



Hebrew College Non-Discrimination Policy

Hebrew College (the “College”) is committed to providing a work and educational environment free of Discrimination and Harassment. The College does not discriminate on the basis of race, color, religion, national or ethnic origin, gender, sexual orientation, age, disability, genetic information, or veteran status (collectively, “Protective Status”) in admission to, access to, treatment in, or employment in its programs and activities.

I. Scope

A. Generally

This policy applies to Prohibited Conduct (defined in Section II below) in all Hebrew College education programs and activities and to all participants in such education programs and activities, including administrators, faculty, staff, students, volunteers, contractors, and guests. This policy covers Prohibited Conduct that occurs on campus, in connection with an official College program or activity (regardless of location), and to off-campus conduct when the conduct could deny or limit a person’s ability to participate in or benefit from the College’s programs and activities or when the College, in its sole discretion, has an identifiable interest in the off-campus conduct.

B. Interaction with College Title IX Sexual Harassment Policy

All allegations of sexual misconduct which rise to the level of Sexual Harassment occurring within the College’s Education Programs and Activities as defined by the College’s Title IX Sexual Harassment Policy (“Title IX Policy”)^{[\[1\]](#)} are handled exclusively pursuant to the procedures outlined in that policy. All other acts of Discrimination and Harassment—including sexual misconduct which does not rise to the level of Sexual Harassment occurring within the College’s Education Programs and Activities as defined by the College’s Title IX Policy—are handled pursuant to this policy. In resolving complaints of sexual misconduct under this policy, the College will rely on the principles and definitions stated in sections I, III, IV, XI, and XII of the Title IX Policy.

II. Definitions of Prohibited Conduct

The following are categories of conduct that are prohibited by this policy (“Prohibited Conduct”) and may result in disciplinary action when committed by College employees or students.

- A. **“Complainant”** means an individual who is alleged to be the victim of Prohibited Conduct.^[2]
- B. **“Discrimination”** is conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their education or employment because of their Protected Status.
- C. **“Employee”** means an individual who receives compensation for work or services for which the College has the right (whether or not it exercises the right) to supervise and control the manner of performance as well as the result of the work or service. Volunteers and independent contractors are not considered “employees” for the purposes of this policy.
- D. **“Harassment”** as used in this policy is verbal and/or physical conduct (i) that is severe, persistent, or pervasive, (ii) that is based on an individual’s Protected Status, and (iii) that unreasonably interferes with the individual’s work or academic activities, or that creates an intimidating, hostile, or offensive College environment.

In determining whether a Hostile Environment exists, the College will consider the totality of the circumstances, including (but not limited to) factors such as:

- the impact the conduct has had on the Complainant;
- the nature and severity of the conduct at issue;
- the frequency and duration of the conduct;
- the relationship between the parties (including accounting for whether one individual has power or authority over the other);
- the respective ages of the parties;
- the context in which the conduct occurred;
- and the number of persons affected.

The College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant’s position. A person’s adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment. The College encourages members of the College Community to report any and all instances of Harassment, even if they are unsure whether the conduct rises to the level of a policy violation.

- E. **“Other Unprofessional/Inappropriate Conduct”** is behavior or conduct of a sexual nature that is unprofessional and/or inappropriate for the educational and/or working environment, but does not rise to the level of Sexual Harassment under the College’s Title IX Sexual Harassment Policy or other form of Prohibited Conduct outlined above.
- F. **“Preponderance of the Evidence”** is the standard for determining allegations of prohibited conduct under this policy. Preponderance of the evidence means the greater weight of the credible evidence. This standard is satisfied if the evidence and information gathered in the matter indicate that the action is more likely to have occurred than not.

- G. “Respondent”** means an individual who has been reported to be the perpetrator of Prohibited Conduct.
- H. “Retaliation”** is any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including abuse or violence, threats, coercion, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working or academic environment of an individual, or if they hinder or prevent the individual from effectively carrying out their College responsibilities. Any individual or group of individuals can engage in retaliation and will be held accountable under this policy.

Retaliation is prohibited and is considered a stand-alone policy violation without regard to any finding of responsibility for violation of this policy.

III. Reporting Complaints of Prohibited Conduct

Community members who experience or witness Prohibited Conduct should submit a complaint to the appropriate College administrator. The following offices have been designated to handle complaints of a violation of this policy:

Dr. Susie Tanchel, Vice President and Title IX Coordinator
[PHONE NUMBER]
TitleIX@hebrewcollege.edu

Rabbi Daniel Klein, Dean of Students
617.559.8637
dklein@hebrewcollege.edu

Steffi Bobbin, Human Resources Director
Phone: 617.559.8640
Email: sbobbin@hebrewcollege.edu

While verbal reports of Prohibited Conduct will be received and responded to as appropriate considering the wishes of the reporting individual(s) and the circumstances of each case, the College strongly recommends reports of violations of this policy be submitted in writing. The written complaint should identify the parties involved; describe the policy violation, including when and where it occurred; and identify by name or description any witnesses and/or evidence. Written complaints will be treated as confidentially as practical and shared only on a need-to-know basis.

IV. Supportive Measures

Regardless of the complaint resolution process utilized in response to a complaint of Prohibited Conduct, the College will, to the extent practicable based on the College's resources, provide the Complainant with support and resources to restore or preserve equal access to the College's education programs and activities and/or employment. Such measures are designed to protect the safety of all parties implicated by a report or to deter Prohibited Conduct. Supportive measures may include, but are not limited to: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

V. Complaint-Resolution Process

A. Receipt of a Complaint and Preliminary Assessment

Upon receipt of a complaint, the Vice President (or their designee) (hereinafter the "Administrator") will conduct a preliminary inquiry designed to assess:

1. the institutional policy or policies potentially invoked by the alleged conduct,
2. the appropriate College official to respond to the complaint, and
3. the best path of resolution for the complaint.

In the event the Administrator determines there are no reasonable grounds for believing the conduct at issue constitutes a violation of this policy, the Administrator will close the complaint and notify the complainant of its dismissal.

B. Alternative Resolution

The Administrator will determine whether alternative resolution is an appropriate mechanism of resolution based on the information provided about the incident. Options for alternative resolution include, but are not limited to, mediation, restorative justice, or other form of conflict resolution. If alternative resolution is determined to be appropriate, the Administrator or their designee will meet separately with both parties to discuss an alternative resolution based on the information available. If the proposed resolution satisfies the College's obligation to provide a safe and non-discriminatory environment for the College Community, the resolution will be implemented, and the matter will be closed. The Human Resources and/or Dean of Students' offices will maintain records of all reports and conduct referred for alternative resolution.

C. Formal Resolution Procedures

If any party requests or the Administrator determines that a formal investigation is warranted to resolve a complaint, the College will determine whether an employee or

student is responsible for a violation of this policy and what, if any, corrective action is appropriate, in accordance with the procedures described below.

1. Assignment of Investigator

The Administrator will appoint an investigator or investigative team with appropriate training to investigate the allegations of Prohibited Conduct. The investigator(s) may be an employee of the College or an external investigator engaged to assist the College in its fact gathering.

2. The Investigation

The investigation will be conducted in a manner appropriate in light of the circumstances of the case. The investigation may include, but is not limited to, conducting interviews of the complainant(s), the respondent(s), and any witnesses (witnesses must have observed the acts in question or have information relevant to the incident); reviewing law enforcement investigation documents, if applicable; reviewing personnel files; and gathering, examining, and preserving other relevant documents and physical, written, and electronic evidence (including text messages and other phone records, social media posts, security camera footage, etc.). The parties will be afforded an opportunity to identify and present relevant witnesses and evidence to the investigator, as well as identify witnesses who may have relevant information.

3. The Investigator's Report and Conclusions

The investigator will identify findings of fact and make a recommendation as to whether the respondent violated any provision of this policy. The standard of proof shall be by a preponderance of the evidence. The investigator's findings and recommended conclusions will be shared with the Administrator in a written report.

Determination of No Policy Violation. If the Administrator determines that the respondent did not violate any provision of this policy, the Administrator will determine and document the appropriate resolution of the complaint and notify the parties of that determination. Appropriate resolutions may include, but are not limited to, dismissal of the complaint, conferences with one or more of the parties, and the introduction of remedial and community-based efforts such as educational initiatives and/or trainings.

Determination of a Policy Violation. If the Administrator determines there is sufficient information to find, by a preponderance of the evidence, that the respondent violated this policy, the matter will be referred for corrective action.

D. Corrective Action

If the Respondent is found responsible, the Administrator will consult with the appropriate College official(s) with disciplinary authority over the Respondent and

determine any disciplinary sanctions to be imposed. The Administrator will also determine whether and to what extent ongoing supportive measures or other remedies will be provided to the Complainant.

Potential sanctions for violating this policy may include, but are not limited to: referral to counseling, educational programs, a written reprimand, community service, probation, or suspension or dismissal from the College.

If the College receives an appropriate request by another postsecondary educational institution or employer, the College may, in its discretion, provide to the requesting institution information relating to the College's determination that the student or employee violated this policy.

E. Appeals

Either Party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

1. A procedural irregularity affected the outcome;
2. There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
3. The Administrator or Investigator had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.
4. The sanctions imposed are substantially disproportionate to the severity of the violation.

Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation and evidence available at the time of the Investigation, and pertinent documentation regarding the grounds for appeal.

Appeals of findings of responsibility under this policy must be filed with the President within seven days of the date that the Party received notice of the determination. Although the length of each appeal will vary depending on the totality of the circumstances, the College strives to issue a written decision within 21 days of an appeal being filed.

F. Knowingly Filing a False Complaint

Knowingly filing a false complaint is a violation of this policy. Such conduct may result in corrective action up to and including separation from the College.

^[1] Available at <https://hebrewcollege.edu/title-ix-policy>.

^[2] A Complainant and Respondent are each individually a “party” and collectively the “parties” with respect to a complaint under this Policy.