

ANTI-HARASSMENT

It is the policy of Linfield University to maintain a work and academic environment free from harassment for its employees, students, visitors, and vendors. Discriminatory harassment, including sexual harassment, is a violation of state and federal law. No form of discriminatory harassment, including sexual harassment, will be tolerated by Linfield University. Any and all complaints or allegations of harassment will be investigated promptly. Appropriate, corrective action will be implemented based upon the result of the investigation in the event harassment in violation of this policy is found to have taken place.

As a University that prides itself on fostering academic freedom, including freedom of speech and freedom of conscience, Linfield especially recognizes these values insofar as the classroom and learning environment is concerned. Students should refer to the section "Anti-harassment Protection and Academic Freedom" in this handbook for consideration of the importance of academic freedom, freedom of speech, and freedom of conscience.

Anti-Retaliation Statement

It is a violation of University Policy to retaliate in any way against an individual or group who brings forward disclosures, informal reports, formal reports, complaints or allegations in good faith, or who participates in an investigation of discrimination, harassment, or other forms of prohibited conduct.

The University acknowledges that retaliation may take many forms and therefore has identified some examples of actions that may be considered retaliatory:

- Threatening a person with harm or violence
- Pressuring or intimidating another person
- Engaging in repeated attempts of unwelcome contact
- Abuse, violence, or harm to another person
- Any other conduct that would discourage a reasonable person from engaging in activity protected under this policy
- Any conduct that fits within the definition of retaliation in the Sexual Misconduct and Relationship Violence Policy.

Any individual or group who believes that they have been the subject of retaliation should immediately report their concerns to the Office of Student Rights & Responsibilities. The University will take immediate action and investigate all reports of retaliation and may pursue disciplinary action as appropriate.

Definition of Harassment

Harassment is verbal, physical or other (including electronic) conduct that demeans or shows hostility, or aversion, toward an individual because of the student's race, color, religion, sex, gender, national origin, immigration status, age, sexual orientation, or disability, or that of the student's relatives, friends, or associates and that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive environment; or
- Has the purpose or effect of unreasonably interfering with an individual's work performance or living environment; or
- Otherwise adversely affects an individual's academic opportunities.

Harassing conduct includes, but is not limited to the following:

- Epithets, slurs, jokes, negative stereotyping or threatening, intimidating or hostile acts that relate to a person's race, color, religion, sex, gender, gender identity, national origin, immigration status, age, sexual orientation, or disability.
- Any material or action which demeans or shows hostility or aversion toward an individual or group because of race, color, religion, sex, gender, gender identity, national origin, immigration status, age, sexual orientation, or disability and is posted on walls, bulletin boards, e-mail, social media or elsewhere.

The terms intimidating, hostile and offensive are interpreted according to legal standards as determined by the law and are looked at from the viewpoint of a reasonable person in similar circumstances as the reporting party.

Reporting a Complaint

If a student believes they are the victim of harassment or retaliation, the student is encouraged to report a complaint immediately (<https://inside.linfield.edu/student-resources/conduct/Report.html>). If the complaint is from a student making an allegation against a university employee then the student may either contact the Dean of Students Office, Dean of School of Nursing, Dean of School of Business, Dean of College of Arts and Sciences, or the Director of Human Resources. When the allegation is against a university employee the procedure as outlined in the common chapter of the employee handbook will be followed. If the harassment is student to student, students are encouraged to report it to the Dean of Students Office or the Title IX Officer at which time an investigation will begin.

Employees who become aware of potential harassment of others which may be in violation of this policy must report such conduct to one of the following: Dean of Students Office, Dean of School of Nursing, Dean of School of Business, Dean of College of Arts and Sciences, or the Director of Human Resources. Supervisors have an obligation to immediately report any possible instances of harassment involving employees, students or others to the Director of Human Resources or other appropriate persons as indicated above. Once the university has knowledge of the complaint, the university is obligated to investigate the allegation.

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination based on gender in educational programs which receive federal financial assistance. Title IX can apply in areas such as athletics, student recruitment and admissions, financial aid, scholarships, course offerings and access, employment, and housing and residential services. Title IX also protects students and employees, both male and female, from unlawful sexual harassment in school programs and activities, as well as sexual assault, which are forms of unlawful discrimination under Title IX.

Linfield has established a committee, consisting of a Title IX Coordinator and Deputy Coordinators, each of whom have specific knowledge to respond to concerns in the areas described above. Inquiries related to this policy can be directed to knowmore@linfield.edu.

Investigation Procedures

1. The Dean of Students or designee is responsible for documenting the complaint and determining, with consultation as he or she deems appropriate, who will conduct the investigation.
2. The Dean of Students or other designated investigator will provide both parties the opportunity to present their side of the incident. The

investigation will include separate interviews with the complainant, the accused, and any other relevant witnesses as appropriate under the circumstances.

3. Before a final decision is made or corrective action is taken against the accused, a written summary of the allegations upon which the corrective action is based will be delivered to the accused for their opportunity to respond (within a reasonable time to be determined by the Dean of Students or designee) if the student so chooses.
4. As appropriate during and following the investigation, the University will inform students who have reported alleged harassment about the status of the investigation.
5. Upon resolution of the investigation, all investigative reports, notes, evidence, and records will be maintained within the student's file maintained in Student Affairs as needed to investigate and respond to other complaints, or as compelled to produce the files through legal process.

Confidentiality

In its own actions and the actions of its official representatives, the University will maintain the confidentiality of all harassment investigations to the extent possible, consistent with the University's need to conduct an adequate investigation and to take prompt corrective action to rectify any harassment in violation of this policy which is found to have taken place. However, the University cannot guarantee that confidentiality will be maintained by other employees or students who may need to be questioned about the allegation, or the parties directly involved in the investigation, although the University will advise all concerned to keep investigative matters confidential and not to discuss them elsewhere.

Corrective Action

Appropriate corrective action will be initiated whenever the evidence warrants it. Violation of Linfield University's anti-harassment policy will subject a student to sanctions up to and including separation. Students against whom corrective action is taken may appeal to the Linfield University Hearing Board as outlined in the student policy guide.

Anti-Harassment Protection and Academic Freedom

Academic freedom and freedom of inquiry are values to which Linfield University subscribes and which it protects by prescribing boundaries on the extent to which University officials may regulate discourse, speech, and the articulation of conscientiously held beliefs. So long as an opinion is delivered in a civil manner that invites and respects argument to the contrary, academic freedom demands that the University protect its expression. Maintaining academic freedom requires an atmosphere of trust and mutual confidence such that dishonesty, intimidation, harassment, exploitation, and the use or threat of force are incompatible with the preservation of this freedom. Accordingly, substantiated charges of sexual or other kind of discriminatory harassment must be sanctioned both for the reasons articulated in the University's anti-harassment policy as well as for the protection of academic freedom itself.

Anti-harassment policies are not intended to limit the free exchange of opinions or the vigorous debate over ideas, except when harassment and intimidation preclude the very possibility for maintaining an atmosphere of academic freedom. All members of the University are entitled to use speech to convey disagreement, agreement, inquiry, or commentary in keeping with the principles underlying constitutionally protected free

expression. In particular, speech that is related to or uttered in connection with academic affairs or the expression of non-anonymous opinions in classrooms, open forums, papers, newspapers, or pamphlets will not constitute discriminatory harassment unless it is so severe or pervasive as to interfere unreasonably with an individual's work or academic performance or unreasonably create an intimidating, hostile, or offensive work or academic environment.

Counseling

The University recognizes that students may wish to seek counseling and discuss circumstances relating to possible harassment without initiating a complaint. Under these circumstances, students are encouraged to seek counseling in the Offices of Student Health, Wellness and Counseling in Walker 103. Portland Campus students may contact the Portland Campus Counseling Center by emailing pdx-counseling@linfield.edu. Online students should utilize local resources in their community.

State-licensed counselors, Student Health Center providers, and the University Chaplain by state order are immune from being compelled to divulge confidences. Any communication with a state-licensed counselor or the University Chaplain is not a complaint to the University and will remain confidential and will not result in an investigation.