

Draft Proposal: Inclusion and Clarification of Hate Symbols within current Policy Statement on Discrimination and Harassment

Although 1) our current policy statements on discrimination and harassment make reference to discrimination or harassment on basis of protected classes and 2) this includes verbal, written, or physical conduct, our current statement is dedicated to providing definitions and examples describing sexual harassment. Consistent with our Diversity Statement and changes NCAA rules on hate symbols, we are currently drafting language to provide similar definitions and examples to guide our own practices at Washington College.

Language in the *Harassment and Discrimination: Displays of Hate* document (left) would appear after our current *Statement on Importance of Academic Freedom* section of our existing [Discrimination and Harassment Policies](#) (right).

Harassment and Discrimination: Displays of Hate

Washington College is committed to fostering a welcoming community for all students, faculty, staff, and visitors. Hate speech, defined by the [United Nations](#) as "any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor. This is often rooted in, and generates intolerance and hatred and, in certain contexts, can be demeaning and divisive." Hate speech is antithetical to the learning environment we wish to establish here at Washington College. Further, tolerating hate speech and iconography neglects our goal to "confront and challenge attempts to dehumanize others through prejudiced attitudes, behaviors, and practices that exclude, demean, or marginalize any individual or group."

After reevaluating our [Discrimination and Harassment Policy](#), we have determined that hate speech and hate symbols have no place at Washington College and those who engage in hate speech or who choose to display hate symbols on their person, car, dormitory, or personal effects can be brought to the Honor Board or to Human Resources. Faculty may use their discretion when determining if displaying a hate symbol in class or if allowing students to depict hate symbols in their research is academically necessary. If you wish to report a violation of the Hate Speech and Hate Iconography Policy, you can do so here:

[BERT reporting procedure](#)
[Student handbook entry on discrimination and harassment](#)
Active incident reporting (Public safety): 410-778-7810

Discretionary use in academic contexts

Although hate symbols may be antagonistic and demeaning when encountering them in general contexts, there are academic applications of hate content that may require their exploration. For example, coursework and research addressing hate groups, identifying implications of harmful rhetoric, or reviewing historical events can all present contexts where encountering these materials is academically necessary. Washington College can create spaces where difficult issues can be thoughtfully discussed and confronted. As [existing Washington College policies](#) warn, it is important to recognize when academic freedom "is used to disguise, or as the vehicle for prohibited conduct." Faculty should use their discretion when determining whether displaying hate symbols in classroom settings or allowing student depictions of hate are necessary for academic enrichment.

Examples

A student presentation includes references to Nazi and neo-Nazi groups during a course discussion on extremist ideologies. The presentation includes Nazi symbols and directly quotes members of the neo-Nazi movement.

- Is the presentation of materials antagonistic to the identities of students in the classroom? Are materials presented to intimidate students based on their identity?
- Is the purpose of presenting neo-Nazi materials meant to enrich student understanding of course content?
- Is the purpose of presenting neo-Nazi materials antagonistic to the identities of students in the classroom?
- Are materials presented to intimidate students based on their identity?

While the above example could serve as a vehicle for prohibited conduct, the [standard of reasonableness established in discrimination and harassment policy enforcement](#) allows for discretion in permitting reference to materials if they promote enrichment without contributing to a broader hate agenda.

A confederate flag is displayed from a student's dorm room window.

- Is the presentation of materials antagonistic to the identities of students at Washington College? Are materials presented to intimidate students based on their identity?
- Is the purpose of presenting Confederate materials meant to enrich student livelihoods or academic enrichment?

Figure 1 Hate Symbols proposal

Statement on Importance of Academic Freedom

The essential importance of academic freedom is recognized, and a standard of reasonableness will guide the College. Only when academic freedom is used to disguise, or as the vehicle for, prohibited conduct will it be questioned.

Washington College believes that ideas, creativity, and free expression thrive and, indeed, can only exist for students, faculty, and staff in an atmosphere free of discrimination and harassment, including sexual harassment and assault.

Definition of Sexual Harassment

Federal Law (Title VII of the Civil Rights Law of 1964 and Title IX of the Education Amendments of 1972) provides that sexual harassment shall be considered a form of gender discrimination. Maryland Law also prohibits gender discrimination and sexual harassment.

Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature which has the purpose or effect of interfering with one's academic or work performance or social world by creating an intimidating, hostile, offensive, or violent environment. Sexual violence/assault is also considered sexual harassment.

Examples of Sexual Harassment

- Action of an individual in a position of institutional power or authority who misuses that position to subject an individual to unwanted sexual attention of either a verbal or physical nature when that conduct is either explicitly or implicitly a term or condition of a person's employment or academic status.
- Demanding sexual favors accompanied by implied or overt threats or promises concerning grades, recommendations, or evaluations.
- Inappropriate sexual conduct that interferes with an individual's work performance or educational experience by creating an uncomfortable environment. This prohibition applies to all relationships at the institution between members of the College community.

Figure 2 Current Discrimination and Harassment Statement