

1-4 Policy Against Sexual Harassment and Other Unlawful Discrimination, Harassment, and Retaliation

It is the policy of the College to maintain a work and academic environment that is free of sexual harassment and discriminatory actions based on race, color, age, sex, gender identity or expression, sexual orientation, religion, ethnic or national origin, physical or mental disability, genetic information, pregnancy, veterans' status, membership in uniformed services, or any other protected status. Unlawful employment discrimination and sexual harassment by officers, managers, faculty, supervisors, employees, students, advisors, vendors, clientele, and contractors will not be tolerated.

Further, any retaliation against an individual who has complained about sexual harassment or unlawful discrimination, or retaliation against individuals for cooperating with an investigation of a complaint of sexual harassment or unlawful discrimination, is similarly unlawful and will not be tolerated.

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

I. DEFINITION OF UNLAWFUL DISCRIMINATION AND SEXUAL HARASSMENT

A. UNLAWFUL DISCRIMINATION

Unlawful discrimination is strictly prohibited by the College and will not be tolerated. Treating an employee or student differently in the terms or conditions of his or her employment or education on the basis of the employee's or student's race, color, age, sex, gender identity or expression, sexual orientation, religion, ethnic or national origin, physical or mental disability, genetic information, pregnancy, veterans' status, membership in uniformed services, or any other protected status constitutes unlawful discrimination.

B. SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that is illegal under both federal and Massachusetts state law and is strictly prohibited by the College. Unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature constitute sexual harassment when:

Submission to such advances, requests or conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement or participation in

College programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or

Rejection of such advances, requests or conduct affects a term or condition of an individual's employment or academic advancement or participation in College programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, education, or participation in College programs or activities, or of creating an intimidating, hostile, work or academic environment.

II. CONDUCT WHICH MAY CONSTITUTE UNLAWFUL SEXUAL HARASSMENT

Sexual harassment does not refer to words or actions of a welcome nature. It refers to behavior that is not welcome and occurs in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work or academic environment. Harassing conduct need not be motivated by sexual desire in order to constitute unlawful sexual harassment.

Sexual harassment often involves relationships of unequal power. Such situations may contain elements of coercion, such as when compliance with requests for sexual favors becomes a condition for granting privileges or favorable treatment on the job or in the classroom. However, sexual harassment may also involve relationships among persons of equal authority or power, such as when repeated unwelcome advances or demeaning verbal comments by a co-worker towards another co-worker unreasonably interferes with a person's ability to perform his or her work. Sexual harassment can also involve behavior directed to and/or by students of the College, as well as employees and non-employees of the College, in short all members of the community may become harassers or victims of harassment.

Depending upon the circumstances and how they impact the workplace or academic environment, examples of sexual harassment include but are not limited to such conduct as the following:

- verbal abuse, insults, jokes, comments or innuendo of a sexual nature that include lewd, obscene or sexually suggestive displays or remarks;
- physical contact, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted by the other person;
- the requests or demands for sexual favors accompanied by implicit or explicit promised rewards or threats concerning an individual's employment status or educational status;

- repeated unwelcome social invitations, sexual flirtations, advances, propositions or unwanted requests for sexual favors;
- threatened, attempted, or completed physical sexual assault;
- indecent exposure;
- romantic involvement (even if consensual) between supervisors and subordinates that impacts the workplace and/or other individuals in areas such as assignments, advancements and benefits; or
- romantic involvement (even if consensual) between supervisors and students they supervise that impacts the academic environment and/or other students in areas such as assignments, grades and academic benefits.

III. CONDUCT WHICH MAY CONSTITUTE UNLAWFUL DISCRIMINATION

Depending upon the circumstances and how they impact the workplace or academic environment, examples of unlawful discrimination could include the above-referenced examples concerning sexual harassment, as well as the following types of conduct:

- Making decisions about a person's employment, compensation or education based upon his or her race, color, age, sex, gender identity or expression, sexual orientation, religion, ethnic or national origin, physical or mental disability, genetic information, pregnancy, veterans' status, membership in uniformed services, or any other protected status;
- Verbal abuse, offensive innuendo or derogatory words, concerning a person's race, color, age, sex, gender identity or expression, sexual orientation, religion, ethnic or national origin, physical or mental disability, genetic information, pregnancy, veterans' status, membership in uniformed services, or any other protected status;
- An open display of objects or pictures designed to create a hostile working/learning environment based on a person's race, color, age, sex, gender identity or expression, sexual orientation, religion, ethnic or national origin, physical or mental disability, genetic information, pregnancy, veterans' status, membership in uniformed services, or any other protected status.

IV. 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 sexually harass or unlawfully

discriminate against anyone in the workplace. Each employee, faculty member, administrator and student is responsible for cooperating in any investigation of alleged sexual harassment or unlawful discrimination if requested to do so by the person conducting the investigation.

Any person who observes an incident that may constitute sexual harassment or unlawful discrimination or who otherwise becomes aware of such an incident should immediately notify one of the investigator(s) listed below.

V. 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 sexual 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.

VI. PROCEDURES FOR ADDRESSING COMPLAINTS OF VIOLATIONS OF THIS POLICY

When Wellesley College receives any complaint of harassment it will promptly investigate the allegation in a fair 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. If it is determined that inappropriate conduct has occurred we will act promptly to eliminate the offending conduct, and where appropriate we will also impose disciplinary action.

Procedure

If an individual believes that s/he has been subjected to discrimination or sexual or other harassment 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 his/her supervisor or Department Head, the Title IX Coordinator and Director of Title IX/Nondiscrimination Initiatives, 781-283-2451, or those listed in Section X of this policy.

If the particular circumstances make a discussion with or a complaint to an employee's own supervisor inappropriate (for example, the complaint involves the employee's supervisor, or the employee fears retaliation by his/her supervisor), the employee should bring the matter immediately to his/her Department Head, the Title IX Coordinator and Director of Title IX/Nondiscrimination Initiatives, 781-283-2451, or to those listed in Section X of this policy. Any person who receives a complaint of sexual 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 sexual harassment or discrimination, is expected to report the incident promptly to the Title IX Coordinator and Director of Title IX/Nondiscrimination Initiatives, 781-283-2451.

The following is an outline of the procedure generally followed once a complaint has been brought to the attention of the College:

- A prompt, fair and impartial investigation of the complaint is conducted by one or more College Investigators or by their designee. 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.

VII. DISCIPLINARY ACTION

In the event that the investigation reveals that sexual harassment, discrimination, or other inappropriate or unprofessional conduct (even if not unlawful) 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.

VIII. 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 fairness of the investigation. All persons involved are to treat the situation with respect. 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.

IX. NO RETALIATION FOR FILING A COMPLAINT OF SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATION

Retaliation against any individual for making a complaint of sexual harassment or of any unlawful discrimination or for assisting in the investigation of such a complaint is illegal 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.

X. COLLEGE INVESTIGATORS OF COMPLAINTS OF SEXUAL HARASSMENT AND UNLAWFUL EMPLOYMENT DISCRIMINATION

The College has designated Sonia Jurado, Interim Director of Non-Discrimination Initiatives, 781-283-2451, as the College's Title IX Coordinator. Additionally, the following investigators are designated as those persons who are charged with coordinating the College's implementation of this policy, and investigating complaints of sexual harassment and unlawful discrimination for the College. They may be contacted to initiate an investigation under the policy or to answer questions regarding this policy. The College also reserves the right to retain an outside investigator to investigate complaints regarding violations of this policy.

Andrew Shennan, ext. 3583
Room 349 Green Hall
Provost and Dean of the College

Kathryn Howe Stewart, ext. 2214
Room 136 Green Hall
Assoc Director of Labor and Employee Relations

Carol Bate, ext. 2370
Room 342 Green Hall
Associate Dean of Students

Carolyn M. Slaboden, ext. 2216
Room 136 Green Hall
AVP for Human Resources and EO

STATE AND FEDERAL AGENCIES

In addition to the above, employees who believe that they may have been subjected to sexual 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.

1. The United States Equal Employment Opportunity Commission ("EEOC")

John F. Kennedy Federal Building
475 Government Center Boston, MA 02203
(617) 565 3200 or (800) 669-4000

2. Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:

One Ashburton Place
Boston, MA 02108
(617) 727-3990

Worcester Office:

455 Main Street
Worcester, MA 01690
(508) 799-8010

Springfield Office:

424 Dwight Street
Springfield, MA 01103
(413) 739-2145

New Bedford Office:

800 Purchase Street
Room 501
New Bedford, MA 20170
508-990-2390

3. U.S. Department of Education

Office of Civil Rights
5 Post Office Square, 8th Floor

Boston, MA 02109-3921
Telephone: (617) 289-0111
Facsimile: (617) 289-0150

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

Unprofessional 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 such an environment. Consequently, the College prohibits its faculty from engaging in any consensual sexual and/or romantic relationships with 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.

Unprofessional 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 such an environment. Consequently, the College prohibits its staff members from engaging in any consensual sexual and/or romantic relationships with 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.