

# SPRINGFIELD COLLEGE

## Anti-Discrimination and Harassment Policy

### I. Purpose

Since its founding in 1885, Springfield College (herein referred to as “the College”) has been dedicated to its unique philosophy of Humanics, which is the basis of the institution's mission--education of the whole person in spirit, mind, and body for leadership in service to others. In alignment with the College’s values and beliefs, the institution strives to provide an educational and working environment that is free from all forms of illegal discrimination and harassment. Illegal discrimination and harassment undermine this concept and will not be tolerated. The College is committed to providing an environment that is diverse and emphasizes the dignity and worth of every individual.

### II. Scope

This policy applies to all members of the Springfield College community while they are on college property or participating in a college-related activity off campus, as well as visitors, independent contractors, vendors and their representatives and others transacting business with the College.

All members of the College community should assume the responsibility for implementing this policy, including promptly and properly reporting alleged violations of the policy.

For more information on the procedures specific to sexual and/or gender-based harassment and other forms of sexual misconduct, refer to the [Springfield College Sexual and Gender-Based Misconduct Policy](#).

### III. Prohibited Conduct

#### *Bias*

Bias is defined as an action, behavior, or expression against an individual’s or group’s actual or perceived identity. A bias incident may take the form of verbal interaction, cyber-interaction, physical interaction, or interaction with property. Bias incidents occur whether the act is intentional or unintentional and may be based on, but not limited to actual or perceived: age, race, color, ethnicity, sex, sexual identity, sexual orientation, religion, disability, gender identity and expression, national origin, genetic information, citizenship status, political affiliation, veteran status or any other status or classification protected by law.

#### *Discrimination*

Discrimination means treating an individual adversely in admissions, employment or any other College program or activity based on race, color, religion, national or ethnic origin, age, genetic information, disability, veteran status, or any other legally protected basis as set forth in Massachusetts and federal law and not subject to other Springfield College policies (“protected characteristics;” see Appendix for list).

#### *Harassment*

Harassment is unwelcome conduct that is based on protected characteristics. Harassment becomes unlawful where 1) an employment decision is conditioned upon enduring the offensive conduct (so-called “quid pro quo” harassment), or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

### ***Retaliation***

Retaliation means any adverse action taken against a person who has reported a concern, filed a complaint, and/or participated in an investigation pursuant to this policy. Retaliation includes conduct that would discourage a reasonable person from engaging in activity protected under this policy, such as intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee authorized to provide aid, benefit, or service on behalf of the College, for the purpose of interfering any right and/or privilege granted by the. Retaliation may be present even where there is a finding of “no responsibility” on the underlying allegations of discrimination or harassment. Retaliation does not mean good faith actions lawfully pursued in response to a report of discrimination or harassment.

## **IV. Reporting an Incident of Harassment, Discrimination or Retaliation**

Springfield College encourages reporting of all perceived incidents of any violation of this policy, regardless of the identity or position of the person engaged in the policy violations (referred to as the Respondent). Individuals who believe that they have been the victim of conduct violating this policy should discuss their concerns with their immediate supervisor, the Director of Human Resources or the Ombuds who can assist with explaining their options for filing a complaint and resolution. Individuals should note that reporting to the Ombuds does not constitute notice to the College as they are a confidential resource.

In emergencies, including an imminent threat of personal injury, emergency responders should be contacted first.

The College encourages – but does not require – individuals who believe they are being subjected to violations of this policy to promptly advise the Respondent that their behavior is unwelcome and to request that it be discontinued, if it is safe to do so. Often this action alone will resolve the problem. The College recognizes, nonetheless, that an individual may prefer to pursue the matter through complaint procedures.

For more information on the procedures specific to sexual and/or gender-based harassment and other forms of sexual misconduct, refer to the [Springfield College Sexual and Gender-Based Misconduct Policy](#).

## **V. Complaint Procedures**

The College encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained or any sustains substantial harm. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination or harassment.

The College reserves the right to use an external agent at its discretion to carry out any of the following complaint procedures.

## **Informal Resolution**

The informal resolution process is facilitated by the Office of the Ombuds, which can be used at the request of the parties to resolve the complaint without completing a full investigation. The intent of the informal resolution process is to resolve concerns at the earliest stage possible and in the best interest of all parties involved. The process is intended to be flexible while also providing for a full range of possible outcomes. Informal resolutions may use mediation or restorative practices, or other alternative dispute resolution mechanisms as deemed appropriate. The informal resolution process will proceed only if all parties agree voluntarily to participate. The informal resolution process is confidential and separate from an HR response. Communications with the Office of the Ombuds, including but not limited to a request to begin an informal resolution process or an agreement as an outcome of the informal resolution process, does not constitute notice to the College as the Ombuds is a confidential resource and is not an Agent of Notice for the College. All interactions with the Office of the Ombuds will be consistent with the [Ombuds Office Charter](#), and the standards of practice of the International Ombuds Association.

If any party wishes to initiate the informal resolution process, they should contact the Office of the Ombuds. The Ombuds and any of the involved parties reserve the right to discontinue the informal resolution process at any time.

It is not necessary to pursue the informal resolution process first in order to pursue a formal complaint resolution, and any party participating in the informal resolution process can stop the process at any time and begin or resume the formal complaint resolution process. In addition, any mediated agreement is entirely voluntary, informal, and non-binding. The existence of a prior mediated agreement does not prevent either party from later making a formal complaint.

## **Formal Complaint Resolution**

If an individual wishes to begin the formal complaint resolution process, they should first submit a complaint, in writing or orally, to the Office of Human Resources. The complaint should include a full description of the alleged discrimination, harassment, or other concerns; a description of what efforts, if any, have been made to resolve the issue; and a statement of the remedy requested. All complaints will be reviewed by the Director of Human Resources or designee to evaluate if the conduct described is within the scope of this policy and if it should move forward under these procedures. The person who submits a complaint under this policy is referred to as the Complainant.

If it is determined that the complaint alleges a violation of this policy and an investigation is required, the Director of Human Resources or designee will prepare a written notice to the Complainant and Respondent that will include a brief summary description of the allegations (including, if and to the extent known, the date, time and location of the alleged misconduct, and the name of the Complainant) and the specific portions of this policy that are alleged to have been violated and by what alleged actions. This written notice does not constitute a finding or a determination of responsibility.

Any reported allegations of bias, harassment, discrimination or retaliation will be investigated promptly by Human Resources. The investigation will include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged

conduct or may have additional relevant knowledge. The parties are permitted to be accompanied to any meeting or interview with a support person of their choice. The investigation may also include the review of documentation or other items relevant to the reported conduct. The investigator will provide the parties with written notice of meetings at which their presence is required.

At the conclusion of the investigation, the investigator will compile an investigation report that includes a summary of the steps taken during the investigation and information reviewed, summary of the factual information discovered during the investigation, and a recommendation of a decision as to whether the Respondent has violated this policy using the preponderance of the evidence standard. The investigation report, with the recommendation, will be provided to an independent decision-maker to review the findings and make a final determination of responsibility and, if applicable, appropriate disciplinary action.

### **Outcome of Complaint**

All parties to the complaint will be notified in writing of the outcome, unless legally prohibited by law. Corrective action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, reassignment, temporary suspension without pay, or termination, as Springfield College believes appropriate under the circumstances.

Any party to the complaint may appeal the outcome within five (5) business days after the decision letter is communicated. An appeal may be made solely on the grounds of:

- Procedural irregularity that would change the outcome of the matter (e.g., a failure to interview a witness with material, non-duplicative evidence; fails to apply the preponderance of the evidence standard);
- New evidence that was not reasonably available at the time of the responsibility determination and that would change the outcome of the matter;
  - A summary of this new evidence and its potential impact must be included in the written appeal; or
- The investigator(s) or decision maker had a substantial conflict of interest or demonstrated bias for or against an individual party, or for or against Complainants or Respondents in general, that would change the outcome of the matter.

A member of the President's Leadership Team shall act as the appeal officer. The specific appeal officer will typically not be from the staff member's division and will be named in the Notice of Outcome. Appeals must be submitted in writing to the appeal officer who will review the information submitted and render a final decision within thirty (30) business days.

### **VI. Confidentiality**

Springfield College acknowledges that all stages of any proceeding will be maintained with the utmost confidentiality as is appropriate under the circumstances, as determined by the College. A breach of confidentiality compromises the ability of Springfield College to investigate and resolve claims of harassment. Accordingly, the College will take reasonable efforts to protect the privacy of individuals participating in this process, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report to take steps to eliminate discrimination or harassment, prevent its recurrence, and remedy its effects. Nothing in

this policy should be construed as restricting any rights provided to employees by the National Labor Relations Act, including protected concerted activity.

## **VII. Policy Contact and Questions**

Any employee who has questions or concerns about this policy may contact the following:

- Office of the Ombuds: Blake Hall, 263 Alden Street, Springfield, MA 01109-3797, Telephone: (413) 748-3943
- Office of Human Resources: Administration Building, 263 Alden Street, Springfield, MA, 01109-3797, Telephone: (413) 748-3964
- Office of Non-discrimination Initiatives: Campus Union 228, 263 Alden Street, Springfield, MA, 01109-3797, Telephone: (413) 748-3248

Any individual may also choose to file an external complaint with the following government agencies:

*The Massachusetts Commission Against  
Discrimination (MCAD)*

MCAD Boston Office  
One Ashburton Place-Room 601  
Boston, MA 02108  
(617) 994-6000 TTY (617) 994-6196  
[mass.gov/mcad/](http://mass.gov/mcad/)

MCAD Springfield Office  
436 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

*The United States Equal Employment  
Opportunity Commission (EEOC)*

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800) 669-4000  
[www.eeoc.gov/](http://www.eeoc.gov/)

*U.S. Department of Education, Office for  
Civil Rights*

400 Maryland Avenue, SW  
Washington, D.C., 20202-1100,  
1-800-421-3481

## VIII. Policy Appendix

### *Additional Terms Informing the Policy*

- *Complainant*: Any individual (including students, employees, and any other person participating or attempting to participate in the College’s education program or activity at the time of the alleged misconduct) who is alleged to be the victim of discrimination or harassment. A person may be a Complainant or Respondent, even where no complaint has been filed and no grievance process is pending.
- *Respondent*: Any individual who is reported to be the perpetrator of discrimination or harassment. A person may be a Complainant or Respondent, even where no formal complaint has been filed and no grievance process is pending.

***Protected characteristics definitions*** (For more information on the procedures specific to sexual and/or gender-based harassment and other forms of sexual misconduct, including applicable definitions, refer to the [Springfield College Sexual and Gender-Based Misconduct Policy](#).):

- *Age*: For employment purposes, persons 40 years of age or older.
- *Color*: Variations in skin tone among persons.
- *Disability*: A physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
- *Genetic Information*: Any written, recorded individually identifiable result of a genetic test or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes.
- *Marital/Parental Status*: A person’s status as single, married, parent or non-parent.
- *National Origin*: A group sharing a common language, culture, ancestry, and/or other similar social characteristics.
- *Race*: Discrimination laws do not contain a definition of “race” but are interpreted to prohibit discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features, and on the basis of stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups.
- *Religion*: All religious and spiritual observances, practices, and sincerely held beliefs.
- *Veteran Status*. A person who is a member of, has served in, applies to perform or is obligated to perform service in, a uniformed service of the U.S., including the National Guard.

Approved By: July 30, 2024: PLT  
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