

Cornell College, as a liberal arts institution, has a dual responsibility to both create an environment of inclusion and safety for its students and to protect [freedom of expression](#). We also include among our [community expectations](#) that we “respect the dignity of all persons,” and “maintain a caring, safe environment.” Cornell students, as well as other members of our community, have the right to study, work and live in a campus environment that is free from the fear of intimidation, discrimination, harassment or physical harm based on their actual or perceived identity(ies). For these reasons, we have elaborated this set of policies concerning bias-related behaviors.

Bias-related behaviors include speech or other behaviors which have the purpose or effect of unreasonably or substantially interfering with an individual's safety, security, or educational opportunities by creating an intimidating, hostile, or offensive educational or working environment based on an individual's actual or perceived identity. Those identities include, but are not limited to, a person's race, ethnicity, gender identity or expression, sexual orientation, ability, or religion. Prohibited conduct includes, but is not limited to, epithets, slurs, intimidation, stereotyping, threats, assault, or any physical interference with the individual's normal work or movement. This conduct may occur through:

- Direct oral expression and/or physical gestures or actions;
- Notes, letters, and other forms of written communication distributed via U.S. mail, campus mail, or otherwise made visible to the public;
- Phone calls, phone messages, or other forms of electronic verbal communication;
- E-mail, text messages, instant messaging, social networks, or other means of electronic communication regardless of whether Cornell College's network or equipment is being used;
- Graffiti and property damage

When considering whether an incident constitutes potentially sanctionable bias-related behavior both the intention of the respondent as well as the extent of the impact on the complainant and/or community will be taken into account.

Allegations of student harassment, discrimination or other bias-related behavior will be investigated and addressed through the [Student Conduct Process](#). Processes for addressing possible harassment, discrimination or other bias-related behavior by Cornell College faculty or staff can be found in the [Faculty](#) and [Employee](#) Handbooks.

## Definitions

**Bias-Related Behavior:** Bias-related behavior broadly encompasses actions that may involve the use of images, language or behaviors that directly or indirectly demonstrate hostility or contempt toward a person or group on the basis of actual or perceived identity. Discrimination, harassment and hate crimes are specific examples of types of bias-related behavior.

**Discrimination:** Discrimination is conduct that involves inequitable treatment of a person based on that individual's actual or perceived identity.

**Harassment:** Harassment is conduct based on an actual or perceived identity that creates or contributes to a pervasively hostile or demeaning environment. Harassment includes behavior, speech, or writing that demeans or stereotypes individuals in a harmful way. Harassment deprives individuals of access to or full and free participation in the life of the college.

**Hate Crime:** A hate crime is an act which violates state or federal criminal law and is motivated by the offender's bias against an actual or perceived identity. Definitions of what constitutes criminal acts and their enforcement are determined by state and federal entities. While all hate crimes are bias incidents, not all bias incidents involve criminal acts. Cornell College's investigation and adjudication of a bias incident is not dependent upon whether an incident has been classified as a hate crime, meaning both that incidents which are not criminal in nature may still violate College policy and that criminal acts may be subject to both legal and College processes.

## **Bias-Related Behavior & Speech**

Because bias-related behaviors frequently involve speech, it is necessary – as well as possible – to distinguish such speech from the open and respectful expression of ideas and opinions. Some points to consider when differentiating bias-related behavior from protected speech include the following:

- Speech that conveys reasoned opinion, principled conviction, political satire, or speculation is not harassment, even though it may challenge people's perspectives or comfort.
- Speech and consideration of concepts that are pertinent to a class's subject but which some students may find offensive do not constitute bias-related behavior.
- Claiming that the speech is merely an expression of ideas or opinions is not a sufficient defense against a charge that the behavior is bias-related when that speech unreasonably or substantially interferes with an individual's safety, security, or educational opportunities by creating an intimidating, hostile, or offensive educational or working environment.

Bias-related behaviors fall outside the bounds of civil discourse and are not tolerated on Cornell's campus.

## **Reporting**

Students who have experienced an incident that they believe involves bias-related behavior are encouraged to complete a [Bias-Related Incident Report](#). This report may be completed anonymously, but students should be aware that filing an anonymous report significantly limits the ability of the college to follow up or investigate the incident.

Students may also initiate a report of a potentially bias-related incident by contacting the [Dean of Students](#), [Directors of Campus Safety](#) and [Intercultural Life](#), or other members of the college faculty or staff. If an incident involves a possible crime, students may also directly contact the Mt. Vernon Police Department (319-895-6141) or other law enforcement or civil agencies.

## Outcomes & Sanctions

Reports of bias-related behavior that involve allegations of policy violation by an identified Cornell student or student organization will be adjudicated through the [student conduct process] as described in the Compass. The conduct process is based on the assumption that disciplinary procedures, when required, should be a means to both uphold institutional expectations and also be an educational process. The standard of proof for findings of responsibility is that the preponderance of evidence indicates responsibility for violation of College policy.

Both parties will be informed in writing of the outcome of any investigation or subsequent conduct findings. The College will strive to provide simultaneous notification to both parties. In the event that the respondent is found to have violated a policy, the complainant will be informed of any sanctions that are directly related to the complainant (e.g., no contact order, suspension of respondent).

If a policy violation is found, the sanctions will be based on the nature of the incident; any prior conduct violations; sanctions resulting from prior, similar cases; and any other relevant facts. Possible sanctions of student respondents include: no contact orders, disciplinary probation, suspension (removal from Cornell College for a minimum, designated length of time), and expulsion (permanent removal from Cornell College), educational activity and reflection, or counseling and/or any other sanction set forth in the [Sanctions section of the Compass]. Both the student respondent(s) and complainant(s) have rights to appeal, as described in the [Appeals section] of the Compass.

## Resources

Students who feel they may have been the victim of any form of discriminatory or harassing conduct may wish to seek confidential counseling or support. The following individuals are designated as confidential resources; they will seek to ensure that information received as private remains private and will not share confidential information with college officials or others, unless required to do so by law:

- Cornell College Counseling Center; *Ebersole*; 319-895-4292
- Student Health Services; *Ebersole*; 319-895-4292
- Cornell College Chaplain; *Old Sem (3<sup>rd</sup> floor)*; 319-895- 4402

Additional support and information regarding options for addressing bias-related behavior can be found through the following services and organizations:

- Office of Intercultural Life; *Stoner House*, 319-895-4484
- Dean of Students Office; *Old Sem (1<sup>st</sup> floor)* 319-895-4234
- Director of Campus Safety; *Ebersole (rear)*; 319-895-4518
- Student organizations and resource centers available to provide support and information:
  - Frank Armstrong BACO House; 319-895-3031, [bacoumojallc@cornellcollege.edu](mailto:bacoumojallc@cornellcollege.edu)
  - Harlan House & TWRG; [harlanhouse@gmail.com](mailto:harlanhouse@gmail.com)
  - Alliance; [cornellcollegealliance@gmail.com](mailto:cornellcollegealliance@gmail.com)

## **Additional Issues & Information**

### **Confidentiality**

Cornell College will make every effort to safeguard the identities of students and other College community members who seek help and/or report complaints of discrimination or harassment. While steps are taken to protect the privacy of individuals involved, the College may need to investigate an incident and take action once an allegation is known, whether or not the complainant chooses to pursue a complaint. Files related to complaints of discriminatory or harassing conduct will be kept confidential to the extent possible, consistent with the need for a thorough investigation. Should the complainant publicly discuss the complaint, the College shall be relieved of its confidentiality obligations related to the information disclosed by the complainant. In order to protect the privacy rights of all parties involved, including any student respondents, detailed information regarding conduct cases and their outcomes will not be publicly released.

### **Group Infractions**

When members of a student group, team or organization, or individuals acting as a group, violate the bias-related behavior policy, they may be charged as a group and a hearing may proceed against the group as joint respondents. Sanctions would be individually determined based on each person's involvement and level of responsibility for the incident, and may also be applied to the student group, team, or organization.

### **Retaliation**

Retaliation by any individual or agent of the college against a person who reports, is accused of, or participates in an investigation of bias-related behavior is prohibited. These actions are violations of college policy and will result in conduct charges and possible resulting sanctions. Acts of retaliation may also violate state and federal laws. Acts of retaliation should be reported to the Dean of Students.

**Microaggressions:** Microaggressions are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile,

derogatory, or negative messages to target persons based solely upon their marginalized group membership or identity. It is important to note that those who inflict microaggressions are often unaware that they have done anything to the other person or people. Cumulatively, microaggressions have the potential to create a “chilly climate” in which members of a group feel marginalized or unwelcome based on their identity. Repeated acts of microaggression could constitute harassment and be grounds for conduct action as described earlier in this policy.

### **Additional Resources**

Inquiries or complaints concerning bias-related incidents may be also referred to the United States Department of Education’s Office for Civil Rights:

Regional #5 Office  
500 West Madison St., Suite 1475  
Chicago, IL 60661  
312-730-1560