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# A.1. Community Bias Response Team Policy

*In effect as of September 1, 2016*

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## Overview

Middlebury is committed to maintaining a diverse and inclusive campus environment where bigotry and intolerance are unacceptable.

The Community Bias Response Team (CBRT) is charged with assessing and communicating an appropriate and comprehensive institutional response to bias incidents and acts of intolerance involving students. The CBRT will involve other members of the community in its response when appropriate. The CBRT's goal is to take appropriate measures in responding to bias incidents and to provide educational interventions to the Middlebury community.

The CBRT does not have the authority to conduct disciplinary proceedings or impose discipline on students, staff or faculty. Disciplinary matters will be referred and handled in accordance with Middlebury's policies, as applicable. Accordingly, complaints of misconduct should be addressed as follows:

- Complaints of misconduct related to the behavior of students should be directed to a [Judicial Affairs Officer](#);
- Complaints of misconduct related to the behavior of staff members should be directed to [Human Resources](#);
- Complaints of misconduct related to the behavior of faculty members should be directed to the [Dean of the Faculty](#).

Concerns of potential harassment or discrimination prohibited by Middlebury's Anti-Harassment/Discrimination Policy should be directed to a [Human Relations Officer and/or the Title IX Coordinator](#) for review. When the CBRT is informed of conduct that could potentially violate Middlebury's Anti-Harassment/Discrimination Policy, the CBRT will so inform the Title IX office.

Additional information about the CBRT and its members can be found [here](#).

## What is bias?

Middlebury defines a bias incident as a single act or multiple acts directed toward an individual or group on the basis of actual or perceived race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive-HIV-related blood test results, disability, culture, socio-economic status, spirituality or any combination of these or other related factors, with the purpose or effect, from the point of view of a reasonable person, of negatively impacting another. Bias incidents include, but are not limited to: slurs, degrading language, epithets, graffiti, vandalism, intimidation, symbols, and harassment; that are directed toward or affect the targeted individual or team. Incidents of bias may contribute to a hostile campus environment and can occur even if the act itself is unintentional or delivered as a joke, prank, or having humorous intent.

This definition is meant neither to proscribe nor to inhibit discussions in or out of the classroom of complex, controversial, or sensitive matters such as those listed above.

Note: This definition of a bias incident is intentionally broad to reflect our values to create and sustain an inclusive, safe, and productive community for all of our members.

# Other Applicable Information

## Harassment

In accordance with Middlebury's Anti-Harassment/Discrimination policy, harassment is defined as verbal, written, visual, or physical conduct based on or motivated by an individual's actual or perceived sex, sexual orientation, gender identity or expression, race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, marital status, or other characteristics as defined and protected by law in the location where a particular program is operating, that has the purpose or effect, from the point of view of a reasonable person, of objectively and substantially:

- a. undermining and detracting from or interfering with an individual's educational or work performance or access to Middlebury resources; or
- b. creating an intimidating, hostile, or offensive educational, work, or living environment.

Harassment may include repeated slurs, or taunts in the guise of jokes, or disparaging references to others, use of epithets, stereotypes, comments, gestures, threats, graffiti, display or circulation of written or visual materials, taunts on manner of speech, and negative reference to customs when such conduct is based on or motivated by one or more of the protected characteristics identified above, or other characteristics as defined and protected by applicable law.

In Middlebury's Vermont programs, harassment may also include conduct of the type described above that is based on or motivated by a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability, which has the type of purpose or effect described above.

See also "[Sexual Harassment](#)" as defined by Middlebury's Anti-Harassment/Discrimination policy.

Possible incidents of harassment should be directed to the [Title IX Coordinator, a Human Relations Officer](#) or [Public Safety](#).

## Hate Crime

Vermont law defines a hate crime as any crime maliciously motivated by the victim's actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the armed forces of the United States, disability, sexual orientation or gender identity (13 V.S.A Sec. 1455). Hate crimes may include attempted crimes. Common hate crimes include:

- Assaults (hitting, punching, spitting)
- Disorderly Conduct (public threatening behavior)
- Unlawful Mischief (property crime)

- Harassment by telephone (including repeated hang up calls)

Possible incidents of hate crimes should be directed to the [Title IX Coordinator, a Human Relations Officer](#) or [Public Safety](#).

## **Community Standards**

Please see the full text of Middlebury's [Community Standards](#).

## **Anti-Harassment/Discrimination Policy; Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking**

For information on filing reports under these policies, please refer to the following links:

[Anti-Harassment/Discrimination Policy](#)

[Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking](#)

## **Non-Discrimination Statement**

Middlebury College ("Middlebury") complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law. Middlebury also complies with all other anti-discrimination protections that might be provided by particular states in which it operates educational programs; questions about the scope of any such protections should be addressed to the [Compliance Officer/Title IX Coordinator](#) and/or the on-site administrative representative for the particular program at issue. The Compliance Officer/Title IX Coordinator coordinates Middlebury's efforts to comply with any and all federal and state laws that prohibit discrimination on the basis of one or more of the protected characteristics listed above. Discrimination complaints are processed in accordance with the procedures set forth in Middlebury's [Anti-Harassment/Discrimination Policy](#).

## **Notice**

Nothing in this policy alters, amends, or modifies Middlebury's Student Life Policies, the College Handbook (including but not limited to Middlebury's Anti-Harassment/Discrimination policy and Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking), and/or other applicable Middlebury policies. If any conflict or apparent conflict exists, Middlebury's Student Life Policy, College Handbook, and/or other applicable Middlebury policy controls.

## **Confidentiality**

All reports under this policy will be handled in a sensitive manner. Information will be shared with others only to the extent necessary to assess and manage the situation in compliance with Middlebury policies, or state and federal law.

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional, religious advisor or MiddSafe advocate. The medical, mental health, religious professionals and MiddSafe advocates at Middlebury and their off-campus counterparts respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. These professionals may have to disclose information when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals may be required by law to report certain crimes (e.g., any allegation of sexual and/or physical abuse of a person under 18). These exceptions to confidentiality are governed by the law of the state in which the confidential resource is located.

An individual who exclusively reports allegations to a confidential resource must understand that Middlebury may be unable to evaluate the allegations and/or pursue disciplinary action against any individual who may have engaged in prohibited behavior.

The CBRT will handle information with sensitivity and discretion. However, the CBRT may need to disclose allegations and/or other information (including the identity of parties and/or witnesses) to the extent necessary to allow Middlebury to proceed with an investigation and/or adjudication under applicable policies.

## **Disclosure Required by Law**

Middlebury will not include the names of complainants or other identifying information in publicly available reports that are compiled as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Middlebury is part of a larger community, and a variety of additional factors and/or legal requirements may apply. As an example, if there is an investigation, lawsuit, or criminal proceeding related to a bias incident or hate crime, the parties, witnesses, and/or Middlebury officials may be required by law to provide testimony or documents (e.g., investigation reports, witness statements, and any other information gathered or obtained in the course of a particular matter).

## **Disclosure to Law Enforcement**

In certain circumstances, Middlebury may report an incident to law enforcement authorities. Such circumstances include but are not limited to incidents that warrant the undertaking of safety and security measures for the protection of the individual and/or the campus community, or situations in which there is clear and imminent danger and/or a weapon may be involved. Complainants may always choose to notify authorities directly with or without Middlebury's assistance, or may choose not to notify such authorities.

## **Retaliation**

Retaliating directly or indirectly against a person who has in good faith made a report under this policy or who has supported or participated in an investigation related to a bias incident is prohibited.

Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop the report or not participate in the investigation, or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Depending on the circumstances, retaliation may be unlawful, whether or not the report is ultimately found to have merit. An individual who engages in retaliation under this policy will be subject to discipline in accordance with the College's Handbook, Student Life Policies/General Disciplinary Processes, Anti-Harassment/Discrimination policy, or other policies applicable to the program at issue.

## **Additional Resources**

For additional resources for targeted persons of bias incidents or hate crimes, please click [here](#).