provided to the Dean of the College and the Title IX Coordinator, to include the names of the parties, the alleged charge(s), the names of witnesses, the names of Panel members, the timeline for the proceedings, the finding of violation or non-violation and the resolutions, if any. The Title IX Coordinator retains records of Title IX Hearing Panels.

Disciplinary proceedings conducted by the College are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the College without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances. Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

**EQUAL OPPORTUNITY,  
NON-DISCRIMINATION,  
AND DISCRIMINATORY  
HARASSMENT POLICIES**

**Statement of Principles**

Bryn Mawr College is firmly committed to a policy of equal opportunity for all members of its faculty, staff, and student body. Bryn Mawr College does not discriminate on the basis of race, color, religion, national or ethnic origin, sexual orientation, age, or disability in the administration of its educational policies, scholarship and loan programs, athletic and other College-administered programs, or in its employment practices. In conformity with the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972, it is also the policy of Bryn Mawr College not to discriminate on the basis of sex in its employment practices, educational programs, or activities. The admission of only women to the Undergraduate College is in conformity with a provision of the Civil Rights Act. The provisions of Title IX protect students and employees from all forms of

illegal sex discrimination, which includes sexual harassment and sexual violence, in College programs and activities. The College is firmly committed to academic and professional excellence and to freedom of inquiry and expression for all members of the College community. In order to preserve an atmosphere in which these goals can be pursued, certain norms of civility, based on mutual respect and appreciation of differences, recognition of the rights of others and sensitivity to their feelings, must govern the interactions of all members of the community. The pursuit of these goals and the preservation of this civil atmosphere depend on the active commitment of all community members to making the College's programs and resources as inclusive as possible.

### **Statement of Policies Concerning Sexual Harassment and Other Forms of Harassment and Discrimination**

It is the policy of Bryn Mawr College to maintain a work and academic environment free from discrimination and offensive or degrading remarks or conduct. Unlawful discrimination, including sexual harassment and sexual violence, will not be tolerated. This policy covers all staff members and faculty members as well as students. The College will not tolerate, condone or allow harassment or discrimination, whether engaged in by fellow staff members, students, faculty members or non-employees who conduct business with the College.

### **Definition of Discrimination**

*Discrimination is unequal or disparate treatment of groups or individuals, including their exclusion from any of the College's programs or activities, or any attempt to hinder access to the College's resources on the basis of race, religion, color, age, national origin, physical ability, sex or sexual orientation. Prohibited sex discrimination includes both sexual harassment and sexual violence. It is important to recognize that not all conduct that might be offensive to an individual or a group necessarily constitutes discriminatory conduct. Whether a specific act constitutes discrimination must be determined on a case-by-case basis in light of all relevant circumstance.*

The College is committed to maintaining an environment in which all members of the community, staff, students and faculty, are treated with respect and dignity. It is the policy

of the College not to discriminate on the basis of sex, including sexual harassment, in any of its programs, activities or employment practices. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic treatment, or is accompanied by implied or overt threats concerning one's job, grades, letters of recommendation, etc.;
- B. Submission to or rejection of such conduct by an individual is used as a basis of employment or academic decisions affecting such individual; or
- C. Such conduct has the purpose or effect of interfering with an individual's work performance or academic performance or creating an intimidating, hostile or offensive environment.

The College also prohibits this type of behavior when it is based on race, color, age, national origin and religion or on any other basis prohibited by law. Harassment on the basis of one's sexual orientation can also constitute discrimination on the basis of sex.

Sexual harassment can include verbal behavior such as unwanted sexual comments, suggestions, jokes or pressure for sexual favors; nonverbal behavior such as suggestive looks or leering; and physical behavior such as pats, where such behaviors are severe, offensive, and occur repeatedly unless a single instance is so severe that it warrants immediate action. Some specific examples of behavior that are inappropriate include:

1. Continuous and repeated sexual slurs or sexual innuendoes.
2. Offensive and repeated risqué jokes or kidding about sex or gender-specific traits
3. Repeated unsolicited propositions for dates and/or sexual relations.

### **Reporting a Complaint of Harassment or Discrimination**

If any student believes they are being harassed or discriminated against by staff members, students or faculty members or any other

person at the College, or if a student is aware that another College community member has been harassed or discriminated against, it is the student's responsibility to take action immediately by discussing concerns with a dean, the Equal Opportunity Officer, or the Title IX Coordinator.

If a student is uncomfortable for any reason in discussing this issue with these individuals, they may contact the President of the College, who will help the student find appropriate College officials with whom to discuss the concern.

The College encourages prompt reporting of complaints so that a rapid response and appropriate action may be taken. No retaliation against students who make a good-faith report of a violation of this policy will be tolerated.

### **Investigating the Complaint**

The College will investigate promptly all complaints of violations of sexual harassment and discrimination policies. The investigation will include interviews with the parties who are directly involved and possibly with others. These interviews may be conducted by the Equal Opportunity Officer, the Title IX Coordinator, deans, Staff Issues Liaison, Campus Safety officers or others as the circumstances warrant. Both parties will have an opportunity to present any information that they have to those investigating a complaint, and both will be kept informed in a timely manner of information used in the investigation to the extent possible, consistent with FERPA and confidentiality constraints. Both parties will be updated periodically regarding the status of the investigation. In its investigation, the College will find that harassment and/or discrimination has occurred if the information collected indicates that it is more likely than not that sexual harassment or sexual violence occurred. The College will complete its investigation within 60 days after its receipt of a complaint, unless circumstances not within the reasonable control of the College require additional time, in which case both parties will be informed of the delay and the reason therefor. Each situation will be responded to promptly and handled as expeditiously and discreetly as possible.

### **Resolving the Complaint**

If the College determines that this policy was violated, it will take corrective action as

warranted by the circumstances. Resolution of complaints against Bryn Mawr College students and employees can include transfer, direction to stop the behavior, counseling or training, suspension without pay or termination of employment, or in the case of students, temporary separation or permanent exclusion from the College. Both parties involved will receive written notice of the resolution of the complaint within one week of the conclusion of the investigation. If it is determined that sexual harassment or sexual violence did occur, the College will include in its resolution steps to prevent a recurrence of harassment and, when applicable, steps to correct the discriminatory effects on the complainant and others.

If an investigation results in a finding that the complainant falsely accused another of harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, up to and including termination of employment or, in the case of students, up to and including permanent exclusion from the College.

### **Policy Concerning Sexual Relationships Between Students and Faculty or Staff Members**

Fulfilling the mission of Bryn Mawr College to provide a rigorous education and to encourage the pursuit of knowledge as preparation for life and work depends upon the existence of a relationship of trust, respect and fairness between faculty or staff members and students. Romantic and/or sexual relationships between faculty or staff members (including teaching assistants) and students threaten this relationship. Further, the unequal nature of their respective roles calls into question a student's ability to fully consent to a romantic and/or sexual relationship with a faculty or staff member. The College considers such a relationship, even if believed to be consensual, to violate the integrity of the student/faculty or student/staff relationship, and to be unethical and unacceptable.

In acting on complaints regarding sexual relationships that come to the College's attention, it will be presumed that any complaint by a student against a faculty or staff member is valid if sexual relations have occurred between them. In addition, third parties, including other students, parents, and other faculty/staff members, may report suspected violations of

this policy. All complaints will be investigated and should allegations of such a relationship be substantiated, the College will take appropriate disciplinary action against the involved faculty or staff member, up to and including termination of employment.

## **FREEDOM OF SPEECH AND THE LIMITS OF DISSENT**

Bryn Mawr College currently has in place various policies addressing issues related to freedom of speech and the expression of ideas. Chief among these are the hazing policy (page 62) and the policy on solicitation on campus, available from College Communications. The Honor Code (page 6) establishes procedures that can be used to address issues of free speech and dissent when they arise from interactions between undergraduate students. The College also has a statement governing the conduct of religious groups, advisers, and representatives on campus, which can be found at the Pensby Center. The policy outlined here assumes the framework created by these other policies and procedures and addresses particularly the conduct of both curricular and extracurricular gatherings that feature speakers, films, performances, exhibits, or any other forms of artistic expression, whether these gatherings are open or closed. For the purposes of this policy, the term “speakers” should be understood to mean performers, exhibitors, presenters of films, and others involved in any form of artistic expression as well as those delivering, introducing, or responding to speeches, talks or lectures.

As an educational institution Bryn Mawr is committed to the free expression of ideas. In practice, this commitment means that speakers who conduct themselves within the guidelines of the policies mentioned above are entitled to express their ideas without hindrance, no matter how unpopular or controversial their ideas might be. Students and other persons who choose to attend events on campus are entitled to hear and see speakers without interference or intimidation. Bryn Mawr’s commitment to the free expression of ideas extends to the expression of dissenting ideas; the College recognizes that the free representation of dissenting points of view is necessary to the climate of open and vigorous debate essential to its educational mission. Those who wish to dissent from or protest the views of others are

entitled to do so, within the limits set forth here, without interference or intimidation.

Essentially, while the College recognizes the rights of both speakers and dissenters to the civil expression of their ideas, it also recognizes that these rights cannot always be exercised at the same time and in the same space and therefore sets forth the guidelines below.

Finally, the College takes seriously its obligation to ensure the physical safety of its students, faculty, staff, and invited guests. This policy is intended to reflect these three commitments and protect the rights and safety of speakers, dissenters, and audiences alike.

### **Guidelines for the Conduct of Meetings**

Before the event: It will not always be possible for the organizers or sponsors of events to recognize potential controversies. However, anticipating and planning for the possibility of dissent or protest is among the responsibilities of an organizer or sponsor of a campus event. Organizers or sponsors who fail to conscientiously assume this responsibility may be subject to administrative sanctions, including the loss of the privilege of organizing future events and liability for losses or damages.

When any member of the community expects that a scheduled event may give rise to protest, she or he should notify the Dean of the Undergraduate College or, in the case of events intended primarily for graduate students or events held at the Graduate School of Social Work and Social Research, the Dean of the Graduate School of Arts and Sciences or the Dean of the Graduate School of Social Work and Social Research. This notification would most likely come from a member of the sponsoring organization, from a person involved in planning to protest, or a staff member assisting in planning or organizing the event. This notification is requested so that the Dean can take responsibility for seeing that the rights of dissenters and speakers alike are respected and that appropriate safety and security measures are taken.

The Dean will determine whether the protection of free speech and safety for all involved requires any special measures. Should she determine that this is the case, she may consult with other College officials, including the other deans of the College and the director of Campus Safety, Communications or Conferences