

POLICY AGAINST UNLAWFUL DISCRIMINATION, HARASSMENT, AND RETALIATION

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Introduction

Wellesley College values diversity, equity, and inclusion, and is dedicated to protecting the equal dignity of every member of the community and our sustained connection to one another, to our campus, and to our mission. Discrimination and harassment violate the dignity of member(s) of our community, and such behavior is not tolerated at the College. It is the policy of the College not to discriminate in its programs and activities (including in College-sponsored travel or events that occur off campus), on the basis of any legally-recognized status, including, but not limited to: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, requesting and/or taking of parental leave or any other protected status under applicable local, state or federal law.

Wellesley College's [Sexual Misconduct Policy](#), which is designed to comply with recent federal Title IX regulations and to reflect the College's expectations for its community, defines sexual misconduct that is prohibited by the College. This Policy, (the "Policy Against Unlawful Discrimination, Harassment, and Retaliation" or the "Nondiscrimination Policy") describes other types of prohibited discrimination and harassment. Each of these Policies inform individuals participating in Wellesley College's programs and activities of: their individual, organizational, and community rights and responsibilities with regard to the prohibited conduct, as well as the College's response to allegations of such conduct and resources available to individuals who have experienced such conduct. Anyone with questions about the scope, coverage, or processes in either of these Policies, should contact the [Director of Nondiscrimination Initiatives/Title IX Coordinator](#).

Persons who violate this policy will be subject to disciplinary action up to and including termination of employment, suspension, and/or expulsion.

Unlawful Discrimination

Unlawful discrimination against an employee, applicant or student is strictly prohibited by the College and will not be tolerated. Treating an employee/applicant/student differently in the terms or conditions of his or her employment/education on the basis of the following legally protected characteristics: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of

a mentally ill person, taking of parental leave or any other protected status under applicable local, state or federal law.

Harassment

The College is committed to providing a work environment that is free of harassment. As a result, the College maintains a strict policy prohibiting harassment against applicants, employees and students based on any legally-recognized status, including, but not limited to: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, taking of parental leave or any other protected status under applicable local, state or federal law.

The College's anti-harassment policy applies to all persons involved in its operations, regardless of their position, and prohibits harassing conduct by any employee of the College, including supervisors, managers and nonsupervisory employees. This policy also protects employees from prohibited harassment by third parties, such as customers, vendors, clients, visitors, or temporary or seasonal workers. If such harassment occurs in the workplace by someone not employed by the College, the procedures in this policy should be followed. The workplace includes: actual worksites, any setting in which work-related business is being conducted (whether during or after normal business hours), College-sponsored events, or College owned/controlled property.

Harassment on the basis of any legally protected status is prohibited, including harassment based on: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, taking of parental leave or any other protected status under applicable local, state or federal law.

Harassment prohibited by this policy may include, but is not limited to:

- Verbal conduct including taunting, jokes, threats, epithets, derogatory comments or slurs based on an individual's protected status;
- Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages or gestures based on an individual's protected status; and
- Physical conduct including assault, unwanted touching or blocking normal movement because of an individual's protected status.

Manager's Responsibility

All supervisors and managers are responsible for:

- Implementing this policy, which includes, but is not limited to, taking steps to prevent harassment and retaliation;
- Ensuring that all employees under their supervision have knowledge of and understand this policy;
- Promptly reporting any complaints to the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator or to Human Resources so they may be investigated and resolved in timely manner;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, at all times, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action, up to and including termination.

No Retaliation for Filing a Complaint of Harassment or Unlawful Discrimination

Good Faith

The initiation of a good faith complaint of harassment or retaliation will not be grounds for disciplinary action, even if the allegations cannot be substantiated. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination.

Support for Individuals Impacted by Harassment or Retaliation

The College will strive to assist anyone who has been subjected to unwelcome harassment or retaliation to feel more comfortable in the work environment. Such assistance may, but does not necessarily include, transfer or reassignment. Any such assistance is at the College's sole discretion.

No Retaliation

Retaliation against any individual for making a complaint of harassment or of any unlawful discrimination or for cooperating in the investigation of such a complaint is unlawful and will not be tolerated. Any acts of retaliation will be subject to appropriate disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension and/or immediate termination.

The College also will not discriminate or retaliate against an employee because the employee provided evidence in connection with a claim for unemployment benefits or testified at any unemployment hearing.

Disability and Accommodation

To comply with applicable laws ensuring equal employment opportunities for individuals with disabilities, the College will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result. Any employee who requires an accommodation in order to perform the essential functions of his or her job, be entitled to equal employment opportunity, and/or obtain equal job benefits should contact the [Office of Accessibility and Disability Resources](#) at accessibility@wellesley.edu to request such an accommodation. Accessibility and Disability Resources will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation(s) may be appropriate. In some cases, this interactive process may be triggered without a request from the employee, such as when the College receives notice from its own observation or another source that a medical impairment may be impacting the employee's ability to perform his or her essential job functions.

Employees who believe they need an accommodation must specify, preferably in writing, what barriers or limitations prompted the request. The College will evaluate information obtained from the employee, and possibly his or her health care provider or another appropriate health care provider, regarding any reported or apparent barriers or limitations, and will then work with the employee to identify possible accommodations, if any, that will help to eliminate or otherwise address the barrier(s) or limitation(s). If an identified accommodation is reasonable and will not impose an undue hardship on the College and/or a direct threat to the health and/or safety of the individual or others, the College will generally make the accommodation, or it may propose another reasonable accommodation which may also be effective. Employees are required to cooperate with this process by providing all necessary documentation supporting the need for accommodation, and being willing to consider alternative accommodations when applicable.

Employees who wish to request unpaid time away from work because of a qualifying disability should speak to Human Resources regarding a proposed accommodation. For more information regarding leaves of absence, see the [leave section](#) of the employee handbook.

For more information, see the [Accessibility and Disability Resources](#) and the [ADA/504 Grievance Process](#).

Pregnancy and Lactation Accommodation

Employees and applicants with needs related to pregnancy, childbirth or related conditions (including lactation), may request a reasonable accommodation to enable them to perform their job. A reasonable accommodation may include, but is not limited to, the following: more frequent or longer breaks; acquisition or modification of equipment or seating; assistance with manual labor; job restructuring; light duty; private non-bathroom space for expressing breast milk; modified work schedules; temporary transfers to a less strenuous or hazardous position; or time off to attend to a pregnancy complication or recover from childbirth. The College will provide a reasonable accommodation for needs related to pregnancy, childbirth or a related

medical condition so long as the requested accommodation does not impose an undue hardship on the College's program, enterprise or business.

The College will not deny employment opportunities or take adverse employment action against otherwise qualified applicants or employees who request or use such reasonable accommodations. Employees who take leave as an accommodation under this policy will be reinstated to their original job or to an equivalent position with equivalent pay, seniority, benefits and other terms and conditions of employment upon their notification to the College of their intent to return to work or when the employee's need for a reasonable accommodation ends.

The College may require that employees provide documentation about the need for a reasonable accommodation, or the need to extend an accommodation, from an appropriate health care or rehabilitation professional. The College will not require such documentation when the requested accommodation is more frequent restroom, food and water breaks; seating; private non-bathroom space for expressing breast milk or limits on lifting over 20 pounds.

Employees who have questions about this policy or who wish to request leave or other reasonable accommodations under this policy should contact their Human Resources representative. When an employee makes a request for a reasonable accommodation, the College and employee will engage in a timely, good faith and interactive process to determine an effective reasonable accommodation.

Religious Accommodation

The College will provide reasonable accommodation for employees' religious beliefs, observances, and practices when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the College.

The College has a system of open communication between employees and the College to discuss conflicts between religion and work and to take action to provide reasonable accommodation for employees' needs. The intent of this process is to ensure a consistent approach when addressing religious accommodation requests. Any employee who perceives a conflict between job requirements and religious belief, observance, or practice should bring the conflict and his or her request for accommodation to the attention of Human Resources to initiate the accommodation process. The College requests that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

Political Opinions

The College will not terminate or threaten to terminate an employee or take other adverse action for the purpose of influencing the employee to give or withhold a vote or a political contribution and will not take any employment action because of a vote or political contribution or lack thereof. The College also will not attempt to influence employee votes by promising higher wages or other incentives in the terms and conditions of employment.

Educational Setting

In the educational setting within the College, there exists latitude for a faculty member's professional judgment in determining the appropriate content and presentation of academic material. Academic curriculum and pedagogical goals that serve legitimate and reasonable educational purposes do not, in and of themselves, constitute harassment or other unlawful discrimination. Those participating in the educational setting bear a responsibility to balance their professional academic responsibilities and academic freedoms with a consideration of the reasonable sensitivities of other participants.

Nothing contained in this policy shall be construed to limit the legitimate and reasonable academic responsibilities and academic freedoms of the College's professional educators.

Employee, Faculty and Student Responsibilities

Each employee, faculty member, administrator and student of the College is personally responsible for ensuring that his or her conduct does not harass, unlawfully discriminate or retaliate against anyone in the College community. Each employee, faculty member, administrator and student is responsible for cooperating in any investigation of alleged harassment or unlawful discrimination if requested to do so by the person conducting the investigation unless cooperation is voluntary.

Any person who observes an incident that may constitute harassment, unlawful discrimination or retaliation or who otherwise becomes aware of such an incident should immediately notify the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator 781-283-2451 or Human Resources, 781-283-3202. Additional responsibilities are set forth in the [Sexual Misconduct Policy](#).

Procedures for Addressing Complaints Regarding Violations of This Policy

When Wellesley College receives any complaint of harassment it will be investigated in a timely, objective and expeditious manner. Wellesley College will make every effort to proceed in such a way as to maintain confidentiality to the extent practicable under the circumstances in accordance with applicable law. If it is determined that conduct prohibited by this policy has occurred the College will act promptly to eliminate the offending conduct, and where appropriate we will also impose disciplinary action up to and including termination.

Procedure

If an individual believes that s/he has been subjected to discrimination or harassment or retaliation prohibited by this policy, whether by a supervisor, a co-worker, faculty member, student, vendor, contractor or any other person with whom s/he comes in contact at the College, the individual should report the incident promptly to the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator, 781-283-2451, to his or her supervisor or to Human Resources, 781-283-3202. Employees are not required to make a report to their own supervisor. Employees are also welcome to bring the matter to the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator or Human Resources. Any person who receives a complaint of harassment or discrimination from an

employee or student, or who otherwise knows or has reason to believe that an employee or student has been subjected to harassment or discrimination, is expected to report the incident promptly to the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator.

The following is an outline of the procedure generally followed once a complaint has been brought to the attention of the College: Complaints falling under the [Sexual Misconduct Policy](#) are subject to the procedures set forth in that policy.

- A timely, impartial and efficient investigation of the complaint is conducted by the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator or other investigator designated by the College. The investigation will consist of (but will not necessarily be limited to) interviews of the individual who made the complaint, of the person or persons against whom the complaint was made and of other individuals who may have witnessed the reported incident or incidents.
- The investigator(s) will submit findings to a trained individual designated by the Title IX Coordinator and Director of Title IX/Nondiscrimination Initiatives for determination of responsibility, based on a preponderance of the evidence standard, and for determination of any sanctions/remedies. Where possible, the designee will not be the same person who served as the investigator, and will typically be the Provost for cases where the responding party is a faculty member, and the AVP for Human Resources where the responding party is a staff member. The responding party and reporting party will receive simultaneous written notice of the outcome.

Disciplinary Action

In the event that the investigation reveals that harassment, discrimination, retaliation or other prohibited or otherwise unprofessional conduct has occurred, further action will be taken, including disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension and/or immediate termination. Even where conduct does not actually rise to the level to be considered unlawful or to violate rules, the College may nevertheless take action if the College would like the individual to refrain from future such conduct.

Confidentiality

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy and discretion as possible without compromising the thoroughness and of an impartial investigation. All persons involved are to maintain the privacy of those involved to the extent possible in accordance with the law. To conduct a thorough investigation, the Investigator(s) may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions.

State and Federal Agencies

In addition to the above, employees who believe that they may have been subjected to harassment or unlawful discrimination, may file a formal complaint with either or both of the government agencies set forth below. Using the College's complaint process does not prohibit an employee from filing a complaint with these agencies. Complaints filed with the MCAD and the EEOC must be filed within 300 days of the incident giving rise to the claim.

1. The United States Equal Employment Opportunity Commission ("EEOC"), John F. Kennedy Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203, telephone number (617) 565-3200 or (800) 669-4000. TTY (800) 669-6820.
2. Massachusetts Commission Against Discrimination ("MCAD")
 - Boston Office: One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108, telephone number (617) 994-6000. TTY (617) 994-6196.
 - Springfield Office: 436 Dwight Street, Second Floor, Suite 220, Springfield, MA 01103, telephone number (413) 739-2145
 - Worcester Office: 488 Main Street, Room 320, Worcester, MA 01608, telephone number (508) 453-9630
 - New Bedford Office: 800 Purchase Street, Room 501, New Bedford, MA 02740, telephone number (508) 990-2390.
3. U.S. Department of Education, Office for Civil Rights, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921, telephone number (617) 289-0111, TTY: (800) 877-8339.

EXPECTATIONS OF PROFESSIONAL CONDUCT BETWEEN COLLEGE EMPLOYEES AND SUPERVISEES OR BETWEEN EMPLOYEES AND STUDENTS

Prohibited Conduct and Romantic Relationships between Students and Faculty

One of the foundations upon which the College's educational mission rests is the maintenance of a campus environment where students can learn, think, work, and live without undue negative influences, concerns of favoritism, intimidation, and/or a hostile working or learning environment.

A sexual and/or romantic relationship between a student and a faculty member of the College, even where consensual, can be, or subsequently can become, detrimental to the professional campus learning environment described above. Consequently, the College prohibits its faculty from engaging in any consensual sexual and/or romantic or intimate relationships with any of its students. The College also prohibits faculty members from making any sexual and/or romantic overtures to any of its students. A non-consensual sexual and/or romantic relationship between a College faculty member and student also is prohibited by the College and is subject to rigorous legal prohibitions. These prohibitions also apply to visiting faculty and faculty of other schools who are working on Wellesley's campus and/or with its students (referred to here as "third

parties”). For the purposes of this policy, the word “students” refers to all persons enrolled in academic courses at the College on a full-time or part-time basis, whether they are Wellesley students or students of other institutions. Any faculty member or third party who engages in conduct contrary to these prohibitions will be subject to disciplinary action, including but not limited to restricted access to campus activities, change of job duties or responsibilities, suspension, and/or termination of employment.

Any faculty member who requests that the policy should not apply to his or her particular situation involving a consensual relationship should submit a written appeal to the Provost explaining the reasons for the request. The Provost shall provide a written response.

Prohibited Conduct and Romantic Relationships between Students and Staff

One of the foundations upon which the College’s educational mission rests is the maintenance of a campus environment where students can learn, think, work, and live without undue negative influences, concerns of favoritism, intimidation, and/or a hostile working or learning environment.

A sexual and/or romantic relationship between a student and a College staff member, even where consensual, can be, or subsequently can become, detrimental to the professional campus learning environment described above. Consequently, the College prohibits its staff members from engaging in any consensual sexual and/or romantic or intimate relationships with any of its students. The College also prohibits staff members from making any sexual or romantic overtures to any of its students. A non-consensual sexual and/or romantic relationship between a College staff member and student also is prohibited by the College and is subject to rigorous legal prohibitions. These prohibitions also apply to employees of independent contractors, vendors, and interns, working on Wellesley’s campus and/or with its students (referred to here as “third parties”). For the purposes of this policy, the word “students” refers to all persons enrolled in academic courses at the College on a full-time or part-time basis, whether they are Wellesley students or students of other institutions. Any staff member or third party who engages in conduct contrary to these prohibitions will be subject to disciplinary action, including but not limited to restricted access to campus activities, change of job duties or responsibilities, suspension, and/or termination of employment.

If a newly hired staff member has a pre-existing consensual relationship with a Wellesley student and the staff member and the student both wish to continue the relationship, the new staff member should inform the Assistant Vice-President of Human Resources and EO of the relationship. The College will address the situation on a case-by-case basis to determine if the continuation of that pre-existing consensual relationship is prohibited by this policy.