



# Springfield College

## DISCRIMINATION/HARASSMENT POLICY

### **Introduction:**

Since its founding in 1885, Springfield 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 humanity. In alignment with Springfield College's values and beliefs, the institution strives to provide an educational and working environment that is free from all forms of discrimination/harassment. Discrimination/harassment in any form undermines this concept and will not be tolerated. Springfield College is committed to providing an environment that is diverse and emphasizes the dignity and worth of every individual.

Discrimination/harassment can be defined as any behavior that creates an intimidating, hostile, or offensive environment for any individual or group and can be in the forms of sexual, physical, or verbal conduct. It is important to note that discrimination/harassment on any demographic basis--including race, color, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, disability, veteran status, or any other legally protected basis in admission and access to, and employment and treatment in, its programs and activities.

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, parents, independent contractors, vendors and their representatives and others transacting business with the College. All aspects of these procedures described below apply to situations in which both complainants and respondents are employed at Springfield College.

All members of the College community should assume the responsibility to see that the College is free from all forms of harassment and that any harassment is properly reported.

### **Prohibited Conduct:**

#### **A. Harassment**

Acts or communications causing emotional stress addressed to individuals or groups

because of religion, gender, sexual orientation, age, disability, marital status or veteran's status is similarly prohibited by this policy.

Examples of impermissible harassment, including racial harassment, include the following:

- The use of physical force or violence to restrict the freedom or movement of another person or to endanger the health and safety of another person based on that person's race, color, etc.;
- Physical or verbal behavior that involves an expressed or implied threat to interfere or has as its purpose or has the reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, participation in college-sponsored extracurricular activities because of that individual's race, color, etc., and which causes that individual to have a reasonable apprehension that harm is about to occur;
- Any type of conduct that has the effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive working or learning environment;
- Epithets, slurs or derogatory comments based on a person's race, color, etc.

## **B. Sexual Harassment:**

The courts have recognized two different types of actionable harassment:

***Hostile environment*** harassment is unwelcome conduct of a sexual nature that is sufficiently severe, persistent, or pervasive as to limit a person's ability to work or participate in a program or activity.

***Quid pro quo*** harassment occurs when a person with authority uses submission to or rejection of unwelcome sexual conduct as the basis for making academic or employment decisions affecting a subordinate or a student. This kind of harassment usually involves explicit or implicit threats of retaliation for refusing to submit to sexual advances.

Examples of harassment include the following:

- The use of physical force or violence to restrict the freedom or movement of another person or to endanger the health or safety of another person based on the person's race, color, etc.;
- Any type of conduct that has the effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive working or learning environment;

- epithets (byname), slurs or derogatory comments based on a person's race, color, etc.;
- unwelcome sexual propositions, invitations, solicitations, and flirtations; leering;
- unwelcome and inappropriate touching, patting, fondling, pinching, or obscene gestures;
- sexually suggestive objects, pictures, videotapes, audio recording or literature, or computerized transmissions placed in a viewable area that may embarrass or offend individuals;
- in the case of coworkers or individuals in positions of authority, conduct of nature set forth above when the effect unreasonably interferes with the ability of persons to perform his or her employment or academic responsibility, or when the effect is to create an offensive, intimidating and; or hostile working or learning environment for that person.

Such unwelcome behavior has the potential to severely alter the condition of the victim's employment or academic surroundings and results in a work or educational environment that a reasonable person would find abusive or offensive.

It should be emphasized, however, that isolated instances (e.g., a single comment or joke) ordinarily will not constitute harassment unless it is repeated or egregious. Harassment may not be present if the conduct is welcomed or encouraged. The College will take appropriate remedial action to address any inappropriate conduct, even if it does not meet the legal definition of harassment.

### **C. Discrimination:**

Springfield College is committed to protecting the rights and dignity of individuals and supports the educational and professional enhancement of all the employees and students. Each member of the Springfield College community is expected to work diligently to eliminate all forms of discriminatory conduct, including institutional and personal patterns that directly or indirectly feed the destructive forces of discrimination.

Examples of discrimination include but are not limited to the following situations:

- Potential discrimination when requesting disability leave, maternity leave, or retirement options;
- Discriminating based on a physical or mental impairment that substantially limits one or more of your major life activities;
- Termination of employment on the basis of age.

## **Procedures:**

Any member of the College community who believes he or she has been a victim of discrimination/harassment as defined in this policy is urged to bring the matter to the attention of the Office of Human Resources, or other appropriate individuals listed within this policy. Any member of the community has a right to file a complaint with the College.

If you have experienced any form of harassment please do the following:

- **Respond immediately:** Sometimes, telling the discriminator and/or harasser that his/her behavior is unwelcome will stop the conduct. State an emphatic “NO” in the case of harassment at the time. Be direct and firm. Clearly express disapproval of any behavior that causes discomfort. Communicate that it is unwelcome and that you want the behavior to stop. Ignoring or avoiding a discriminator and/or a harasser usually does not work. If you are unable to confront the discriminator and/or harasser in person, try writing a letter. In the letter, include a detailed account of the conduct you find offensive, including dates. State the impact the conduct has had on you and that you will take further action if the behavior does not stop. Keep a copy of the letter.
- **Keep records:** Document all incidents and conversations that might constitute discrimination and/or harassment, including dates, times, places, witnesses, and an accurate description of specific incidents. Write down quotes so that you can recall at a later date the exact language used.
- **Talk to someone:** If the discrimination/harassment does not stop, or you are reluctant or unable to confront the person verbally or in writing, talk to someone. Talk to a supervisor or someone of authority at the College whom you trust. You may also consult one of the individuals listed within this policy. The College also encourages individuals who have witnessed, or who have knowledge of, discrimination/harassment directed at any member of the College community, to report such conduct immediately to the individuals listed within this policy.

## **Informal resolution:**

Many claims of discrimination/harassment may be resolved informally. The goal of an informal resolution is to end the offensive or unwelcome behavior. The dean of the respective school, the director of human resources, or the vice president of the respective division will work with the complainant and the respondent to reach an informal resolution.

Examples of informally reached outcomes might include:

- Mediation, informal conversation between the complainant and respondent;

- Attending educational programs;
- Adjusting residential or academic placement of either the complainant or respondent.

Resorting to formal hearings will be avoided whenever possible. The purpose of informal adjudication is to arrange an appropriate solution acceptable to all parties concerned. At the conclusion of the informal process, the only document that will be maintained is a memorandum of understanding, signed by both parties, and maintained by the Office of Human Resources.

Informal proceedings must be exhausted before formal proceedings will commence.

### **Formal resolution:**

If informal efforts to resolve a problem are not successful, or if informal resolution is inappropriate or inadequate based on the severity of a case, or if the respondent is a known prior offender, then a formal resolution may be necessary. Formal written complaints must be filed with the Office of Human Resources.

A representative from the Office of Human Resources will monitor the implementation of these formal grievance procedures, and either party may request a formal hearing.

The human resources representative will schedule all committee meetings, oversee the process and procedures, and attend hearings, if necessary, as a nonparticipating, nonvoting member. The representative will NOT contribute to the writing of the Hearing Committee's findings. The decision of the committee is presented to the director of human resources. The director of human resources, in consultation with the president or designated representative, will render a written decision to the complainant. This decision is final.

### **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. Springfield College will attempt to protect the confidentiality of the proceedings and circumstances giving rise to the dispute. Until resolution has been achieved, participants are requested to discuss the matter only with those persons on a "need to know" basis such as:

- When the College is required by law to disclose information (such as responses to legal process);
- When confidentiality concerns are outweighed by the College's interest in protecting the safety and rights of others.

If you think you are experiencing harassment, witnessed harassment, or received a report of harassment, you are urged to contact one of the individuals listed below. If you have been accused of harassment, you should seek the advice of one of these individuals as well.

### **Who to contact for assistance with harassment claims:**

Internal resources for filing a complaint:

Office of Human Resources, ext. 3118  
Title IX Representative, ext. 3031  
Public Safety, ext. 5555  
Counseling Center, ext. 3345  
Health Center, ext. 3175  
Vice President for Student Affairs/Dean of Students, ext. 3100  
Dean, School of Social Work, ext. 3057  
Dean, School of Human Services, ext. 3982  
Vice President for Academic Affairs, ext. 3196

External resources for filing a complaint:

Massachusetts

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/)

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/)

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

## California

California Dept. of Fair Employment and Housing  
1055 West 7th St., Suite 1400  
Los Angeles, CA 90017  
(213) 439-6799

The United States Equal Employment Opportunity Commission (EEOC)  
Roybal Federal Building , 4th Floor  
255 E. Temple St.  
Los Angeles, CA 90012  
(800) 669-4000

## Delaware

Delaware Dept. of Labor  
Pencader Corporate Suites, Suite 104  
Newark, DE 19702  
(800) 464-4357

The United States Equal Employment Opportunity Commission (EEOC)  
801 Market St, Suite 1300  
Philadelphia, PA 19107-3127

## Florida

Florida Commission on Human Relations  
2009 Appalachee Parkway, Suite 200  
Tallahassee, FL 32301-4857  
(850) 488-7082

The United States Equal Employment Opportunity Commission (EEOC)  
One Biscayne Tower  
2 South Biscayne Blvd., Suite 2700  
Miami, FL 33131  
(800) 669-4000

## New Hampshire

NH Commission for Human Rights  
2 Chenell Dr., Unit 2  
Concord, NH 03301-8501

(603) 271-2767  
The United States Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
475 Government center  
Boston, MA 02203  
(800) 669-4000  
eoc.gov

#### South Carolina

South Carolina Human Affairs Commission  
PO Box 4490  
2611 Forest Dr., Suite 200  
Columbia, SC 29204  
(803) 737-7800

The United States Equal Employment Opportunity Commission (EEOC)  
301 N. Main St., Suite 4R30  
Greenville, SC 29601-9916  
(800) 669-4000

#### Texas

Texas Workforce Commission  
1137 North Esplanade St.  
Dallas, TX 77954-3433  
(361) 277-8870

The United States Equal Employment Opportunity Commission (EEOC)  
Total Plaza  
1201 Louisiana St, 6th Floor  
Houston, TX 77002  
(800) 669-4000

#### Vermont

Attorney General of Vermont, Civil Rights Division  
109 State St.  
Montpelier, VT 05602  
(888) 745-9195

The United States Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
475 Government center  
Boston, MA 02203



(800) 669-4000

[eeoc.gov](http://eeoc.gov)

Wisconsin

Wisconsin Dept. of Workforce Development  
819 North 6th St., Rm. 723  
Milwaukee, WI 53203  
(414) 227-4384

The United States Equal Employment Opportunity Commission (EEOC)  
Reuss Federal Building, Suite 800  
310 W. Wisconsin Ave.  
Milwaukee, WI 53203-2292  
(800) 669-4000

### **Retaliation:**

No faculty member, administrator, staff, student, visitor, or applicant for employment may be subject to retaliation for action taken in good faith to seek advice concerning a harassment matter, to file a harassment complaint, or to serve as a witness or a panel member in the investigation or adjudication of harassment complaint.

It is in violation of this policy to retaliate against a complainant for making a claim of harassment. If warranted, the appropriate senior administrator may monitor performance review, promotion, reappointment, or other evaluation or, to the extent possible, may assign the supervisory relationship to ensure that retaliation does not occur.

Retaliation, if established, may result in disciplinary action against the offending party up to and including termination of employment from the College.