

BRANDEIS UNIVERSITY

HUMAN RESOURCE AND EMPLOYEE RELATIONS POLICY AND PROCEDURES MANUAL

Policy Section: Employee Relations

Subject: Non-Discrimination and Harassment

POLICY STATEMENT

Brandeis University is committed to providing its students, faculty and staff with an environment conducive to learning and working and where all people are treated with respect and dignity. Toward that end, it is essential that Brandeis be free from discrimination and harassment on the basis of race, color, ancestry, religious creed, gender identity and expression, national or ethnic origin, sex, sexual orientation, age, genetic information, disability, Vietnam Era veteran, qualified special, disabled veteran or other eligible veteran status or any other category protected by law.

It is the University's responsibility to help prevent harassment and discrimination from occurring, to pursue concerns of which it is aware, to objectively investigate concerns, and to take immediate and appropriate action to remedy issues of harassment and discrimination. Brandeis takes this responsibility seriously. Therefore, violations of this policy will not be tolerated and may result in corrective actions up to and including dismissal from school or release from employment.

APPLICABILITY

This policy applies to all Brandeis students, faculty and staff.

MANAGEMENT AND FACULTY RESPONSIBILITY

It is the responsibility of faculty, managers, and supervisors to be aware of actions that constitute harassment and discrimination and to demonstrate unwillingness to tolerate such actions, including taking appropriate action to maintain an environment free from sexual or other forms of harassment or discrimination. Faculty and managers should contact Human Resources with any questions, complaints or concerns regarding harassment or discrimination that are brought to their attention or to discuss conduct they observe that may constitute harassment or discrimination.

REPORTING CONCERNS

Concerning Staff or Faculty

Brandeis encourages the reporting of all perceived incidents of discrimination or harassment. Concerns about harassment or discrimination by a faculty or staff member (including visiting faculty, post-doctoral fellows, or graduate students acting in an instructional capacity) should be brought to the attention of Michelle Scichilone, Assistant Vice President of Human Resources in the Office of Human Resources, or Jesse Simone, Director of Employment, Employee Relations and Training, in the Office of Human Resources, Gryzmish 106, or at 781-736-4464. Concerns about third parties, such as vendors, should also be directed to these individuals. These individuals, or their designees, are available to provide guidance in managing the concern, for help with informal resolution, for filing a complaint, and for reviewing complaints that require more in-depth fact-finding.

Concerning Students and Graduate Students

For guidance and/or to file a complaint against undergraduate or graduate students contact Alwina Bennett, Assistant Dean of Student Life, at 781-736-3546.

PROBLEM RESOLUTION

Brandeis strives to resolve problems informally whenever possible, whether the concern involves harassment or discrimination or some other issue. In the case of harassment or discrimination the Human Resources and Employee Relations Department and the Office of Student Life, as appropriate to the situation, are available to assist in this process. If the individual(s) involved wish to file a complaint or if, in the judgment of Human Resources, the matter requires further fact-finding or review, claims will be reviewed and resolved in accordance with the procedures set forth in the Harassment/Discrimination Complaint Procedure.

UNDERSTANDING HARASSMENT

Harassment, whether sexual or based on an individual's protected class status (of race, color, ancestry, religious creed, gender identity and expression, national or ethnic origin, sex, sexual orientation, age, genetic information, disability, Vietnam Era veteran, qualified special, disabled veteran or other eligible veteran status or any other category protected by law) is a form of discrimination and will not be tolerated. It is regarded as harassment when conduct:

has the purpose or effect of unreasonably interfering with a person's education or work performance by creating an intimidating, hostile or offensive environment in which to work, study or live; or otherwise adversely affects a person's employment or educational opportunities. This may include but is not limited to, hiring, firing, salary increases, promotions, grades, recommendations, scholarly or teaching opportunities, participation in extracurricular activities and student organizations.

Harassment may occur between supervisor/supervisee, faculty/student, within peer groups, or with third parties.

Examples Of Harassment

Depending on the circumstances, conduct which may constitute sexual harassment includes but is not limited to:

- Unwanted sexual proposals which are made explicitly or implicitly a term or condition of hiring, a performance evaluation, promotion, salary increase, other benefit or continued employment;
- Taking or failing to take personnel action as a reprisal against any individual for rejecting sexual advances
- Unwelcome sexual conduct toward an individual, including offensive comments, touching or sexual propositions;
- Leering, making sexual gestures, touching, patting, pinching, rubbing, impeding or blocking movements, displaying of sexually suggestive objects, pictures, cartoons or posters, suggestive or obscene letters or emails, notes, invitations or gifts;
- Making or using derogatory comments, epithets, slurs or jokes with a sexual content;
- Persistent unsolicited and unwelcome invitations for dates, encounters, or pressure to engage in sexual activity of an implied or explicit nature;
- Persistent inappropriate and unwelcome questions asked about personal life;
- Comments to, or about, any individual or her/his appearance that are sexually graphic or would otherwise tend to be degrading;
- Displaying, sending, forwarding, downloading or otherwise distributing sexual materials via the internet, computer or email; or

Examples of Other Forms of Harassment/Discrimination

There are other forms of harassment/discrimination as well that create a hostile educational or work environment on the basis of race, color, ancestry, religious creed, gender identity and expression, national or ethnic origin, sex, sexual

orientation, age, genetic information, disability, Vietnam Era veteran, qualified special, disabled veteran or other eligible veteran status or any other category protected by federal or state law (together, "protected class status").

Depending on the circumstances, the following are examples of behaviors that may constitute harassment/discrimination under this policy. This is not an exhaustive list:

- Jokes, comments or innuendoes that make fun of, denigrate or are based on an individual's or group's protected class status;
- Epithets or slurs based on an individual's or group's protected class status;
- Objects, posters, cartoons or pictures which make fun of, denigrate or are based on an individual's or group's protected class status whether directed to an individual, placed on University premises or displayed or circulated on campus;
- Displaying, sending, forwarding, downloading or otherwise distributing materials via the internet, computer, or email that make fun of, denigrate or are based on protected class status;
- Other verbal or physical conduct that denigrates or shows hostility or aversion towards an individual or group based on protected class status.

Determination of whether particular conduct violates this policy is made on a case-by-case basis, in light of all the known facts and circumstances. The University may take action on conduct that it deems to be inappropriate, regardless of whether it rises to the level of a violation of law.

RETALIATION

Brandeis policy, as well as federal and state law, prohibits retaliation against any person who in good faith initiates a complaint of harassment or discrimination or cooperates in the investigation of a complaint of harassment or discrimination. Retaliation may result in corrective action up to and including dismissal from school or termination of employment.

FALSE CLAIMS

If it is determined that an individual falsified a claim of harassment or discrimination, it may result in corrective actions up to and including dismissal from school or release from employment.

CONTACT INFORMATION

Concerning Staff or Faculty

Concerns of harassment or discrimination by a faculty or staff member (including visiting faculty, post-doctoral fellows, or graduate students acting in an instructional capacity) should be brought to the attention of the Assistant Vice President of Human Resources, Michelle Scichilone, or Jesse Simone, Director of Employment, Employee Relations and Training, in the Office of Human Resources located in the Office of Human Resources, Gryzmish 106, 781-736-4464, in the Office of Human Resources. These individuals are available to provide guidance in managing the concern, for help with informal resolution, for filing a formal complaint, and for help in investigating concerns.

Concerning Students and Graduate Students

For guidance and/or to file a complaint against undergraduate or graduate students, contact Alwina Bennett, Assistant Dean of Student Life, at 781-736-3546.

STATE AND FEDERAL EMPLOYMENT DISCRIMINATION AGENCIES

Brandeis University is committed to a harassment and discrimination-free environment and encourages individuals to bring their concerns to the attention of the University for assistance. It is an individual's right, however, to file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short period for filing a claim from the date of the harassment (EEOC - 300 days; MCAD - 300 days).

1. The United States Equal Employment Opportunity Commissions ("EEOC")
John F. Kennedy Federal Building
Room 475, Government Center
Boston, Massachusetts 02203
617-565-3200
2. The Massachusetts Commission Against Discrimination ("MCAD")
Boston Office
One Ashburnton Place

Room 601
Boston, MA 02108
617-727-3990

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

<http://www.state.ma.us/mcad/>

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The contents of this handbook are informational only. These policies and procedures are not conditions of employment. Brandeis University reserves the right to modify, revoke, suspend, terminate, or change any and all policies and procedures at any time, with or without notice.