

MASSACHUSETTS COLLEGE OF LIBERAL ARTS

POLICY AGAINST SEXUAL HARASSMENT

POLICY

A. INTRODUCTION

1. It is against the policy of Massachusetts College of Liberal Arts for any member of the College community, male or female, to sexually harass another employee, student or other person having dealings with the institution. The College is committed to providing a working, living and learning environment that is free from all forms of sexually abusive, harassing or coercive conduct. This policy seeks to protect the rights of all members of the College community (faculty, librarians, administrators, staff and students) and other persons having dealings with the institution, to be treated with respect and dignity.
2. Sexual harassment is a form of behavior which fundamentally undermines the integrity of academic and employment relationships. It is of particular concern within educational institutions where all members of the community, but especially students, faculty, librarians, staff and administrators, are connected by strong bonds of intellectual interdependence and trust. Both the Federal Courts and the Equal Employment Opportunity Commission have ruled that sexual harassment constitutes sex discrimination as defined under Title VII of the Civil Rights Act of 1964. Sexual harassment has also been judged to be prohibited sex discrimination under Title IX of the Higher Education Amendments of 1972 as amended, and under Chapters 151B and 151C of the Massachusetts General Laws.

B. DEFINITION

1. The following definition which applies to any individual of either sex who participates in the College community as a student, faculty member, librarian, administrator, staff member or other person having dealings with the institution.
2. Sexual harassment consists of unwelcome verbal, non-verbal and/or physical behavior of a sexual nature which has the effect of interfering with student, employment, academic or other status, or of creating a sexually intimidating, hostile or offensive environment. Sexual harassment incidents can involve a male harasser and a female victim, a female harasser and a male victim, or same gender harassment.
3. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
 - b. submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; or
 - c. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating a sexually intimidating, hostile or offensive employment, educational or living environment.

4. Examples of sexual harassment may include, but are not limited to:
 - a. verbal harassment, or abuse,
 - b. subtle pressure for sexual activity,
 - c. sexual remarks about an individual's or group's clothing, body or sexual activities,
 - d. unnecessary touching, patting or pinching,
 - e. demands for sexual favors accompanied by implied or overt threats or offers concerning one's job, grades, letter of recommendation, etc.,
 - f. physical sexual assault.

C. CONSENSUAL RELATIONSHIPS

1. Under this Policy, consenting romantic and/or sexual relationships between faculty and student, librarian and student, administrator and student, classified staff member and student or supervisor and employee are deemed unprofessional. Because such relationships interfere with or impair required professional responsibilities and relationships, they are looked upon with disfavor and are strongly discouraged under this Policy.
2. Codes of Ethics for most professional associations forbid professional/ client sexual relationships. In this context and for purposes of this Policy, the professor/student relationship is properly regarded as one of professional and client. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in giving praise or blame, grades, recommendations for further study and employment, and other benefits or opportunities diminish the student's actual freedom of choice such that relationships thought to be consensual may in fact be the product of implicit coercion. Many elements of the administrator/ student, librarian/student, classified staff member/student and the supervisor/employee relationship are similar to those of the professor/student relationship because of a similar imbalance of power and a similar need for trust. For purposes of this Policy, therefore, these relationships are also discouraged and looked upon with disfavor.
3. Faculty, librarians, administrators, classified staff members and supervisors are warned against the dangers of apparently consensual relationships. A faculty member, librarian, administrator, or classified staff member who enters into a romantic or sexual relationship with a student, or a supervisor who enters into such a relationship with an employee, where a power differential exists, must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to disprove the claim on the grounds of mutual consent. Because that is so, it should be understood that relationships of this kind pose serious professional risks to any who enter into them.

D. INSTITUTIONAL MEASURES TO CONFRONT SEXUAL HARASSMENT

1. Whenever it has been properly determined that sexual harassment has occurred, the College will take prompt and corrective action including appropriate disciplinary action. In determining whether the alleged conduct constitutes sexual harassment, the College will look at the entire record and the circumstances, such as the nature of the sexual conduct and the context in which the alleged incidents occurred and will make a decision on a case-by-case basis. The College is committed to promoting, to the greatest degree possible, an environment free from sexual harassment. To this end, the College will take the following steps:

- a. Distribute annually the policy statement against sexual harassment to all segments of the College community.
- b. Conduct educational programs for the College community regarding the causes, character and consequences of sexual harassment as well as the steps available to stop such practices on the campus.

E. INSTITUTIONAL COMPLAINT PROCEDURES

1. The College's Discrimination Complaint Procedures will serve as a system of review and resolution for both informal claims and formal complaints of sexual harassment. Any member of the College community or any applicant for employment who believes s/he has been a victim of sexual harassment may initiate the informal claim or formal complaint procedures as outlined in the College's Discrimination Complaint Procedures. Further information or advice may be obtained by contacting the Director of Human Resources/Affirmative Action.

F. RETALIATORY ACTION PROHIBITED

1. The College prohibits retaliatory action against persons who file claims, complaints or charges under these procedures, under applicable local, state or federal non-discrimination statutes, who are suspected of having filed such claims, complaints or charges, who have assisted or participated in an investigation or resolution of such claims, complaints or charges, or who have protested practices alleged to be violative of the non-discrimination policy of the College, the Board of Higher Education, or local, state or federal non-discrimination regulation or statute. Such retaliation is cognizable under these procedures as well as under state and federal law. Retaliation, even in the absence of provable discrimination in the original complaint, charge or allegation, constitutes a violation as serious as proven discrimination under the original claim, complaint, charge or allegation. Any person who believes s/he has been retaliated against in this manner is encouraged to immediately file a claim or complaint under these procedures.

G. OTHER ADMINISTRATIVE OPTIONS

1. It is the intent of the administration of the College to actively respond to all claims/ complaints of discrimination with the hope that it can fully, quickly and adequately resolve them internally. The College also recognizes the right of all complainants to file charges of unlawful discrimination with the appropriate federal, state or local agency with or without first pursuing a resolution of the claim/complaint through the College's discrimination complaint procedures. These agencies include:

United States Office of Education/Office for Civil Rights
McCormack Post Office and Court House Building
Room 222
Boston, MA 02109

U.S. Equal Employment Opportunity Commission
One Congress Street
10th Floor
Boston, MA 02114

Massachusetts Commission Against Discrimination
One Ashburton Place
Boston, MA 02108

Massachusetts Commission Against Discrimination
436 Dwight Street
Springfield, MA 01103