

SEXUAL HARASSMENT POLICY

Office of Equal Opportunity

Purpose: To establish uniform guidelines to promote a work and educational environment at Tufts University that is free of discrimination and harassment and to provide a safe environment that fosters University compliance with federal and state laws pertaining to sexual harassment.

Revised: July 2012

Applicability: This policy applies to faculty, staff, applicants for employment, students and community members.

I. POLICY STATEMENT

Sexual harassment violates the dignity of individuals. It is a form of discrimination that violates federal and state laws, including Title IX (discussed in more detail in the Sexual Misconduct Policy) and is prohibited at Tufts University. Tufts is committed to providing an education and work environment that is free from sexual harassment. The University's Office of Equal Opportunity (OEO) works to prevent and address sexual harassment through educational programs, training, and complaint resolution. Tufts encourages all members of the University community to report any concerns or complaints of sexual harassment to OEO. Reporting resources can be found at the beginning and end of this manual.

Managers, supervisors, faculty and other agents of the University are required by law to report allegations of sexual harassment to OEO or other reporting officer. If you have a question regarding your reporting responsibilities, please contact OEO. Agents of the University who fail to report allegations of sexual harassment may be subject to disciplinary action. Tufts University and OEO are mandated to respond promptly and appropriately to any allegations of sexual harassment that are brought to their attention.

II. DEFINING AND RECOGNIZING SEXUAL HARASSMENT

A. What is sexual harassment?

Sexual harassment is a form of sex discrimination. It includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature or conduct directed at a person because of his or her sex/gender when:

- such conduct is made an explicit or implicit condition of an individual's academic status or employment; or
- refusing or submitting to such conduct is used as basis for academic or employment decisions; or
- such conduct, whether verbal or physical, unreasonably interferes with an individual's academic or work performance by creating an intimidating, hostile, or sexually offensive environment in which to work or to learn.

In addition, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment. Similarly, direct or implied requests by an employee/faculty member to a student for sexual favors in exchange for actual or promised academic benefits such as favorable reviews, grades, standing, rank or any other favorable educational advancement constitutes sexual harassment.

B. What are my rights under this policy?

Tufts University staff, faculty, applicants, students, and community members have the right to work, learn and live in an environment that is free from sexual harassment. Any person who believes they have been sexually harassed by anyone affiliated with Tufts University has a right to file a complaint in OEO by contacting the office directly at 617.627.3298 or <http://oio.tufts.edu/>.

In addition, you may also report such conduct through the University's anonymous hotline, Ethicspoint, at 1.866.384.4277 or at <https://secure.ethicspoint.com/domain/media/en/gui/7182/index.html>.

Retaliation against any person involved in a sexual harassment complaint or investigation is against state and federal laws, and is a violation of Tufts University policy. If it is determined that any employee, student, or community member has retaliated against anyone involved in an investigation, they will be subject to disciplinary action, up to and including termination.

C. Who could be involved in an incident of sexual harassment?

Sexual harassment can occur between any individuals associated with the University. Those individuals can be of the same or different sexes, or of any gender identity or expression.

Sexual harassment can occur between people of unequal power or between peers. A complainant is a person who feels they have been sexually harassed and a respondent is a person who is being accused of sexual harassment. Any of the following people can be either a complainant or a respondent in a given situation: supervisors, employees, staff, faculty, students, professors, contractors, vendors, community members, and applicants for employment of academic admission.

A complainant does not have to be the direct recipient of the conduct but could be anyone affected and/or offended by the conduct.

D. What actions constitute sexual harassment?

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an educational environment or a work place environment that is sexually hostile, offensive, intimidating, or humiliating may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness. The following are some examples of conduct, particularly when unwelcome, which may constitute sexual harassment:

- direct proposition of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work, academic or educational environment;
- unwelcome sexual advances -- whether they involve physical touching or not;
- sexual epithets or jokes; written or verbal references to sexual conduct; gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, experiences, deficiencies, or prowess;
- displaying sexually suggestive objects, pictures, cartoons, etc.;

- unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments, threats, or innuendos of a sexual nature;
- unwanted physical contact such as touching, hugging, brushing against a person's body, impeding or blocking movements;
- gender harassment, including sexist statements and behavior that convey insulting, degrading, or sexist attitudes;
- persistent and unwanted requests for dates; unwelcome and inappropriate letters, telephone calls, email, texts, graphics, and other communications or gifts;
- direct or implied threats that indicate that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- sexually explicit statements, questions, jokes, or anecdotes regardless of the means of communication (verbal, written, email, text messages, etc.);
- the display of inappropriate sexually oriented materials in a location where others can view them; or
- sexual assault, attempted rape, or rape (please see next policy section on sexual assault and other sexual misconduct).

E. Where does sexual harassment occur?

Sexual harassment does not restrict itself to the workplace nor does it have to take place on University property. Sexual harassment could occur at any University sponsored program or activity regardless of the location. For example, sexual harassment could occur out of state, such as at a conference, off-site project, field placement, or at an externship.

F. What can I do if I feel I have been sexually harassed?

- If you feel comfortable enough, you may talk with the person, inform him or her of the unwelcome behavior, and ask that the behavior stop. Document the incident and the steps taken to resolve it. This step is not required, particularly if you do not feel safe in confronting the person for any reason.
- Staff/faculty may report it to any supervisor or manager, to OEO, to your HR Business Partner (HRBP), or to any sexual harassment resource person listed in this manual.
- Students may report it to any University faculty member or University administrator that they trust. They may also report it to a Title IX Liaison, to OEO, or to any sexual harassment resource person listed in this manual.
- Community members may contact OEO, a Title IX Liaison, or any sexual harassment resource person listed in this manual.
- You may call OEO directly at 617.627.3298 or <http://oee.tufts.edu/> to file a complaint or come into the office, located on the Medford Campus, Ballou Hall, first floor.

- You may file a confidential and anonymous complaint through EthicsPoint at <https://secure.ethicspoint.com/domain/media/en/gui/7182/index.html> or by calling EthicsPoint at 1.866.384.4277.

Note: Complaints that are submitted without identifying the Complainant make it difficult, if not impossible, to adequately investigate, respond or take appropriate action. Employees with complaints are strongly encouraged to contact OEO directly if there are specific concerns about filing a complaint. For concerns about retaliation please contact the Director of OEO, Jill Zellmer at 617.627.3298 or Jill.Zellmer@tufts.edu.

G. Where do I go if I have questions about this policy?

Tufts University's OEO is responsible for enforcing the University's Sexual Harassment policy. Please contact the Director of OEO at 617.627.3298 or Jill.Zellmer@tufts.edu if you have questions about this policy.

OEO is located in Ballou Hall on the Medford Campus, first floor. You can call OEO at 617.627.3298 or visit <http://o eo.tufts.edu/>. You may file a complaint in person during office hours or call in advance to set up an appointment to meet elsewhere if you do not want to come in person to the OEO office.

III. RIGHTS AND RESPONSIBILITIES

As a member of the Tufts community you have the right to work, learn, and live in an environment free from sexual harassment. All agents of the University are responsible for reporting incidents of possible sexual harassment. Managers, supervisors, and other agents of the University are required to promptly and appropriately (through means herein) report allegations of sexual harassment that are brought to their attention. If agents of the University do not report allegations of sexual harassment, they may be subject to disciplinary action.

A. Duty to Report

Managers, supervisors, faculty, and other agents of the University have a duty to report any known or alleged incidents of sexual harassment to OEO or through any means located in this manual. If it is known that an agent of the University knew and did not report allegations of sexual harassment, that individual may be subject to disciplinary action.

B. Duty to Cooperate

Faculty, staff, student employees, and students must cooperate with University investigations into sexual harassment. Refusal to cooperate with an investigation may result in disciplinary action.

C. Freedom from Retaliation

Any member of the University community has the right to raise concerns about or file a complaint of sexual harassment without fear of retaliation. It is unlawful and it is a violation of University policy to retaliate against an individual for filing a complaint of sexual harassment or for cooperating in a sexual harassment investigation. Any person who retaliates against an individual reporting sexual harassment, filing a sexual harassment complaint, or participating in a sexual harassment investigation is subject to disciplinary action up to and including expulsion or termination by the University.

D. Confidentiality

The University recognizes the importance of confidentiality and understands that some individuals filing complaints or involved in an investigation may want their identity to remain confidential. In some instances, the alleged harasser can be spoken to without the Complainant being identified. In other cases, issues of confidentiality must be balanced against the University's need to investigate and to take appropriate action. The University will respect the privacy and confidentiality of individuals involved in a sexual harassment investigation to the fullest extent possible.

IV. CONSEQUENCES OF SEXUAL HARASSMENT

Sexual harassment affects the victim(s) of harassment and, by extension, the work and educational climate at Tufts University. The student or employee victim may suffer a diminished ability to work and/or study, which may have a lasting career impact or a loss of confidence in the University's ability to provide a comfortable and safe environment for work and learning. A student's educational goals may also be significantly affected if the student decides to avoid certain courses, change his or her area of study, or transfer to another institution.

In addition, sexual harassment impacts the University and the department(s) involved. The University and the department(s) may experience an atmosphere of fear, intimidation, declining work productivity, office morale, and/or a reputation for being unwelcome to certain students and employees.

A person found responsible for sexual harassment may face:

- student disciplinary action
- a letter of reprimand, usually a memo of serious concern from Human Resources
- denial of promotion
- demotion
- suspension
- termination

V. SEXUAL ASSAULT CASES

Students who are survivors of sexual assault are highly encouraged to contact the Tufts University Police Department at the appropriate campus phone number below. Reporting an assault to TUPD does not require filing criminal charges; however, it does allow the University to assist and support the survivor. Sexual assault is an egregious form of sexual harassment and it is a crime. The University takes all allegations of sexual assault seriously. The University supports the right of the survivor of a sexual assault to decide how best to utilize various university, community, private and public support systems designated to address crimes of sexual assault. For a more detailed discussion of sexual assault pursuant to federal Title IX regulations, please see the Sexual Misconduct Policy or go to <http://oeo.tufts.edu/> and locate the Sexual Misconduct Policy.

Tufts University Police Department Phone Numbers:

- Medford Campus: 617.627.6911
- Boston Campus: 617.626.6911
- Grafton Campus: 508.839.5303

Students are also encouraged to contact Health Services and/or Counseling Services at the appropriate campus phone numbers and/or links. Please see the OEO Sexual Misconduct brochure for a comprehensive list of resources:

<http://oeo.tufts.edu/wp-content/uploads/Sexual-Misconduct-Brochure.pdf>

VI. TITLE IX: CENTRAL REPORTING AND COORDINATION

Title IX regulations of the Education Amendments of 1972 require all university personnel to report any incident of sexual harassment, including sexual assault and other sexual misconduct, through any of the complaint filing options herein. This reported allegation(s) will be assigned to an investigator by and monitored by the University's Title IX Coordinator who is also the Director of OEO, Jill Zellmer.

Reported allegations should include the names and/or identities of the persons involved. Reports should include a description of the complaint and the schools or administrative units with which the participants are affiliated. These reports allow the Title IX Coordinator to identify patterns of frequency in a particular area or location within the University and report these findings to the University President on an annual basis and to coordinate compliance with federal regulations. For questions regarding Title IX, please call the Title IX Coordinator and Director of OEO, Jill Zellmer at 617.627.3298 or Jill.Zellmer@tufts.edu. For more information on the reporting and coordination of allegations of a sexual nature, reporting requirements and to whom reports can be filed, please refer to the Sexual Misconduct Policy.

TUFTS UNIVERSITY SEXUAL MISCONDUCT (TITLE IX) REPORTING LIAISONS

MEDFORD/SOMERVILLE CAMPUS

<p>Alison A. Blackburn Senior Director of Human Resources & Talent Mgmt 617.627.6272 Alison.Blackburn@tufts.edu</p>	<p>Margery W. Davies Director of Diversity Education & Development School of Arts, Sciences & Engineering 617.627.3385 Margery.Davies@tufts.edu</p>	<p>Steph L. Gauchel Director, Women's Center School of Arts, Sciences & Engineering 617. 627.4640 Steph.Gauchel@tufts.edu</p>
<p>Laurie Hurley Director of Admissions The Fletcher School 617.627.2410 Laurie.Hurley@tufts.edu</p>	<p>Doreen L. Long Associate Director of Residential Life & Learning School of Arts, Sciences & Engineering 617.627.5247 Doreen.Long@tufts.edu</p>	<p>Inez McCarthy Faculty Affairs Officer School of Arts, Sciences & Engineering 617.627.3708 Inez.McCarthy@tufts.edu</p>
<p>Mindy Nierenberg Senior Student Programs Manager Tisch College 617.627.4159 Mindy.Nierenberg@tufts.edu</p>	<p>Leah Sauerstrom Manager Engineering Project Development Center School of Engineering 617.627.4525 Leah.Sauerstrom@tufts.edu</p>	<p>Branwen C. A. Smith-King Assistant Director Athletics School of Arts, Sciences & Engineering 617.627.3798 Branwen.Smith-King@tufts.edu</p>

BOSTON CAMPUS

<p>Robin Glover Associate Dean Public Health & Professional Degree Programs 617.636.2497 Robin.Glover@tufts.edu</p>	<p>Stacey Herman Associate Dean of Student Affairs Friedman School of Nutrition Science & Policy 617.636.3711 Stacey.Herman@tufts.edu</p>	<p>Janet Kerle Associate Dean of Students School of Medicine 617.636.6534 Janet.Kerle@tufts.edu</p>
<p>Kathryn Lange Associate Dean The Sackler School 617-636-6767 Kathryn.Lange@tufts.edu</p>	<p>Roger Lee HR Business Partner Human Nutrition Research Center on Aging 617.556.3375 Roger.Lee@tufts.edu</p>	<p>Katherine Vosker Associate Dir. of Student Affairs School of Dental Medicine 617.636.0887 Katherine.Vosker@tufts.edu</p>

Sabrina Williams
Director of Human Resources for Boston & Grafton
617.636.6600
Sabrina.Williams@tufts.edu

GRAFTON CAMPUS

<p>Barbara Berman Assistant Dean of Student Affairs The Cummings School 508.887.4725 Barbara.Berman@tufts.edu</p>	<p>Lucia Hackett Human Resources Business Partner The Cummings School 508.839.7975 x87975 Lucia.Hackett@tufts.edu</p>	<p>Patricia Provost Assistant Professor The Cummings School 508.839.7926 x84829 Patricia.Provost@tufts.edu</p>
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VI. OEO GRIEVANCE PROCEDURES

The faculty grievance process and procedures link for Arts, Sciences & Engineering faculty is <http://ase.tufts.edu/faculty-meetings/2011-2012/ase/03-28-12/proposedRevisionsToAS&EgrievanceProcedures.pdf>

Faculty grievance process and procedures for others schools can be found in each School's Student Handbook.

VII. OTHER RESOURCES

A. For Employees and/or Community Members:

I. The Office of Equal Opportunity (OEO) for Tufts University

<http://oio.tufts.edu/> or 617.627.3298

Tufts University prohibits sexual harassment and all forms of sexual misconduct. There is no statute of limitations to file a complaint at Tufts. However, please understand that our response to a complaint may be more limited in scope by the very nature of the length of time between the alleged incident and the report of the incident.

2. Massachusetts Commission against Discrimination (MCAD)

John McCormack Building
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
617.994.6000

The MCAD prohibits sexual harassment in the workplace. The statute of limitations for filing a complaint is 300 days.

3. Equal Employment Opportunity Commission (EEOC)

JFK Federal Building
475 Government Center
Boston, MA 02203
800.669.4000

The EEOC prohibits sexual harassment in the workplace. The statute of limitations for filing a complaint is 300 days.

B. For Tufts University Students:

I. The Office of Equal Opportunity (OEO) for Tufts University

<http://oio.tufts.edu/> or 617.627.3298

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response to a complaint may be more limited in scope by the very nature of the length of time between the alleged incident and the report of the incident.

2. Any Tufts University Title IX Liaison (see list below):

If you do not believe that this matter was escalated or handled appropriate by the Tufts University employee whom you told, please contact Jill Zellmer, Director of the Office of Equal Opportunity at 617.627.3298 or Jill.Zellmer@tufts.edu.

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Kathryn Lange Associate Dean The Sackler School 617-636-6767 Kathryn.Lange@tufts.edu	Roger Lee HR Business Partner Human Nutrition Research Center on Aging 617.556.3375 Roger.Lee@tufts.edu	Katherine Vosker Associate Dir. of Student Affairs School of Dental Medicine 617.636.0887 Katherine.Vosker@tufts.edu

TUFTS UNIVERSITY SEXUAL MISCONDUCT (TITLE IX) REPORTING LIAISONS

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Assistant Professor
The Cummings School
508.839.7926 x84829
Patricia.Provost@tufts.edu

3. U.S. Department of Education (DOE)

Office for Civil Rights (OCR)

5 Post Office Square

Eighth Floor

Boston, MA 02109-3921

617-289-0111

The DOE and the OCR prohibit sexual harassment and sexual misconduct in academic programs, including sexual assault. The statute of limitations for filing a complaint is 300 days.