



# EMERSON COLLEGE

## **Non-Discrimination Policy**

(Revised June 2007, and replacing Emerson College's Sexual Harassment Policy as revised Oct. 1998)

### **I. Emerson's Commitment to Non-Discrimination**

Emerson College ("Emerson" or "College") is committed to fostering a climate of respect for students, staff and faculty, as well as others who participate in the College's programs and activities. As part of that commitment, Emerson prohibits discrimination or harassment based on an individual's gender, race, color, religion, national origin, ethnicity, age, disability, sexual orientation, gender identity, or any other characteristic protected under applicable local, state or federal law ("protected characteristics"). Emerson also prohibits discrimination or harassment based on an individual's participating in a protected activity (such as reporting alleged discrimination or harassment.) This policy complies with federal, state and local laws.

In addition, Emerson expects that its students, faculty, staff, vendors, contractors, alumni and guests (collectively, "members of the Emerson community") will conduct themselves appropriately and refrain from behavior that infringes on the rights of others. Accordingly, individuals who discriminate against or harass others, regardless of whether such conduct rises to the level of unlawful discrimination or harassment, may be subject to disciplinary action, up to and including immediate termination of employment, or association with Emerson, or expulsion from Emerson.

### **II. Definitions**

***A. Unlawful discrimination is unfavorable or unfair treatment of a person or a "class" of people based on their protected characteristic(s).***

Examples of unlawful discrimination would include denying an individual a job or a promotion, or denying a student the opportunity to participate in an educational activity because of his or her protected characteristic(s).

***B. Discriminatory Harassment is harassment based on an individual's protected characteristic(s).***

Discriminatory harassment is defined, for purposes of this policy, as conduct that degrades or shows hostility towards an individual because of his or her protected characteristic(s) and which:

- 1. has the intent or effect of unreasonably interfering with the individual's employment or educational endeavors, or**
- 2. has the purpose or effect of creating a hostile, intimidating or offensive working or educational environment ("hostile environment").**

***C. Sexual Harassment is a form of unlawful sex discrimination.***

A person may be found to have engaged in unlawful sexual harassment if he or she makes unwelcome sexual advances or requests for sexual favors, or engages in other verbal or physical conduct of a sexual nature where:

- 1. submission to such advances, requests or conduct by an employee or student is made either explicitly or implicitly a term or condition of his or her employment or educational experience ("quid pro quo" harassment);**
- 2. such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an employee's or student's professional or educational performance by creating an intimidating, hostile, humiliating or sexually offensive work or educational environment. ("hostile environment" harassment).**

Both men and women can be perpetrators and victims of sexual harassment. Sexual harassment can also involve conduct towards members of the same or opposite sex as the harasser. Whether unwelcome sexual conduct rises to the level of unlawful sexual harassment depends on how severe or pervasive the conduct is. Sexual harassment may include the following:

- a) Unwelcome physical touching of a sexual nature;**
- b) Unwelcome verbal comments of a sexual nature (lewd jokes, sexual inquiries or comments about individuals' bodies, repeated requests for dates, or comments about one's sexual activity, deficiencies, or prowess); or**

**c) Displaying or distributing sexually suggestive objects, pictures, cartoons, graffiti, drawings, or written materials;**

***D. Unlawful Retaliation is taking negative or adverse actions against someone because he or she has engaged in legally protected activities.***

The College will not tolerate members of its community taking adverse actions towards anyone who, in good faith, alleges illegal discrimination or harassment. Nor will the College tolerate retaliation against individuals who cooperate with an investigation related to any investigation or another individual's discrimination complaint. The College may discipline individuals who retaliate. Such discipline may rise to the level of immediate termination of employment, or association with Emerson, or in the case of students, expulsion from the College.

### **III. Complaint Procedure**

Employees and students are encouraged to bring complaints of discrimination or harassment immediately to the attention of the following individuals, or to the attention of the College's General Counsel. The individuals identified below are available to discuss any concerns employees or students may have, as well as to provide information about Emerson's complaint procedure. The College has designated the Associate Vice President for Human Resources and the Dean of Students to investigate complaints of unlawful discrimination. The College will ensure that no person who is the subject of a complaint will be assigned to investigate that complaint. The College's General Counsel and Associate General Counsel are available to provide advice or assistance to the investigating officer.

#### ***A. Employee Complaints:***

Complaints under this policy by any employee of the College, including faculty members (defined as all part-time and full-time professors, assistant professors, associate professors, lecturers, instructors, and visiting professors,) administrators, or staff, should be brought to the Associate Vice President for Human Resources, 120 Boylston Street, 4th Floor, (617) 824-8580.

#### ***B. Student Complaints:***

Students who believe they have been subjected to unlawful discrimination or harassment may initiate a complaint under this policy by speaking to the Director of Multicultural Affairs (617) 824-8637, the Coordinator of

GLBT Student Life (617) 824-8637, or the Dean of Students (617) 824-8640, all of whom are located on the 2nd floor of 150 Boylston Street (Piano Row).

### **1. Investigation and Resolution of Student Complaints**

The individuals available to receive complaints, identified above, were selected to give students the opportunity to initiate a complaint in a place which they will feel most comfortable doing so. These individuals have the responsibility, after speaking with the complainant and/or reviewing a written complaint, to ensure that the complaint is promptly directed for investigation to: (1) the Dean of Students, when the accused is a student, or (2) the Associate Vice President for Human Resources for all other complaints.

## **IV. Investigation Procedure**

Emerson will promptly, equitably, and thoroughly investigate all complaints of discrimination, harassment, or retaliation it receives. All investigations will include private interviews with the individual filing the complaint, the person alleged to have committed the discrimination or harassment, and third-party witnesses, and will include consideration of other relevant evidence. When Emerson has completed its investigation, it will inform both the complainant and the subject of the complaint that the College has concluded its investigation and the College's determination as to whether sufficient evidence exists to support a claim of discrimination, harassment, or retaliation.

Emerson shall conduct the investigation and resolution of complaints with as much confidentiality as possible, without compromising the thoroughness of the investigation or the rights of the alleged offender.

## **V. College's Response to Harassment or Retaliation**

If the investigation reveals that a member of the Emerson community has engaged in inappropriate discrimination, harassment, or retaliation, Emerson will take prompt remedial action to eliminate the conduct, prevent recurrence and correct its effects, including, where appropriate, imposing discipline on the offender. Such disciplinary action may include, but may not be limited to, a written warning, temporary suspension, and/or immediate termination of employment, or expulsion from the College or its residence halls.

Emerson recognizes that false accusations of discrimination, harassment, or retaliation may have a serious effect upon innocent persons and the community as a whole. Therefore, if the College becomes aware that an

individual has knowingly made a false accusation of discrimination, harassment, or retaliation against another, it will take disciplinary action against the individual who made the false accusation.

## **VI. State and Federal Resources for Victims of Unlawful Discrimination, Harassment, or Retaliation**

In addition to filing a complaint with Emerson College, as described above, an Emerson student or employee who believes that he or she has been subjected to unlawful discrimination, harassment, or retaliation may file a formal complaint with the government agencies that are identified below. Please note that state and federal agencies only permit individuals to file complaints within a limited time frame from when the discrimination occurred.

### ***A. Both Employees and Students May Bring Complaints of Discrimination and Harassment to the Following State or Federal Agencies:***

Massachusetts Commission Against Discrimination  
One Ashburton Place, Room 601  
Boston, MA 02108  
617-994-6000  
<http://www.mass.gov/mcad/>

United States Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
Government Center Room 475  
Boston, MA 02203-0506  
1-800-669-4000  
<http://www.eeoc.gov>

### ***B. Students May Also Bring Complaints To:***

Office for Civil Rights (OCR)  
United States Department of Education  
33 Arch Street, Suite 900  
Boston, MA 02110-1491  
(617) 289-0111  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)  
Web: <http://www.ed.gov/ocr>