

Sexual Harassment: Policy and Procedures

A. Introduction

It is the goal of the Community Colleges to promote an educational environment and workplace that is free from sexual harassment. Sexual harassment of students or employees occurring in the classroom or the workplace is unlawful and will not be tolerated by Springfield Technical Community College. Further, any retaliation against individuals for cooperating with an investigation of sexual harassment complaint is similarly unlawful and will not be tolerated.

Because Springfield Technical Community College take allegations of sexual harassment seriously, the College will respond promptly to complaints of sexual harassment and where it is determined that inappropriate conduct has occurred, the College will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Springfield Technical Community College depends upon a working, living and academic environment of tolerance and respect for the achievement of its goals. Springfield Technical Community College is an academic community whose existence depends upon adherence to standards of conduct set by its members and consistent with the College's educational mission. Central to the College's educational mission is a commitment to freedom of thought and discourse, respect for the dignity and rights of others, and the preservation of trust, civility, and ethical conduct within the community. The College is committed to providing a working and academic environment that is free of all forms of abuse or harassment. The goal of this policy is not merely to satisfy state and federal law, but to transcend legal considerations and appeal to principles governing honorable behavior in a just and principled community.

Sexual harassment is a form of behavior that adversely affects all campus relationships including, but not limited to, student to student, employee to employee, student to employee and employee to student. State and Federal law prohibit such behavior. Sexual harassment which occurs in the workplace, academic setting or in other settings in which individuals of the College may find themselves is unlawful and will not be tolerated by the College. The College also condemns and prohibits sexual or other harassment by any applicant, vendor or visitor.

It is important to note that while this policy sets forth the College's goals of promoting a campus that is free of sexual harassment, the policy is not designed or intended to limit the College's authority to discipline or take

remedial action for conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

B. Definition of Sexual Harassment:

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

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment or academic decisions; or
- b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating or sexually offensive learning or working environment.

Under these definitions, direct or implied requests by a supervisor or instructor for sexual favors in exchange for actual or promised job or academic benefits constitute sexual harassment. The following are some examples of conduct, that either alone or in combination, which may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- a. Unwelcome sexual advances - whether they involve physical touching or not.
- b. Repeated, unsolicited propositions for dates and/or sexual intercourse.
- c. 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.
- d. Displaying sexually suggestive objects, pictures, cartoons.
- e. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- f. Verbal harassment or abuse on the basis of sex.
- g. Inquiries into another person's sexual activities, practices or experiences.
- h. Discussion of one's own sexual activities, practices or experience.

The legal definition of sexual harassment is broad and applies to any individual of either gender who participates in the college community, including a student, faculty member, administrator or any other person having dealings with the college. In addition, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a hostile, offensive, intimidating, or humiliating workplace or academic environment to male or female workers or students may also constitute sexual harassment.

It is important to note that when assessing whether conduct constitutes sexual harassment, a "reasonable person standard" shall be applied. The term "reasonable person" is used to describe an objective standard to determine if harassment has occurred. Under the standard, in order for conduct and behavior to be considered sexual harassment, a reasonable person under similar circumstance would have to conclude that the behavior was harassing or discriminatory.

All employees and students should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, or retaliation against individuals who have cooperated with an investigation of sexual harassment is unlawful and will not be tolerated by the Community Colleges.

C. Consensual Relationships

(1) Faculty/Administrator/Staff Member Relationships with Students

A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a College program or activity.

(2) Relationships Between Supervisors, Subordinates or Co-Workers

A consenting romantic and/or sexual relationship between a supervisor and subordinate or co-workers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of sexual harassment, discrimination or retaliation. Therefore, such workplace relationships are strongly discouraged.

D. Complaints of Sexual Harassment

If any student or employee believes that he or she has been subjected to sexual harassment, the student or employee has the right to file an Affirmative Action Discrimination Complaint Form (see Appendix A) with the College. For more information or assistance with filing a complaint, please contact the College's Affirmative Action Officer or Title IX Coordinator. If the Affirmative Action Officer or the Title IX Coordinator is the subject of a complaint, the President shall designate another College official to administer the Complaint Procedures.

All complaints will be investigated in such a way as to maintain confidentiality to the extent practicable under the circumstances. If it is determined that a violation of this Policy has occurred, the College will act promptly to eliminate the harassing conduct, and take disciplinary action where warranted. All disciplinary action taken shall be consistent with any applicable collective bargaining agreement. The Duty to Cooperate, Duty to Report, and the obligation to avoid making False Charges, as discussed previously in this Policy, shall be fully applicable under this section.

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E. Institutional Measures to Confront Sexual Harassment

The Community Colleges are committed to promoting, to the greatest degree possible, an environment free from sexual harassment. To this end, the Colleges will take the following steps:

1. Distribute this Policy against sexual harassment to all segments of the College community on an annual basis;
2. Post this Policy against sexual harassment; and
3. 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.

F. 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 with the governmental agencies set forth below. Filing a complaint under this Policy does not prohibit you from filing a complaint with these agencies.

United States Equal Employment Opportunity Commission ("EEOC")

One Congress Street

10th Floor Boston, MA 02114 (617)

565-3200.

The Office For Civil Rights, U.S. Department of Education ("OCR")

Department of Education

John W. McCormack Post

Office and Courthouse

Room 222

Boston, MA 02109

(617) 223-9662

Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:

One Ashburton Place
Rm. 601
Boston, MA 02108
(617) 727-3990

Worcester Office:

Worcester City Hall
455 Main Street, Room 101
Worcester, MA 01608
(508) 799-8010

Springfield Office:

424 Dwight Street
Rm. 220
Springfield, MA 01103
(413) 739-2145

New Bedford Office:

800 Purchase St., Rm 501
New Bedford, MA 02740
(508) 990-2390