



Title IX Sex-Based Harassment & Discrimination Policy

Revised August 1, 2024

Reed is committed to complying with state and federal law. The following policy and procedures are intended to comply with the 2024 Title IX regulations. In the event that the 2024 policy and procedures cannot take effect due to Court order, Reed will revert to and enforce prior versions of its Title IX and DHSM policies.

Preamble

Reed College is committed to providing a workplace and educational environment that is free from discrimination and harassment on the basis of sex and/or gender.

To ensure compliance with federal and state laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of its education programs and activities, the College has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sex-based discrimination or harassment, as well as for related allegations of retaliation.

This policy defines and explicitly prohibits discrimination on the basis of sex, including sexual harassment. When the College receives a report of sex-based discrimination or harassment that is alleged to have occurred within the scope of this policy, as described below, it responds according to the procedures detailed in the [Title IX Sex-Based Harassment & Discrimination Procedures](#).

I. Introduction

Reed College is committed to maintaining an academic community in which the free exchange of ideas and expression is rigorously protected. The Reed College Mission Statement and the Constitution and Bylaws of the Faculty express the College's deep commitment to academic freedom and to the free exchange of ideas, wherein students and faculty should have the broadest possible latitude to speak, write, listen, challenge, and learn. These freedoms are central to the College's values, and sometimes, discomfort may be an inevitable result of the exercise of those freedoms and the pursuit of the mission of the College. However, these protections are bounded by prohibitions against the types of discrimination and harassment defined in this policy. Expression that constitutes sex-based discrimination or sex-based harassment does not contribute to the free exchange of ideas supported by the College, but rather, denies others the ability to fully access the College's educational programs and activities.

Reed College acknowledges and complies with its legal responsibilities in all its programs and activities. This policy is required by, and is, as a whole, intended to be consistent with Title IX of the Education Amendments of 1972, and any other applicable state and federal law or regulation that prohibits discrimination on the basis of sex, including the reporting responsibilities of the Clery Act, 34 CFR § 668.46. If any provisions of this policy are contrary to or interfere with any applicable law, that law will

supersede the inconsistent policy provisions. Behavior violating this policy may also separately violate other federal, state, or local law.

This policy is overseen by Reed's Title IX Coordinator. Please see the [Title IX web page](#) for current contact information for Reed's Title IX Coordinator and Deputy Title IX Coordinators. Those in need of disability-related accommodations or with questions about accessibility should contact the Title IX Coordinator (title-ix@reed.edu).

Note: Alleged behaviors prohibited by the Reed College Title IX Policy (last revised on April 13, 2021) that took place prior to August 1, 2024 will be addressed under that policy and associated procedures.

II. Definitions

The following definitions apply where the defined terms are used in this policy:

Coercion

therefore, discouraged. An incapacitated person cannot give consent. Consent may not be obtained by coercion or force.

Any party may withdraw consent prior to the completion of a sexual act. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual

at College-sponsored events, and in buildings owned or controlled by the College's recognized student organizations. Additionally, the College may also extend its jurisdiction under this policy when it is determined that the conduct affects a substantial College interest. There may be a substantial College interest in activities, conduct, or situations that take place outside of the United States and/or outside of a College education program or activity. A substantial College interest typically includes: (1) any action that constitutes a criminal offense as defined by local, state, or federal law; (2) any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety to any member of the College community; (3) any situation that significantly impinges upon the rights, property, or achievements of others; (4) any situation that substantially interferes with the educational interests or mission of the College.

If the Respondent is unknown or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options. Supportive Measures, remedies, and resources

- Title IX and Section 504 Coordinator | titleix@reed.edu
- Dean for Institutional Diversity | institutional.diversity@reed.edu

Inquiries may also be directed to the U.S. Department of Education, Western Region, Office for Civil Rights at 206-607-1600 and ocr.seattle@ed.gov.

V. Reporting and Resource Provisions

The College encourages prompt reporting of prohibited conduct. To make a report about possible conduct prohibited by this policy, including retaliation, an individual should contact the Title IX office. This may be done at any time, by anyone, and by various means including in person, by telephone, by mail, by email, using the contact information listed for the Title IX Coordinator, or by completing the online reporting form (which may be submitted anonymously).

Reporting carries no obligation to initiate a Complaint, and in most situations, the College is able to respect a Complainant's request to not initiate one. However, there may be circumstances, such as a pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the College may need to initiate the grievance procedures. If a Complainant does not wish to file a Complaint, the College will maintain the privacy of information to the extent possible.

The College requires that all Obligated Reporters notify the Title IX Coordinator when they have knowledge that conduct that reasonably may constitute sex discrimination under this policy may have occurred. Obligated Reporters are all staff and faculty (except medical and counseling staff and Confidential Advocates), Housing Advisors, Judicial Board members, Student Senate members, and student workers who supervise other student workers. (Obligated Reporters are not required to report incidents of sexual misconduct that they have personally experienced.)

Confidential resources such as counselors and Confidential Advocates with knowledge that conduct that reasonably may constitute sex discrimination under this policy may have occurred must, at minimum, provide the Title IX Coordinator's contact information and information about how to make a Complaint.

Pregnancy and Related Conditions

An exception to the above is made for Obligated Reporters' response in regard to pregnancy and related conditions. When a student notifies any employee of their pregnancy or related conditions, the employee is required to promptly provide that person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to education.

Mandatory Reporting

Any employee of Reed College, regardless of position or classification, who has reasonable cause to believe that any child (according to Oregon law, a person under the age of 18) with whom the employee has come in contact has suffered physical or sexual abuse, or that any person with whom the employee has come in contact has abused a child, is required by law to report to the Department of Human Services or law enforcement, unless otherwise exempt under state law (ORS § 419B.010). Additionally, Oregon state law considers persons under the age of 18 to be "incapable of consenting

to a sexual act” (ORS § 163.315) and states that all such behavior must be reported to the Oregon Department of Human Services or law enforcement (ORS § 419B.010). This duty to report is separate and distinct from any procedures that the College may have for reporting this information internally; an employee does not satisfy the employee’s legal obligations by making only an internal report.

Certain medical and mental health professionals are required by law to report allegations of the abuse of an elderly person to the Oregon Department of Human Services or law enforcement (ORS § 124.060).

VI. Confidential Resources

Confidential resources are available to students and may be particularly helpful when a student is unsure whether they want to make a report or file a Complaint. Confidential resources are not required to notify the Title IX Coordinator when they have knowledge of conduct that may reasonably constitute sex discrimination under this policy but must provide Title IX Coordinator contact information and information about how to file a Complaint. These confidential resources are:

- [Counselors](#) (housed in the Health and Counseling Center)
- [Confidential Advocate](#) (also serves as the Director of Sexual Health, Advocacy and Relationship Education program)

Faculty and staff may undertake confidential discussions with a counselor through the [Employee Assistance Program](#) or with the Confidential Advocate.

VII. Prohibited Behaviors

The following behaviors are prohibited by this policy.

Sex-Based Discrimination: Differential treatment on the basis of sex. For purposes of this policy, the term “sex-based discrimination” includes discrimination based on gender, gender identity, gender expression, sexual orientation, sex stereotypes, sex characteristics, pregnancy or related conditions. Sex-based discrimination includes, but is not limited to, the following conduct:

Sex-Based Harassment: A form of sex discrimination and means sexual harassment and other harassment on the basis of sex that satisfies one or more of the following:

- *Quid pro quo harassment:* An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.
- *Hostile environment harassment:* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the College’s education program or activity.
 - # Whether a hostile environment has been created is a fact-specific inquiry that includes 9 8.04

- # The parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - # The location of the conduct, the context in which the conduct occurred, and the control the College has over the Respondent; and
 - # Other sex-based harassment in the College's education program or activity.
- # Hostile environment harassment also includes sexual harassment (unwelcome conduct of a sexual nature). Sexual harassment can include "unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created

or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Oregon (ORS § 135.230).

Stalking: Engaging in a course of conduct directed at a specific person that would

the pornographic material features an actual child or computer- or human-generated fictional child).

- *Relationship abuse*: Verbal, emotional, psychological, or economic abuse by a current or former romantic or intimate partner that threatens or endangers the health or safety of any person, when that conduct does not otherwise constitute sex-based harassment under this policy.

VIII. Response and Interventions

When the College has knowledge that conduct that reasonably may constitute sex discrimination under this policy may have occurred, it will offer the Complainant Supportive Measures and describe the process for filing a Complaint. In some circumstances, the College may impose emergency removal or administrative leave during the grievance process. A discussion of all these responses follows.

Supportive Measures

When Supportive Measures, as defined in this policy, are offered, the College strives to maintain the confidentiality of the Supportive Measures to the greatest extent possible while still effectively implementing them (e.g., notifying a faculty member of a request for an assignment deadline extension). Supportive Measures may include, but are not limited to:

- Referral to counseling or medical services;
- Referral to the Employee Assistance Program;
- Referral to community-based service providers;
- Student Financial Aid counseling;
- Extensions of deadlines and other course-related adjustments;
- Campus escort services or other safety planning;
- Increased security and monitoring of certain areas of the campus;
- Restrictions on contact applied to one or more parties;
- Class schedule modifications, withdrawals, or leaves of absence;
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
- Training and education programs related to sex-based harassment.

Complainants and Respondents have a right to seek modification or reversal of any decision to provide, deny, modify, or terminate Supportive Measures. Requests for Supportive Measure modifications or reversals should be made in writing within five business days to the Title IX Coordinator. The Title IX Coordinator will forward the request to a Deputy Title IX Coordinator who is not otherwise involved in the case for the purpose of garnering an unbiased decision and response to the request.

The College has discretion to modify or terminate Supportive Measures as appropriate at the conclusion of grievance procedures or the informal resolution process.

Filing a Complaint

As defined above, a Complaint is a request for the College to investigate and make a determination about alleged conduct prohibited by this policy. A Complaint initiates the

Title IX Sex-Based Harassment & Discrimination Procedures. Complaints may be made in writing or verbally and should be directed to the Title IX office.

In cases of sex-based harassment, those able to file a Complaint are the Complainant (the person alleged to be the victim of prohibited conduct) and the Title IX Coordinator.

In all other cases of sex discrimination other than sex-based harassment, the Complainant, Title IX Coordinator, or any student, employee, or person who was participating or attempting to participate in the College's education program or activity at the time the alleged sex discrimination took place may file a Complaint.

Circumstances in which the Title IX Coordinator may file a Complaint include those of misconduct that is a pattern of behavior, severe, or a compelling threat to health and/or safety, when no one else has made a Complaint to initiate the grievance procedures.

When the College receives a Complaint, it will perform an initial evaluation and, if not dismissed, subsequently provide notice to the Complainant and Respondent, offer Supportive Measures to both parties, and initiate a prompt and equitable grievance process. The complete response procedures may be found in the Title IX Sex-Based Harassment & Discrimination Procedures.

Emergency Removal

In situations that arise from allegations of sex discrimination where the College undertakes an individualized safety and risk analysis and determines that a Respondent poses an immediate and serious threat to the health or safety of any student, employee, or other individual, the College may remove the Respondent from the College's education programs or activities pending the outcome of a grievance procedure initiated under the Title IX Sex-Based Harassment & Discrimination Procedures. A Respondent who has been removed may appeal their removal immediately after the removal. Instructions regarding the appeal of such a removal will be provided at the time of the removal.

Administrative Leave

The College may place an employee Respondent on administrative leave during a pending grievance procedure if the College perceives an immediate threat of harm to anyone in the community or if remaining present would have a sufficiently negative impact on the Complainant.

IX. Confidentiality

Except as may be permitted or required by FERPA or other state or federal law, or as necessary to conduct the grievance process, for the purposes of this Title IX Policy, the College endeavors to keep confidential the identities of:

- any individual who has made a report or filed a Complaint of sex-based discrimination or harassment;
- any Complainant;
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Parties and Advisors are not authorized to disclose information and evidence obtained solely through the Title IX Sex-Based Harassment & Discrimination Procedures unless it is being used for administrative proceedings or litigation related to the complaint of sex discrimination.

There may be circumstances in which acts that constitute violations of this policy are handled externally (in addition to or separate from internal handling) and, as a result, the College may not always have control over confidentiality. For example, acts that constitute violations of this policy may also lead to criminal proceedings or civil actions, in which affected or knowledgeable individuals may be required to provide information or testimony.

X. Amnesty

Amnesty is intended to support the practice of reporting incidents of prohibited sex-based discrimination and sex-based harassment and to protect student safety. Individuals experiencing or witnessing violations of this policy while themselves violating another College policy (for example, policy concerning alcohol and other drug use) are encouraged to report the violations of this policy that they experienced or witnessed.

Normally, the College will not impose disciplinary sanctions for the other policy violation(s), provided those violations did not put the health and safety of any other person at risk. The Title IX Coordinator is responsible for determining whether amnesty applies in any given circumstance.

XI. Standard of Evidence

The standard of evidence used to determine responsibility for violations under this policy is the preponderance of the evidence standard (more likely than not).

XII. Records

As required by law, the College maintains records of all reports, Complaints, Supportive Measures, investigations, evidence, Informal Resolutions, Hearings, hearing records, hearing outcomes, sanctions, remedies, and appeals governed by this policy. Such records will be maintained by the Title IX Coordinator for a period of at least seven years after the last Complainant or Respondent graduates, leaves employment of the College, or otherwise is no longer engaged in a College program or activity. Records are accessible only to the extent permissible under applicable records confidentiality and disclosure laws, including FERPA and the Clery Act.

The College also maintains all materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process for a period of at least seven years. These materials are available upon request made to the Title IX Coordinator.

XIII. Policy Maintenance

The College will review the Title IX Sex-Based Harassment & Discrimination Policy at minimum on an annual basis. Non-substantive changes or changes required by law will be made by the Title IX & Section 504 Office. Other changes will be presented to the community for review and comment and will be implemented in accordance with College governance policies.

XIV. External Remedies

This policy and its grievance processes supplement, and do not replace, other remedies that may be available for acts that constitute violations of this policy. Students and employees have the option at all times to file a criminal complaint with law enforcement or to seek a civil remedy, in addition to or in place of using the College's procedures.

Individuals also have the right to file a Complaint related to Title IX with the United States Department of Education:

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov
Website: www.ed.gov/ocr

Or

Seattle Office
Office for Civil Rights
U.S. Department of Education
915 Second Avenue Room 3310
Seattle, WA 98174-1099
Telephone: 206-607-1600
FAX: 206-607-1601; TDD: 800-877-8339
Email: OCR.Seattle@ed.gov