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## Human Resources

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### Sexual Harassment Policy Statement

Clark University seeks to prevent the sexual harassment of members of its community and reminds the community that its members themselves are responsible for maintaining a learning and working environment free from sexual harassment.

It is the policy of Clark University that any practice or behavior by a member of the Clark community, male or female, that constitutes sexual harassment, gender discrimination, or any other inappropriate interference with a person's academic or work performance, will not be tolerated. Sexual harassment is illegal and is prohibited by both state and federal statutes and is treated as a form of sexual discrimination by the Equal Employment Opportunity Commission. It is also unlawful to retaliate against a person who is filing a complaint of sexual harassment or is cooperating in an investigation of a sexual harassment complaint.

Because of differences in community members' values and backgrounds, some individuals may find it difficult to recognize their own behavior as sexual harassment, and other individuals may find it difficult to recognize their own feelings as being overly sensitive or unduly intolerant to what may be unintentionally offensive behavior on the part of others.

Sexual harassment is defined as any unwelcome sexual advance or request for sexual favors or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic standing; submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions; or such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance by creating an intimidating, hostile or offensive working, living, or educational environment.

Although there is no single description of sexual harassment that fits all contexts and circumstances, there is agreement that it can be verbal, non-verbal, or physical. Both men and women can be victims and perpetrators; and it is the effect of behavior, as defined by the "reasonable person standard", not the intent of the person who did the behavior, that determines sexual harassment. Examples of the kinds of conduct that may be considered inappropriate behavior, sexual misconduct, or sexual harassment include, but are not limited to:

- Unwelcome sexual propositions, invitations and solicitations;
- Unwelcome verbal expressions of a sexual nature, including graphic commentaries about a person's body, dress, appearance, or sexual activities;
- Unwelcome inappropriate contact such as patting, tickling or brushing up against a person;
- Demands or requests for sexual favors, accompanied by implied or overt promises or threats concerning an individual's academic or employment status;
- The creation of a hostile environment by the display or exposure of literature, materials, or actions perceived to be sexual in nature (e.g. pin-up calendars, offensive joke telling, etc.).

These actions in and of themselves are not always considered sexual harassment, but when performed repeatedly, or in a manner designed to humiliate or intimidate another, can be found to meet the definition.

Since some members of the community hold positions of authority that may involve the legitimate exercise of such authority over others, it is their responsibility to avoid actions that are abusive or unprofessional. Faculty, in particular, should be aware that amorous or sexual relationships between faculty and students are inimical to the education process and are strongly discouraged by the University. Faculty involved with students may find it increasingly difficult to exercise rigorous intellectual judgement when evaluating/grading students and the treatment of such students may be perceived as unequal. It is also possible that faculty members or teaching assistants involved in such relationships may be more vulnerable to allegations of sexual harassment, including third-party sexual harassment charges.

Because of the private nature of most sexual harassment incidents and the complexities surrounding such issues, every effort will be made to resolve such problems on an informal basis if possible. If the problem cannot be solved informally, a formal investigation may be initiated. The investigation will be confidential to the extent consistent with a thorough investigation with consideration for the privacy of the individuals involved. The University is committed to taking appropriate corrective action as necessary, including, but not limited to, termination of employment or expulsion from the University when justified, to remedy violations of this policy.

Any member of the Clark community who believes he/she has been the object of sexual harassment should promptly bring this to the attention of Lynn Olson, Director of Human Resources/Affirmative Action, 20 Downing Street, extension 7294, (or, if preferred, David Angel, Provost (faculty); Andrea Michaels, Vice President for Budget and Planning or Jim Collins, Executive Vice President (staff); Denise Darrigrand, Dean of Students (undergraduate students) or Nancy Budwig, Associate Provost and Dean of Graduate Studies and Research (graduate students).

This policy pertains to all members of the Clark University community. Further information and details can be found in the Sexual Harassment Policy and Grievance Procedures Manual. The Manual is currently under review; however copies of the existing manual are available in the Human Resources/Affirmative Action Office (20 Downing St. ext. 7294).

The Massachusetts Commission Against Discrimination ("MCAD"), located at One Ashburton Place, Boston, and 436 Dwight Street, Springfield, is responsible for enforcing the Massachusetts sexual harassment law, and the U.S. Equal Employment Opportunity Commission ("EEOC") is responsible for enforcing the federal law prohibiting sexual harassment. The EEOC is located at One Congress Street, Room 1001, Boston. A complaint to the MCAD must be filed within 300 days. A complaint under the federal law should be filed within 180 days, but under certain circumstances, a federal complaint may be filed within 300 days.

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