

Section 1. General Policies

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1-1 Introduction

This Handbook is designed to provide an overview of many of the employment policies, procedures and benefits for administrative employees at Wellesley College (hereinafter the "College"). The contents of this handbook and the policies and procedures described in it are presented as a matter of information and general guidance only.

This handbook is intended to provide guidelines for administrative employees of the College. Those employees subject to a collective bargaining agreement will reference their union contract with regard to their terms and conditions of employment. Members of the Faculty should refer to the Faculty Handbook.

The handbook does not create a contract between the College and any of its employees. No policies in the handbook or any oral interpretation of the policies and procedures create an express or implied contract of employment between the College and employees regarding length of service, wages, hours, procedures, policies, benefits, or any terms or conditions of employment. This handbook does not alter the employment at-will relationship between the College and its employees whose employment is not subject to a collective bargaining agreement. The College or employee may terminate the employment relationship at any time.

The College may change any portion of this Handbook at any time, with or without notice.

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1-2 Background Check Policy

Effective July 1, 2010, Wellesley College will conduct background checks with the assistance of a third party agency. This process is being implemented to ensure the safety and protection of our employees and students, property, data, and to aid management in making optimum employment decisions. A background check may be used to retrieve information from an individual's past employers, educational institutions, government agencies, companies, corporations, credit reporting agencies, and/or law enforcement agencies at the federal, state or county level to supply any and all information pertaining to an applicant's or employee's background.

All employees hired after July 1, 2010, will be subject to a background check.

Background checks will take place at the time an offer is made. The selected applicant will sign a release form authorizing the check. The employee may start pending the results of the background check.

In addition, Wellesley College reserves the right to conduct a new background check on any individual being considered for either a promotion or lateral opportunity, which could place the individual in a position of particular sensitivity, such as an administrative position going into a Res Life position or a position in the Controllers' Office. Such individuals will be asked to sign a release document authorizing the college and the third party agency to conduct the check. Failure to sign the release will result in non-selection for employment or non-selection for a promotional opportunity.

Background summary reports will be obtained and reviewed by Human Resources. If potentially adverse information is found in the background check, Human Resources will review the matter with the Division Head or the Hiring Manager before finalizing a formal offer of employment or selection for promotion. Depending on the severity and relevance of the adverse information an offer may be rescinded. Background checks may include, but are not limited to:

- Review of County/State/Federal Criminal Records;
- Verification of Social Security Number;
- Verification of Educational records;
- Verification of Employment records;
- Sexual Offender Registry Search;
- Credit History (for those positions with financial responsibilities);
- Review of Department of Motor Vehicle records (for those positions which drive college vehicles).

Wellesley College will ensure that all background checks are held in compliance with all federal and state statutes. The college guarantees that all information obtained from the reference and background check process will only be used as part of the employment process, or for evaluation of existing employees, and will be kept separate from the personnel file and held strictly confidential.

If you have any questions about this policy, please contact Human Resources.

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1-3 Policy Against Sexual Harassment and Other Unlawful Discrimination, Harassment, and Retaliation

Introduction

It is the policy of the College to maintain a work and academic environment that is free of sexual harassment and harassment and discriminatory actions against applicants, employees and students based on any legally-recognized status, including, but not limited to: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, requesting and/or taking of parental leave or any other protected status under applicable local, state or federal law.

Persons who violate this policy will be subject to disciplinary action up to and including termination of employment, suspension, and/or expulsion.

Unlawful Discrimination And Sexual Harassment

Unlawful Discrimination

Unlawful discrimination against an employee, applicant or student is strictly prohibited by the College and will not be tolerated. Treating an employee/applicant/student differently in the terms or conditions of his or her employment/education on the basis of the following legally protected characteristics: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, requesting and/or taking of parental leave or any other protected status under applicable local, state or federal law.

Harassment

Sexual and Other Unlawful Harassment

The College is committed to providing a work environment that is free of harassment. As a result, the College maintains a strict policy prohibiting sexual harassment and harassment against applicants, employees and students based on any legally-recognized status, including, but not limited to: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, requesting and/or taking of parental leave or any other protected status under applicable local, state or federal law.

The College's anti-harassment policy applies to all persons involved in its operations, regardless of their position, and prohibits harassing conduct by any employee of the College, including supervisors, managers and nonsupervisory employees. This policy also protects employees from prohibited harassment by third parties, such as customers, vendors, clients, visitors, or temporary or seasonal workers. If such harassment occurs in the workplace by someone not employed by the College, the procedures in this policy should be followed. The workplace includes: actual worksites, any setting in which work-related business is being conducted (whether during or after normal business hours), College-sponsored events, or College owned/controlled property.

Sexual Harassment Defined

Conduct prohibited by this sexual harassment policy includes unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

This sexual harassment policy prohibits various forms of offensive behavior based on sex. The following is a non-exhaustive list of the types of conduct prohibited by this policy:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates);
- Offers of employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, posters, websites, emails or text messages;
- Verbal conduct: making or using sexually derogatory comments, innuendos, epithets, slurs, sexually explicit jokes, or comments about an individual's body or dress, whistling or making suggestive or insulting sounds;
- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets or other social media postings;
- Physical conduct: touching, assault or impeding or blocking normal movements;
- Retaliation for making reports or threatening to report sexual harassment.

Other Types of Harassment

Harassment on the basis of any legally protected status is prohibited, including harassment based on: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, requesting and/or taking of parental leave or any other protected status under applicable local, state or federal law.

Harassment prohibited by this policy may include behavior similar to the illustrations above pertaining to sexual harassment. It also includes, but is not limited to:

- Verbal conduct including taunting, jokes, threats, epithets, derogatory comments or slurs based on an individual's protected status;
- Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages social media posts or gestures based on an individual's protected status; and

- Physical conduct including assault, unwanted touching or blocking normal movement because of an individual's protected status.

Manager's Responsibility

All supervisors and managers are responsible for:

- Implementing this policy, which includes, but is not limited to, taking steps to prevent harassment and retaliation;
- Ensuring that all employees under their supervision have knowledge of and understand this policy;
- Promptly reporting any complaints to the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator or to Human Resources so they may be investigated and resolved in timely manner;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, at all times, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action, up to and including termination.

No Retaliation For Filing A Complaint Of Sexual Harassment Or Unlawful Discrimination

Good Faith

The initiation of a good faith complaint of harassment or retaliation will not be grounds for disciplinary action, even if the allegations cannot be substantiated. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination.

Support for Individuals Impacted by Harassment or Retaliation

The College will strive to assist anyone who has been subjected to unwelcome harassment or retaliation to feel more comfortable in the work environment. Such assistance may, but does not necessarily include, transfer or reassignment. Any such assistance is at the College's sole discretion.

No Retaliation

Retaliation against any individual for making a complaint of sexual harassment or of any unlawful discrimination or for reporting sexual harassment or unlawful discrimination, or for participating and/or cooperating in the investigation of such a complaint is unlawful and will not be tolerated. Any acts of retaliation will be subject to appropriate disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension and/or immediate termination.

The College also will not discriminate or retaliate against an employee because the employee provided evidence in connection with a claim for unemployment benefits or testified at any unemployment hearing.

Disability and Accommodation

To comply with applicable laws ensuring equal employment opportunities for individuals with disabilities, the College will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result. Any employee who requires an accommodation in order to perform the essential functions of his or her job, be entitled to equal employment opportunity, and/or obtain equal job benefits should contact the **Office of Accessibility and Disability Resources** at accessibility@wellesley.edu to request such an accommodation. Accessibility and Disability Resources will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation(s) may be appropriate.

Employees who believe they need an accommodation must specify, preferably in writing, what barriers or limitations prompted the request. The College will evaluate information obtained from the employee, and possibly his or her health care provider or another appropriate health care provider, regarding any reported or apparent barriers or limitations, and will then work with the employee to identify possible accommodations, if any, that will help to eliminate or otherwise address the barrier(s) or limitation(s). If an identified accommodation is reasonable and will not impose an undue

hardship on the College and/or a direct threat to the health and/or safety of the individual or others, the College will generally make the accommodation, or it may propose another reasonable accommodation which may also be effective. Employees are required to cooperate with this process by providing all necessary documentation supporting the need for accommodation, and being willing to consider alternative accommodations when applicable.

Employees who wish to request unpaid time away from work because of a qualifying disability should speak to Human Resources regarding a proposed accommodation. For more information regarding leaves of absence, see **Leaves of Absence** in the Administrative Handbook.

For more information, see the **Accessibility and Disability Resources** and the **ADA/504 Grievance Process**.

Pregnancy and Lactation Accommodation

Employees and applicants with needs related to pregnancy, childbirth or related conditions (including lactation), may request a reasonable accommodation to enable them to perform their job. A reasonable accommodation may include, but is not limited to, the following: more frequent or longer breaks; acquisition or modification of equipment or seating; assistance with manual labor; job restructuring; light duty; private non-bathroom space for expressing breast milk; modified work schedules; temporary transfers to a less strenuous or hazardous position; or time off to attend to a pregnancy complication or recover from childbirth. The College will provide a reasonable accommodation for needs related to pregnancy, childbirth or a related medical condition so long as the requested accommodation does not impose an undue hardship on the College's program, enterprise or business.

The College will not deny employment opportunities or take adverse employment action against otherwise qualified applicants or employees who request or use such reasonable accommodations. Employees who take leave as an accommodation under this policy will be reinstated to their original job or to an equivalent position with equivalent pay, seniority, benefits and other terms and conditions of employment upon their notification to the College of their intent to return to work or when the employee's need for a reasonable accommodation at work ends.

The College may require that employees provide documentation about the need for a reasonable accommodation, or the need to extend an accommodation, from an appropriate health care or rehabilitation professional. The College will not require such documentation when the requested accommodation is more frequent restroom, food and water breaks; seating; private non-bathroom space for expressing breast milk or limits on lifting over 20 pounds.

Employees who have questions about this policy or who wish to request leave or other reasonable accommodations under this policy should contact their Human Resources representative. When an employee makes a request for a reasonable accommodation, the College and employee will engage in a timely, good faith and interactive process to determine an effective reasonable accommodation.

Religious Accommodation

The College will provide reasonable accommodation for employees' religious beliefs, observances, and practices when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the College.

The College has a system of open communication between employees and the College to discuss conflicts between religion and work and to take action to provide reasonable accommodation for employees' needs. The intent of this process is to ensure a consistent approach when addressing religious accommodation requests. Any employee who perceives a conflict between job requirements and religious belief, observance, or practice should bring the conflict and his or her request for accommodation to the attention of Human Resources to initiate the accommodation process. The College requests that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

Political Opinions

The College will not terminate or threaten to terminate an employee or take other adverse action for the purpose of influencing the employee to give or withhold a vote or a political contribution and will not take any employment action because of a vote or political contribution or lack thereof. The College also will not attempt to influence employee votes by promising higher wages or other incentives in the terms and conditions of employment.

Educational Setting

In the educational setting within the College, there exists latitude for a faculty member's professional judgment in determining the appropriate content and presentation of academic material. Academic curriculum and pedagogical goals that serve legitimate and reasonable educational purposes do not, in and of themselves, constitute sexual harassment or other unlawful discrimination. Those participating in the educational setting bear a responsibility to balance their professional academic responsibilities and academic freedoms with a consideration of the reasonable sensitivities of other participants.

Nothing contained in this policy shall be construed to limit the legitimate and reasonable academic responsibilities and academic freedoms of the College's professional educators.

Employee, Faculty and Student Responsibilities

Each employee, faculty member, administrator and student of the College is personally responsible for ensuring that his or her conduct does not sexually harass, unlawfully discriminate or retaliate against anyone in the College community. Each employee, faculty member, administrator and student is responsible for cooperating in any investigation of alleged sexual harassment or unlawful discrimination if requested to do so by the person conducting the investigation unless cooperation is voluntary.

Any person who observes an incident that may constitute sexual harassment, unlawful discrimination or retaliation or who otherwise becomes aware of such an incident should immediately notify the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator 781-283-2451 or Human Resources, 781-283-3202. Additional responsibilities are set forth in the **Student Sexual Misconduct Policy**.

Procedures For Addressing Complaints Regarding Violations Of This Policy

When Wellesley College receives any complaint of harassment it will be investigated in a timely, objective and expeditious manner. Wellesley College will make every effort to proceed in such a way as to maintain confidentiality to the extent practicable under the circumstances in accordance with applicable law. If it is determined that conduct prohibited by this policy has occurred the College will act promptly to eliminate the offending conduct, and where appropriate we will also impose disciplinary action up to and including termination.

Procedure

If an individual believes that s/he has been subjected to discrimination or sexual or other harassment or retaliation prohibited by this policy, whether by a supervisor, a co-worker, faculty member, student, vendor, contractor or any other person with whom s/he comes in contact at the College, the individual should report the incident promptly to the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator, 781-283-2451, to his or her supervisor or to Human Resources, 781-283-3202. Employees are not required to make a report to their own supervisor. Employees are also welcome to bring the matter to the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator or Human Resources. Any person who receives a complaint of sexual harassment or discrimination from an employee or student, or who otherwise knows or has reason to believe that an employee or student has been subjected to sexual harassment or discrimination, is expected to report the incident promptly to the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator.

The following is an outline of the procedure generally followed once a complaint has been brought to the attention of the College: Complaints falling under the **Student Sexual Misconduct Policy** are subject to the procedures set forth in that policy.

- A timely, impartial and efficient investigation of the complaint is conducted by the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator or other investigator designated by the College. The investigation will consist of (but will not necessarily be limited to) interviews of the individual who made the complaint, of the person or persons against whom the complaint was made and of other individuals who may have witnessed the reported incident or incidents.
- The investigator(s) will submit findings to a trained individual designated by the Title IX Coordinator and Director of Title IX/Nondiscrimination Initiatives for determination of responsibility, based on a preponderance of the evidence standard, and for determination of any sanctions/remedies. Where possible, the designee will not be the same person who served as the investigator, and will typically be the Provost for cases where the responding party is a faculty member and the AVP for Human Resources where the responding party is a staff member. The responding party and reporting party will receive simultaneous written notice of the outcome.

Disciplinary Action

In the event that the investigation reveals that sexual harassment, discrimination, retaliation or other prohibited or otherwise unprofessional conduct has occurred, further action will be taken, including disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension and/or immediate termination. Even where conduct does not actually rise to the level to be considered unlawful or to violate rules, the College may nevertheless take action if the College would like the individual to refrain from future such conduct.

Confidentiality

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy and discretion as possible without compromising the thoroughness and of an impartial investigation. All persons involved are to maintain the privacy of those involved to the extent possible in accordance with the law. To conduct a thorough investigation, the Investigator(s) may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions.

State And Federal Agencies

In addition to the above, employees who believe that they may have been subjected to sexual harassment or unlawful discrimination, may file a formal complaint with either or both of the government agencies set forth below. Using the College's complaint process does not prohibit an employee from filing a complaint with these agencies. Complaints filed with the MCAD and the EEOC must be filed within 300 days of the incident giving rise to the claim.

1. The United States Equal Employment Opportunity Commission ("EEOC"), John F. Kennedy Federal Building, 475 Government Center Boston, MA 02203, telephone number (617) 565 3200 or (800) 669-4000.
2. Massachusetts Commission Against Discrimination ("MCAD")
 - Boston Office: One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108, telephone number (617) 994-6000
 - Springfield Office: 436 Dwight Street, Second Floor, Suite 220, Springfield, MA 01103, telephone number (413) 739-2145
 - Worcester Office: 488 Main Street, Room 320, Worcester, MA 01608, telephone number (508) 453-9630
 - New Bedford Office: 800 Purchase Street, Room 501, New Bedford, MA 02740, telephone number (508) 990-2390.
3. U.S. Department of Education, Office for Civil Rights, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921, telephone number (617) 289-0111, facsimile: (617) 289-0150.

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EXPECTATIONS OF PROFESSIONAL CONDUCT BETWEEN COLLEGE EMPLOYEES AND SUPERVISEES OR BETWEEN EMPLOYEES AND STUDENTS

Prohibited Conduct and Romantic Relationships between Students and Faculty

One of the foundations upon which the College's educational mission rests is the maintenance of a campus environment where students can learn, think, work, and live without undue negative influences, concerns of favoritism, intimidation, and/or a hostile working or learning environment.

A sexual and/or romantic relationship between a student and a faculty member of the College, even where consensual, can be, or subsequently can become, detrimental to the professional campus learning environment described above. Consequently, the College prohibits its faculty from engaging in any consensual sexual and/or romantic or intimate relationships with any of its students. The College also prohibits faculty members from making any sexual and/or romantic overtures to any of its students. A non-consensual sexual and/or romantic relationship between a College faculty member and student also is prohibited by the College and is subject to rigorous legal prohibitions. These prohibitions also apply to visiting faculty and faculty of other schools who are working on Wellesley's campus and/or with its students (referred to here as "third parties"). For the purposes of this policy, the word "students" refers to all persons enrolled in academic courses at the College on a full-time or part-time basis, whether they are Wellesley students or students of other institutions. Any faculty member or third party who engages in conduct contrary to these prohibitions will be subject to disciplinary action, including but not limited to restricted access to campus activities, change of job duties or responsibilities, suspension, and/or termination of employment.

Any faculty member who requests that the policy should not apply to his or her particular situation involving a consensual relationship should submit a written appeal to the Provost explaining the reasons for the request. The Provost shall provide a written response.

Prohibited Conduct and Romantic Relationships between Students and Staff

One of the foundations upon which the College's educational mission rests is the maintenance of a campus environment where students can learn, think, work, and live without undue negative influences, concerns of favoritism, intimidation, and/or a hostile working or learning environment.

A sexual and/or romantic relationship between a student and a College staff member, even where consensual, can be, or subsequently can become, detrimental to the professional campus learning environment described above. Consequently, the College prohibits its staff members from engaging in any consensual sexual and/or romantic or intimate relationships with any of its students. The College also prohibits staff members from making any sexual or romantic overtures to any of its students. A non-consensual sexual and/or romantic relationship between a College staff member and student also is prohibited by the College and is subject to rigorous legal prohibitions. These prohibitions also apply to employees of independent contractors, vendors, and interns, working on Wellesley's campus and/or with its students (referred to here as "third parties"). For the purposes of this policy, the word "students" refers to all persons enrolled in academic courses at the College on a full-time or part-time basis, whether they are Wellesley students or students of other institutions. Any staff member or third party who engages in conduct contrary to these prohibitions will be subject to disciplinary action, including but not limited to restricted access to campus activities, change of job duties or responsibilities, suspension, and/or termination of employment.

If a newly hired staff member has a pre-existing consensual relationship with a Wellesley student and the staff member and the student both wish to continue the relationship, the new staff member should inform the Assistant Vice-President of Human Resources and EO of the relationship. The College will address the situation on a case-by-case basis to determine if the continuation of that pre-existing consensual relationship is prohibited by this policy.

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1-4 Policy on AIDS

View the full **[Aids Policy](#)**.

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1-5 Drug and Alcohol Policy

All students, faculty, administrative and union staff are expected to recognize the potential for alcohol and drug abuse whenever illegal drugs or alcohol are sold, given, manufactured, and/or used and that such abuse is in conflict with the College's purpose. The College's drug and alcohol policy for staff and faculty is stated below.

Illegal or improper use of alcohol will not be tolerated and may result in disciplinary action, up to and including termination of employment. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs by any person on the property of Wellesley College is prohibited. Such action shall result in disciplinary action, up to and including termination of employment.

Violations of the Wellesley College Drug Policy or of any Commonwealth of Massachusetts or Town of Wellesley laws are subject to disciplinary action. Acts in violation of the Wellesley College Drug Policy that occur on campus will be subject to disciplinary action. Additionally, acts in violation of the Wellesley College Drug Policy that occur off campus may be subject to disciplinary action.

Drug and Alcohol Programs:

Below is a list of some drug and alcohol prevention, counseling, treatment and rehabilitation, and re-entry programs. Additional programs may be listed in the local and other area telephone directories.

AllOne Health...1-800-451-1834
190 North Main Street
Natick, MA 01760

Alcoholics Anonymous...617-426-9444
368 Congress Street
Boston MA 02210

Al-Anon/Adult Children of Alcoholics...781-843-5300
Al-Anon Family Groups of Mass., Inc.
639 Granite Street
Braintree, MA 02184

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1-6 Solicitation Policy

Solicitation by one College employee of another employee for any purpose is prohibited while either employee is on his or her working time ("working time" does not include meal periods, authorized rest breaks, or any period when employees are properly not engaged in the performance of their work tasks.)

Distribution by College employees of advertising materials, handbills, or printed or written literature of any kind to other employees during work time or in work areas is prohibited.

Solicitation of employees or distribution of advertising materials, handbills, or printed or written literature of any kind to employees on the premises of Wellesley College by persons who are not Wellesley College employees is prohibited at any time. This policy does not include Wellesley College authorized vendors.

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1-7 Conflict of Interest Policy

View the full **[Business Conduct Policy](#)**.

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Wellesley College seeks to maintain a safe, healthy and secure work environment. It is the College's goal to create a workplace free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Employees play a major role in the College's efforts by complying with this policy, contributing to a respectful atmosphere, treating all threats seriously, and reporting incidents immediately.

Wellesley College treats reports of threatening behavior or violence seriously and will take appropriate action in response. The College has the right to search any area or property, including personal property, in order to investigate reports of workplace violence. For information regarding the College's response to a workplace violence crisis, please refer to the Wellesley College Emergency Response Plan.

Prohibited Conduct and Behavior:

Wellesley College will not tolerate any workplace violence, whether carried out by coworkers, visitors, former employees, or other individuals. The College expressly prohibits violence, threats, harassment, intimidation, and other disruptive behavior on its property. Violence or threatening behavior can include physical acts of violence, gestures, intimidating presence, oral or written statements, sexual assaults and weapons possession.

The College will initiate appropriate action in response to reports of such incidents, which may include, but is not limited to, immediate removal from Wellesley College property, suspension, termination and/or referral for criminal prosecution. All employees are required to cooperate in any investigations the College conducts in response to reports or acts of workplace violence.

Reporting Incidents:

All employees are responsible for reporting workplace violence and can do so without the fear of reprisal or criticism. Community members should not ignore violent, threatening, harassing, intimidating or other disruptive behavior.

Employees can follow this matrix to determine when and to whom to report incidents.

Situation Report to any act of violence or threat of violence, or any emergency situation--> Call Wellesley College Police (x5555)

Verbal abuse, perceived intimidation, or harassment, or any non-emergency situation--> Report incident to immediate supervisor or Office of Human Resources (x3202)

All other situations or not sure--> Call Office of Human Resources (x3202) or Wellesley College Police (x2121)

If you have any questions about this policy please contact the Director of Human Resources (x3202) or the Chief of Campus Police (x2121).

Top**1-9 Weapons**

Wellesley College expressly prohibits the use, possession, or sale of any weapon, other than as expressly authorized by the College, by any person or employee while on College property and/or while conducting business on behalf of or for the benefit of, the College. This prohibition applies even if an individual has a legal permit to carry a weapon. Massachusetts General Laws (MGL, Chapter 269, section 10(j)) also prohibit carrying a firearm, whether loaded or unloaded, or any other dangerous weapon, in any building or on the grounds of any college or university.

Persons who are on Wellesley College property and/or conducting business on behalf of, or for the benefit of, the College, are required to abide by this policy and are required to cooperate in any investigation the College deems necessary to enforce this policy.

Persons who do not comply with this policy may be subject to disciplinary action, up to and including removal from College property and/or termination from employment. This action is separate from any criminal penalties that may be pursued for violation of state laws.

Special Exemption for the Possession of Chemical Defensive Sprays:

In the Commonwealth of Massachusetts, chemical defensive sprays are considered regulated ammunition. This definition includes any device or instrument that contains or emits a liquid, gas, powder, or other substance designed to incapacitate.

Residents of Massachusetts must obtain the appropriate Firearms Identification Card (FID), or License to Carry (LTC) in order to possess chemical defensive sprays in public. The licensing authority for granting permission to possess any form of defensive chemical sprays is generally the chief of police in the town where the person resides. For example, the Chief of Police, Town of Wellesley, would be the licensing authority for a staff member who resides in the Town of Wellesley. Individuals residing in other cities, towns, or villages should apply for their FIDs or LTCs with their local police departments. Non-residents of Massachusetts should contact the applicable licensing authority for additional information regarding exemptions to this requirement. Refer to **Massachusetts General Laws**, chapter 140, section 129B and chapter 140, section 131, for additional information.

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1-10 Policy for Access to Student Residence Halls

Only Student Life staff members, police, maintenance staff, and custodians who are on official College business are permitted in the private areas of the residence halls. All other College employees visiting the residence halls must restrict their presence to the common public areas. Maintenance staff and custodians working in the private areas should be wearing uniforms and all employees entering the residence halls must have Wellesley College identification. Anyone without an ID who claims to be an employee or privately contracted by the College must go to Campus Police and obtain proper ID and visitor's pass.

The professional Residence Life staff has access to rooms for a variety of health and safety reasons.

Anyone in the building, employee or visitor, who is a guest of a student, needs to be escorted through the building by the resident. This is crucial to the safety of everyone in the building.

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1-11 Domestic Violence Leave Act Policy

Wellesley College, in compliance with its obligations under Massachusetts state law and recognizing the importance of supporting victims of domestic violence hereby implements this Domestic Violence Leave policy to provide employees with the opportunity to directly address and respond to incidents of domestic violence and abuse.

Eligibility

An employee, who is not the perpetrator of Abusive Behavior, may take leave under this policy if the employee or a Family Member is a victim of Abusive Behavior. (All capitalized terms are defined below). Specifically, an employee may take up to 15 days of leave from work in any 12-month period for any of the following reasons:

- to seek or obtain medical attention, counseling, victim services or legal assistance;
- to secure housing;
- to obtain a protective order from a court;
- to appear in court or before a grand jury;
- to meet with a district attorney or other law enforcement official; or
- to attend child custody proceedings or address other issues directly related to the abusive behavior against them or a family member of the employee.

For purposes of this policy, a "rolling" 12-month period will be used, measured backward from the date an employee uses any leave under this policy.

All leave under this policy is unpaid, except to the extent that an employee has accrued but unused vacation and/or personal time which he or she chooses to utilize.

Notification / Request for Leave

In general, an eligible employee is required to notify his or her immediate supervisor at least seven (7) business days in advance of their decision to take domestic violence leave under this policy.

No advance notice is required where there is a threat of imminent danger to the health or safety of the employee or the employee's Family Member. Under such circumstances, an employee is required to notify his or her supervisor within three (3) business days that leave was taken or is being taken under this policy.

Notification may be made by telephone, in person, in writing or by any other reasonable means to communicate. Further, notification may be made either by the employee or by a Representative of the employee. For purposes of this policy, a Representative of the employee is "a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member."

Documentation

An employee taking leave under this policy is required to submit to his or her supervisor or to the Human Resources Department documentation supporting the need for the leave. This documentation shall be submitted within a reasonable period of time. For purposes of the policy, any one of the following documents will satisfy this requirement:

1. A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member.
2. A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member.
3. A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member.
4. Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has: admitted to sufficient facts to support a finding of guilt of abusive behavior; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave.
5. Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member.
6. A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
7. A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

Confidentiality

To respect an employee's right to privacy, all documentation and other information related to an employee's leave under this policy shall be kept confidential and shall not be disclosed by the College other than under the following circumstances: (1) as requested to, in writing, by the employee; (2) as ordered to by a court of competent jurisdiction; (3) as required by law; (4) as required in connection with an investigation authorized by law enforcement (including but not limited to an investigation by the Attorney General's Office); or (5) as necessary to protect the safety of the employee or others employed at the workplace. Further, any documentation provided to the College to support the request for a leave under this policy shall be kept by the College only for so long as it is necessary for the College to make a determination that an employee is eligible for such leave.

Returning from Leave

Upon returning from leave under this policy, an employee will be returned to the same position that he or she held when leave began or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. The employee will be reinstated without loss of employment rights or benefits that the employee had earned or accrued prior to the beginning of the leave, except to the extent such benefits were used or paid during the leave.

Non-Retaliation

An employee shall not be discharged or discriminated against for exercising his or her rights under this policy. Any concerns that this provision of the policy has been violated should be reported immediately to the College's Assoc Director of Labor and Employee Relations and Title IX Coordinator.

Definitions

For purposes of this policy, the following terms are defined as follows:

- "Abuse" is (i) attempting to cause or causing physical harm; (ii) placing another in fear of imminent serious physical harm; (iii) causing another to engage involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child; (iv) engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror; (v) depriving another of medical care, housing, food or other necessities of life; or (vi) restraining the liberty of another.
- "Abusive Behavior" is defined, among other things, as any behavior constituting Domestic Violence, stalking, and kidnapping.
- "Domestic Violence" is Abuse against an employee or an employee's Family Member by (i) a current or former spouse of the employee or the employee's family member; (ii) a person with whom the employee or the employee's family member shares a child in common; (iii) a person who is cohabitating with or has cohabitated with the employee or the employee's family member; (iv) a person who is related by blood or marriage to the employee; or (v) a person with whom the employee or employee's family member has or had a dating or engagement relationship.
- "Family Member" includes (i) persons who are married to one another; (ii) persons in a substantive dating or engagement relationship and who reside together; (iii) persons having a child in common regardless of whether they have ever married or resided together; (iv) a parent, step-parent, child, step-child, sibling, grandparent or grandchild; or (v) persons in a guardianship relationship.

1-12 Massachusetts Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act ("the Act") amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers' obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy related conditions and have an obligation to accommodate pregnant workers.

Under the Act:

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an "interactive process," and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. "Undue hardship" means that providing the accommodation would cause the employer significant difficulty or expense
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request

medical documentation for other accommodations.

- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.
- Employers must also provide written notice of employees' rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

The foregoing is a synopsis of the requirements under the Act, and both employees and employers are encouraged to read the full text of the law available on the **General Court's website**.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

HR values and respects confidentiality.

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