

Human Resources

Colby College Harassment and Sexual Misconduct Policy and Complaint Procedures

Updated Nov. 2021

The College is committed to assuring a welcoming, safe, and equitable campus community for all. This policy prohibits harassment and sexual misconduct (including sexual misconduct not covered by Title IX) as outlined below.

Harassment

Harassment based on any protected category, including race, color, age, sex, sexual orientation, gender identity or expression, religion, caste, national or ethnic origin, marital status, genetic information, political beliefs, veteran or military status, parental status, pregnancy, childbirth or related medical conditions, physical or mental disability unrelated to the job or course of study requirements is an affront to the target of such harassment and degrades the classroom, social, or workplace environment; harassment, as defined below, is therefore prohibited.

Harassment includes conduct specifically directed at an individual or a group of individuals and expresses hatred or contempt on the basis of stereotyped group characteristics or because of a person's identification with a particular group. Harassment also includes any action or speech directed toward members of the protected category that reasonably can be determined to be threatening in content or is spoken in a manner that suggests violence toward such persons is imminent. Harassment is deemed to have occurred when harassing conduct is sufficiently severe, pervasive or persistent that it interferes with or limits a student's or employee's ability to participate in or gain the privileges of programs and services of the College.

Because of the uncertainty as of the date of this publication regarding the scope and breadth of gender-based harassment as a matter of federal law, the following section includes a definition and explanation of prohibited gender-based harassment at Colby College. Specifically, such gender-based harassment includes harassment based on a person's actual or perceived gender, sex, sexual orientation, gender identity or expression, or gender stereotypes which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (i) and/or (ii), below, are present.

i) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any Colby programs and/or activities, or is used as the basis for Colby decisions affecting the individual (often referred to as "quid pro quo" harassment); or

ii) Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's educational or employment programs and/or activities. Conduct, which can include expression—that is, verbal statements rising to the level of sexual harassment—must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, Colby will consider the totality of the known circumstances, including, but not necessarily limited to:

1. The frequency, nature, and severity of the conduct;
2. Whether the conduct was physically threatening;
3. The effect of the conduct on the Reporting party's mental or emotional state;
4. Whether the conduct was directed at more than one person;
5. Whether the conduct arose in the context of other discriminatory conduct;
6. Whether the conduct unreasonably interfered with the Reporting party's educational or work performance and/or College programs or activities;
7. Whether the conduct unreasonably interfered with the Reporting party's educational opportunities or performance (including study abroad), university-controlled living environment, work opportunities or performance;
8. Whether the conduct was humiliating; and
9. Whether the conduct implicates concerns related to academic freedom or protected expression.

Harassment in the Classroom

Colby believes that academic freedom is the cornerstone of a college education, and faculty and staff members have wide latitude to conduct classroom sessions in creative and intellectually stimulating ways. A true and valued learning experience may cause discomfort, as students are challenged and exposed to new and perhaps disquieting ways of thinking or living. Nonetheless, students have the right to participate in the classroom without being subjected to harassment (as defined above). It is incumbent on faculty members to balance the demand of rigorous and thought-provoking teaching with the expectation that students will not be personally harassed or singled out in the learning process on the basis of group membership. Instructors have the special responsibility to explain to their students, when necessary, the educational purpose of any classroom technique or practice.

Sexual Misconduct

The following types of sexual misconduct are prohibited at the College:

- **Sexual Exploitation** is any abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. Sexual Exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person; allowing third parties to observe sexual acts; engaging in

voyeurism; distributing intimate or sexual information about another person; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person. **Note:** Colby's prohibition of Sexual Exploitation is not intended to prohibit the use of legal sexually explicit materials that are reasonably related to Colby's academic mission. Specifically, this section is not intended to proscribe or inhibit the use of sexually explicit materials, in or out of the classroom, when in the judgment of a reasonable Colby faculty member they arise appropriately to promote genuine discourse, free inquiry, and learning.

- **Intentional Non-Consensual Contact** is any contact, not otherwise defined as "Sexual Assault" in Colby's Title IX Policy, with intimate body parts (genitalia, breasts, anus, groin, buttocks) without the other person's consent.
- **Jurisdictional Sexual Misconduct** is any conduct that would otherwise qualify as a Title IX violation which occurs outside of the United States or in the United States, but in a non-College education program or activity or on non-College owned, managed or controlled property.
- **Title IX Sexual Misconduct** consists of specific types of sexual misconduct identified as a matter of federal law (Title IX) as constituting sexual harassment and sexual misconduct. Colby's Title IX Policy prohibits those acts too. For more information, please see the [policy](#).

Any action with the purpose of aiding, facilitating, promoting, or encouraging the commission of any act prohibited by this policy is a violation of this policy.

Procedures for Reports Against a Student or Involving a Student

Harassment by a student of another student, a faculty member, a staff member, a volunteer, or a third party (in circumstances directly affecting the College community) is a violation of Colby's Code of Student Conduct and should be reported to the Office of Student Conduct and Accountability. The Student Disciplinary Procedures set forth in the [Colby Student Handbook](#) will apply to the report.

Sexual harassment involving a student that falls under Title IX will follow the College's Title IX policies and procedures, and should be reported to the [Title IX Coordinator](#).

Procedures for Reports of Harassment Against a Faculty or Staff Member

Reports against faculty or staff members should be made to the College's Director of Recruitment and Employment, [Cora Clukey](#) (207-859-5511, 122 Roberts).

Complaints may also be filed with the Maine Human Rights Commission, 207-624-6290, 51 State House Station, Augusta, ME 04333.

Procedures for Reports of Title IX Harassment Against a Faculty or Staff Member

Sexual harassment that falls under Title IX involving a faculty or staff member will follow the College's [Title IX policies and procedures](#), and should be reported to one of the following individuals:

- Title IX Coordinator, [Meg Hatch](#) (207-859-4266, Eustis 210A)
- Deputy Title IX Coordinator for Faculty, [Carol A. Hurney](#) (207-859-4787, Eustis 203A)
- Deputy Title IX Coordinator for Staff, [Cora Clukey](#) (207-859-5511, 122 Roberts)

Complaints may also be filed with the Maine Human Rights Commission, 207-624-6290, 51 State House Station, Augusta, ME 04333.

Retaliation Prohibited

Colby prohibits retaliation against anyone who makes a good faith report of conduct in violation of Colby's discrimination or harassment policies. Further, Colby will not tolerate retaliation against any employee who, in good faith, cooperates in the investigation of such conduct.

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