



444 Green Street, Gardner, MA 01440-1000

*Division of Human Resources & Payroll/Affirmative Action Office*

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## **POLICY AGAINST SEXUAL HARASSMENT**

### **a. Introduction**

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of sexual harassment. Sexual harassment of students or employees occurring in the classroom or the workplace is unlawful and will not be tolerated by the Community College. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students or employees.

Because the Community Colleges take allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective measures, including disciplinary action where appropriate and consistent with applicable collective bargaining agreements.

### **b. Definition of Sexual Harassment**

Sexual Harassment is defined under the “Definitions” section of this Policy.

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.

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.

### **a. Complaints of Sexual Harassment**

If any member of the College Community believes that he/she has been subjected to sexual harassment, he/she has a right to file a complaint under this policy, either in writing or orally.

All complaints of sexual harassment shall proceed under this Policy's Complaint Procedure. To file a complaint a person may do so by contacting the College's Title IX Coordinator, or designee. A report of an allegation of sexual harassment may also be presented to other "Responsible Employees" at the College. These persons are also available to discuss any concerns a person may have and to provide information about the Policy on Sexual Harassment and the complaint process.

### **b. Sexual Harassment Investigation**

A complaint of sexual harassment will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will be conducted in accordance with this Policy's Complaint Procedure and will include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed sexual harassment will also be interviewed. Once the investigation is completed, the College will, to the extent appropriate, inform the parties of the results of that investigation.

If it is determined that a violation of this policy has occurred, the College will act promptly to eliminate the offending conduct, and where it is appropriate also impose disciplinary action.

### **c. Disciplinary Action**

Discipline for violating this Policy may include, but is not limited to, mandatory counseling or training, verbal or written warnings, suspension, termination from employment, or expulsion from the College.

### **d. Consensual Relationships**

#### **• 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.

- **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.

**g. 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. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

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

One Congress Street  
10th Floor Boston, MA 02114  
(617) 565-3200.

**The Office For Civil Rights ("OCR")**

U.S. 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) 994-6000

**Worcester Office:**  
Worcester City Hall  
484 Main St., Rm. 320  
Worcester, MA 01608  
(508) 799-8010

**Springfield Office:**  
436 Dwight St., Rm. 220  
Springfield, MA 01103  
(413) 739-2145

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