

# Student Handbook

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## 5.22 Discrimination and Discriminatory Harassment

### Statement on Harassment

Macalester College does not tolerate unlawful discrimination or discriminatory harassment in any form. It is inconsistent with the maintenance of academic freedom and violates community standards. The goal of College policies and procedures is to create a community free of any form of unlawful discrimination or discriminatory harassment. The College will take immediate and appropriate corrective action when it determines discrimination or discriminatory harassment has occurred.

Macalester College values the right to free speech and the open exchange of ideas and views in our learning and working environment. We, as a community, are committed to embracing multiculturalism, internationalism, anti-racism, social justice and a celebration of all forms of diversity. Macalester College is dedicated to assuring dignity for all and desires to be welcoming to every member of the campus community. Members of the College community have the right to be free from all forms of unlawful discrimination and discriminatory harassment. Any individual who harasses or abuses another based on a protected class status is subject to the disciplinary procedures of the College. The College expects its members will educate themselves about such behavior and be vigilant in protecting the right to an environment free of discrimination and discriminatory harassment.

The Nondiscrimination Policy addresses the College's prohibition of discrimination and harassment based on race, color, national origin, age, religion, creed, disability, sex, gender identity, marital status, familial status, pregnancy, genetic information, membership or activity in a local human rights commission, veteran status, sexual orientation, and status with regard to public assistance, or other legally-protected category or characteristic; the process for a student or employee to report concerns of discrimination or harassment; and the process the College will follow in response to such a report. Allegations of sexual misconduct should be reported in accordance with the [Title IX and Sexual Misconduct Policy](https://www.macalester.edu/titleix/sexualmisconductpolicy/) (<https://www.macalester.edu/titleix/sexualmisconductpolicy/>) and will be handled pursuant to the procedure identified in that policy.

Anyone experiencing discrimination or discriminatory harassment is encouraged to report to the College's Nondiscrimination Officer:

## **Title IX Coordinator and Nondiscrimination Officer**

Regina Curran

243 Campus Center

Telephone: 651-696-6258

Email: [titleixcoordinator@macalester.edu](mailto:titleixcoordinator@macalester.edu) (<mailto:titleixcoordinator@macalester.edu>)

1600 Grand Avenue

Saint Paul, MN 55105-1899

# **Duty to Report Prohibited Conduct**

The College encourages anyone who has been experienced prohibited conduct to report the incident to the College. In addition, all employees who have observed others experiencing what they believe to be incidents of discrimination or discriminatory harassment shall to report such conduct to the Nondiscrimination Officer promptly. All community members are responsible for being fully familiar with the Nondiscrimination Policy.

Reports can also be made online via the [Bias/Harassment Incident Report](https://webapps.macalester.edu/forms/studentaffairs/harassment-or-bias-incident-form.cfm) (<https://webapps.macalester.edu/forms/studentaffairs/harassment-or-bias-incident-form.cfm>).

**Call 911 immediately if you are in physical danger or in need of medical attention.**

The Macalester Department of Public Safety (651-696-6555) is also available for 24/7 reporting and response.

Macalester specifically prohibits discrimination and discriminatory harassment. You do not have to be sure your concern meets one of these definitions to report. All reports are welcome and you will receive follow-up from the appropriate College official to discuss your report.

**Discrimination** is defined as inequitable or unfair treatment of an individual or group when based upon legally protected characteristics, including race, color, national origin, age, religion, creed, disability, sex, gender identity, marital status, familial status, pregnancy, membership or activity in a local human rights commission, genetic information, veteran status, sexual orientation, and status with regard to public assistance. Discrimination is conduct based upon an individual's protected class status that excludes an individual from participation, denies the individual the benefits of, treats the individual differently, or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a program or activity.

Examples of discrimination include, but are not limited to:

- Consideration of an applicant's protected characteristic as a factor in deciding whether to offer the applicant a job interview.
- Giving consideration to an individual's protected characteristic in deciding what grade to assign a student or whether to offer an employee a promotion.
- Requiring that members of protected classes meet higher standards for advancement or promotion than employees who are not in protected classes.
- Denying a student the opportunity to participate in an educational activity because of their protected characteristic.

**Discriminatory Harassment** is defined as verbal, nonverbal, or physical conduct or communication based upon a person's protected status, including race, color, national origin, age, religion, creed, disability, sex, gender identity, marital status, familial status, pregnancy, membership or activity in a local human rights commission, genetic information, veteran status, sexual orientation, and status with regard to public assistance, or other status protected by applicable law, when:

- submission to that conduct is made, either explicitly or implicitly, a term or condition of an individual's educational experience or employment, or the individual's submission or rejection of such conduct is used as the basis for an employment, academic, or other educational decision); or
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's employment or education, or of creating an intimidating, hostile, or offensive employment or educational environment ("hostile environment" harassment).

Hostile environment harassment exists when the conduct is sufficiently severe, pervasive/persistent, and clearly/objectively offensive that it alters the conditions of education or employment.

The criteria for determining whether an environment is "hostile" include:

- The frequency of the conduct.
- The nature and severity of the conduct.
- Whether the conduct was physically threatening.
- The effect of the conduct on the mental or emotional state of the person subject to the conduct.
- Whether the conduct was directed at more than one person.
- Whether the conduct arose in the context of other discriminatory conduct.
- Whether the conduct unreasonably interfered with the educational or work performance of the person subject to the conduct.

- Whether the statement was merely a discourteous, rude, or insensitive statement.
- Whether the speech or conduct deserves the protections of academic freedom.

Examples of harassment include, but are not limited to:

- Verbal abuse, offensive language, derogatory words, slurs, or epithets based upon or motivated by the person's protected class status.
- Threats or intimidation based upon or motivated by the person's protected class status.
- Negative stereotyping based upon or motivated by the person's protected class status.
- Jokes and comments directed at a protected class status.
- Gossip about someone's protected class status.
- Obscene gestures or leering based upon or motivated by the person's protected class status.
- Written or graphic materials or objects, pictures, or other media placed on or circulated within College premises (walls, bulletin boards, computer terminals, vehicles, email, text messages, etc.) that are offensive, insulting, or demeaning or show hostility or aversion toward an individual or group based on or motivated by a person's protected class status.
- Cyber or electronic harassment based on or motivated by a person's protected class status.

The College recognizes the complexity of defining language and actions that are not acceptable in a community which values freedom of expression. Freedom of expression does not include the right to intentionally and maliciously aggravate, intimidate, ridicule or humiliate another person.

One type of harassment is sexual harassment. Sexual harassment and other forms of sexual misconduct are covered under the College's [Title IX and Sexual Misconduct Policy](https://www.macalester.edu/titleix/sexualmisconductpolicy/).

(<https://www.macalester.edu/titleix/sexualmisconductpolicy/>)