



Sexual Harassment Policy

Elms College is committed to providing faculty, staff and students with an environment in which they can pursue their careers and/or studies free of any sexual harassment. Sexual harassment is a violation of Title VII of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972 and Massachusetts General Laws Chapter 151B, and 151C. Sexual Harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic work; or
- 2) submission to or rejection of such a conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working or academic environment.

These definitions are broad and include any sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place or academic environment that is hostile, offensive, intimidating, or humiliating to male or female workers or students. While it is not possible for the College to list all those circumstances which we would consider to be sexual harassment, the following are some examples:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Requests for sexual favors in exchange for actual or promised job or educational benefits such as favorable reviews, salary increases, promotions, increased benefits, continued employment, favorable grades, assignments or recommendations;
- Assault or coerced sexual acts;
- Use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

PRELIMINARY PROCEDURES AND COUNSELING OPTION

If you believe you were the victim of sexual harassment, in addition to the right to file a complaint, you may also seek advice from a member of the Affirmative Action Committee. This person is available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If you desire, this individual will work with you to find a way of resolving your concerns in an informal manner acceptable to you and in a manner which would offer you as much privacy and confidentiality as is practicable.

COMPLAINT PROCEDURES

Any person who believes that he/she is the victim of sexual harassment has the right to institute complaint procedures. A complaint may be made orally or in writing to the Vice President of Student Affairs in the case of a complaint against a student, to the Director of Human Resources in the case of a complaint against a non-faculty employee, or to the Vice President of Academic Affairs in the case of a complaint against a faculty member or academic administrator. When we receive the complaint, we will investigate the allegation in a fair and expeditious manner. The investigation will include a private interview with the person making the accusation. We will also interview the person alleged to have committed the harassment and other persons or witnesses when appropriate.

If our investigation reveals that sexual harassment did occur, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action, which could include termination from employment or appropriate student sanctions. When we have completed our investigation, we will inform the complainant of the results of that investigation.

Throughout all investigations of complaints, both formal and informal, arising from discrimination, effort will be made to protect the confidentiality of the proceedings and of the identities of the parties to the complaints, but no promise is made of absolute confidentiality, as to do so might compromise the ability of an investigatory committee to follow the procedures outlined above.

If you would like to file a written complaint, submit a written description of the alleged harassment to the designated College administrator preferably within twenty working days of the conduct complained of. In cases where a supervisor or administrator is accused, students and employees may seek assistance from the College administrator who oversees the person.

DISCIPLINARY ACTION

If sexual harassment has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such actions may include counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in duties, transfers and other formal sanctions including termination from employment. If sexual harassment has been committed by one of our students, appropriate sanctions will be imposed.

Nothing in the above grievance procedure shall be construed as denying the complainant the right to pursue his or her rights under any local, state, or federal law.

Retaliation against an individual who has complained about sexual harassment or cooperated in an investigation will not be tolerated and will also result in disciplinary action.

STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint within 300 days of the alleged harassment, with the following government agencies:

1. The United States Equal Employment Opportunity Commission (Employees)
One Congress Street
Boston, MA 02114
(617) 565-3200

2. The Massachusetts Commission Against Discrimination (Employees & Students)
Boston Office:
One Ashburton Place – Room 601
Boston, MA 02108
(617) 994-6000
TTY: (617) 994-6196

Springfield Office
436 Dwight Street – Suite 220
Springfield, MA 01103
(413) 739-2145

3. The Office of Civil Rights of the United States Department of Education (Students)
J.W. McCormack Post Office and Courthouse – Room 707
Boston, MA 02109-4557
(617) 223-9662
TDD: (617) 223-9695

This document was last reviewed and revised by Legal Counsel September 2006