

## **20.3/70.2.2 Policy on Discrimination, Harassment and Bias Incidents<sup>1</sup>**

**Approval Authority:** Cabinet  
**Responsible Officer:** Vice President for Human Resources; Vice President for Enrollment Management and Student Affairs  
**Responsible Office:** Division of Human Resources; Division of Enrollment Management and Student Affairs  
**Effective Date:** September 20, 2017

### **I. Purpose of this Policy**

The Trustees of the Stevens Institute of Technology (“Stevens” or the “University”) is committed to equality of opportunity and creating a campus climate that supports, nurtures and rewards educational and career advancement on the basis of ability and performance. Stevens recognizes the dignity of each member of its community and believes that each member has a responsibility to promote respect and dignity for others so that all members of the community are free to pursue their goals in an environment free from discrimination, harassment and bias.

Stevens is committed to compliance with all federal, state and local civil rights laws banning discrimination, harassment and bias incidents in private institutions of higher education.

### **II. Policy**

#### **A. Scope of Policy**

This Policy sets forth expectations for all members of the Stevens community and for non-community members visiting the Stevens campus or participating in University programs. It applies to conduct that occurs on Stevens’ campus and to all programs and activities sponsored by Stevens, even if such a program or activity takes place off-campus.

In certain instances, [Stevens’ Policy on Gender-Based and Sexual Misconduct<sup>2</sup>](#) and [Stevens’ Policy on Accessibility and Accommodations for Individuals with Disabilities<sup>3</sup>](#) operate to supplement and/or supersede this Policy.

#### **B. Prohibited Conduct**

##### **1. Discrimination**

Stevens provides equal employment opportunity and makes the benefits and services of its educational and research programs available to employees and students without discrimination on the basis of any individual’s race, color, sex, pregnancy or pregnancy-related condition, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender identity or expression, veteran or military status (including special disabled veteran,

---

<sup>1</sup> This Policy supersedes Stevens’ prior Discrimination and Harassment Policy (Policy No. 70.2.2, as revised March 9, 2010).

<sup>2</sup> [https://www.stevens.edu/sites/stevens.edu/files/files/UPL/Policy\\_on\\_Gender-Based\\_and\\_Sexual\\_Misconduct-Revised-8-3-17.pdf](https://www.stevens.edu/sites/stevens.edu/files/files/UPL/Policy_on_Gender-Based_and_Sexual_Misconduct-Revised-8-3-17.pdf)

<sup>3</sup> [https://www.stevens.edu/sites/stevens.edu/files/files/UPL/Accessibility\\_Accommodation\\_for\\_Disabled\\_Individuals\\_70p7\\_9-20-17.pdf](https://www.stevens.edu/sites/stevens.edu/files/files/UPL/Accessibility_Accommodation_for_Disabled_Individuals_70p7_9-20-17.pdf)

Vietnam-era veteran or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other characteristic protected by applicable law (each, a “Protected Characteristic”).

## 2. Harassment

Harassment is unwelcome, offensive conduct that occurs on the basis of a Protected Characteristic. It is a form of discrimination and violates this Policy. Conduct that violates this Policy is not necessarily a violation of the law.

While it is not possible to identify every form of conduct that can constitute harassment, harassing conduct can occur in various forms, including:

- **Verbal Harassment**, including unwelcome sexually suggestive, demeaning or graphic comments; using ethnic, racial, religious or other slurs to refer to a person; jokes or comments that demean a person, in each case on the basis of a Protected Characteristic;
- **Physical Harassment**, including unwanted sexual contact; sexual intimidation through physical threats; physical threats toward or intimidation of another person, in each case on the basis of a Protected Characteristic;
- **Visual Harassment**, including exposing another person to unwanted pornographic images; creating or displaying racially, ethnically or religiously offensive pictures, symbols, cartoons or graffiti; and
- **Communication-Based Harassment**, including phone calls, emails, text messages, chats or blogs that offend, demean or intimidate another person, in each case on the basis of a Protected Characteristic.

A hostile environment is created when the offensive behavior reaches a level of severity or pervasiveness that it interferes with a reasonable person’s ability to participate in the University’s programs (i.e., to work and to learn).

A determination as to whether harassment occurred depends on the totality of the circumstances, including the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness or severity of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community. The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this Policy.

Importantly, if the conduct or incident in question did not occur because of one or more Protected Characteristics, such conduct is not regulated by this Policy.

## 3. Bias Incidents or Hate Crimes

A bias incident constitutes violence to a person or damage to property (or a threat to do so) or an act of intimidation that is motivated entirely or partly by hostility toward or intolerance of another person's Protected Characteristic. Individuals who cause bias incidents act in violation of this Policy.

A bias incident may be a hate crime. Federal and state laws prohibit hate crimes, and hate crimes often result in enhanced criminal penalties. Individuals who commit hate crimes may be subject to criminal prosecution in addition to discipline pursuant to this Policy. The fact that a criminal complaint has been filed, prosecuted or dismissed will not prevent Stevens from pursuing disciplinary action.

Bias incidents and hate crimes are forms of discrimination and constitute violations of this Policy.

## **C. Reporting and Investigating Discrimination, Harassment and Bias Incidents**

### **1. Reporting an Incident**

Any member of the University community who has been subject to discrimination, harassment or a bias incident, or who has witnessed clear circumstances of discrimination, harassment or bias, should report it.

- Students should report such conduct or incidents to the Office of the Vice President for Enrollment Management and Student Affairs or via the "Report a Concern" link on my Stevens.
- Employees should report such conduct or incidents to their supervisor or the Vice President for Human Resources.
- Visitors should report such conduct or incidents to a University administrator or a Campus Police officer, who will refer the report to the appropriate office.

Though anonymous complaints can be more difficult for the University to investigate, members of the University community may also report concerns anonymously through the University's EthicsPoint Compliance Hotline at (855) 277-4065, or on the [EthicsPoint website](https://secure.ethicspoint.com/domain/media/en/gui/31028/index.html).<sup>4</sup>

---

<sup>4</sup> <https://secure.ethicspoint.com/domain/media/en/gui/31028/index.html>

## **2. Investigation**

The University will investigate conduct that violates this Policy and take remedial action where appropriate. Depending on the circumstances, the Senior Director, Human Resources (or designee), the Assistant Vice President for Student Affairs (or designee) or another appropriate administrator will lead the investigation (the “Investigator”). Specifically:

- If the incident involves a student, the Investigator will be the Assistant Vice President for Student Affairs (or designee);
- If the incident involves only employees, the Investigator will be the Senior Director, Human Resources (or designee); and
- If the incident involves third parties and does not involve a student, the Assistant Vice President for Student Affairs and the Senior Director, Human Resources, in consultation with the Office of the General Counsel, will determine the identity of the Investigator.

## **3. Interim Measures**

In certain situations, interim changes in class assignments, residence hall assignments, transportation arrangements or work assignments may be effected pending the completion of an investigation, as appropriate. The University will review the facts and circumstances of each case in deciding whether interim measures are appropriate and, if so, will put appropriate interim measures in place. The University will inform both the complainant and respondent of any such interim measures taken pending the completion of the investigation.

## **4. Findings and Recommendations**

Following the investigation, the Investigator will communicate a summary of their factual conclusions to the alleged victim and respondent.

Where the Investigator concludes that a violation of this Policy has occurred, the University, via appropriate administrators, will take prompt and appropriate remedial action, which may include disciplinary action, up to and including dismissal from University employment or expulsion.

## **5. Appeal**

If the complainant or respondent is dissatisfied with the decision of the Investigator, the decision may be appealed to the Vice President for Enrollment Management and Student Affairs or the Vice President for Human Resources (as appropriate), whose decision shall be final.

### **D. Statement Against Retaliation**

Retaliation is a violation of University policy. The University recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a respondent or third party

may also be the subject of retaliation. Retaliation against anyone involved in making a good faith report regarding a potential violation of this Policy, participating in the report or investigation process, or otherwise providing information regarding allegations of misconduct is prohibited by this Policy and will not be tolerated. Any retaliation occurring at any time during or after the investigation should be reported and will be investigated by the University under the same processes and standards outlined in this Policy. Anyone found to have engaged in retaliation shall be subject to discipline, including potential dismissal from University employment or expulsion.