Sexual Harassment Policy

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 sexual harassment. It is the University’s responsibility to help prevent sexual harassment from occurring, to pursue concerns of which it is aware, to objectively investigate concerns, and to take immediate and appropriate action to remedy instances of sexual harassment. Brandeis takes this responsibility seriously. Therefore, violations of this policy will not be tolerated and may result in corrective action up to and including termination from employment.

Certain conduct described below may also violate the University’s Sexual Assault, Domestic Violence, Dating Violence and Stalking Policy and/or Non-Discrimination and Harassment Policy. Any allegation filed under this policy will be reviewed under those policies as well.

Applicability
This policy applies to all Brandeis employees.

Understanding Sexual Harassment
Sexually harassing conduct may take the form of sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. It is considered to meet the legal definition for sexual harassment when conduct of a sexual nature is unwelcome and:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status as a student,
- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions, or for the awarding or withholding of favorable employment or academic opportunities, evaluations, or assistance, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile, humiliating, or offensive working or educational environment; 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, and participation in extracurricular activities and student organizations.

Examples of Sexual Harassment
Depending on the circumstances, conduct that 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;
- Offensive sexual comments 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 whether implied or explicit;
- Persistent inappropriate and unwelcome questions about one's personal life;
- Comments to, or about, any individual about their 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.

When a complaint is filed, the University will determine whether this policy has been violated based on consideration of the facts and circumstances surrounding the alleged conduct. 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.

Management and Faculty Responsibility
It is the responsibility of faculty, managers, and supervisors to be aware of actions that constitute sexual harassment and to demonstrate unwillingness to tolerate such actions, including taking appropriate action to maintain an environment free from sexual harassment. Managers and supervisors who witness or are made aware of allegations of harassment or discrimination are required to promptly report such allegations to the University's Vice President for Human Resources or the Director of Employment and Employee Relations.

Employee Responsibility to Report
All employees who witness or are made aware of allegations of sexual harassment are required to promptly report such allegations to the University’s Title IX Coordinator. Employees of the University who fail to promptly report such allegations may be subject to disciplinary action. Employees whose positions legally require confidentiality (i.e., clergy and counseling staff) or are designated by the University as confidential employees are exempt from reporting.

Reporting Concerns:
Complaints of violations of this policy should be made to:

**Brandeis Title IX Coordinator**
Problem Resolution
In the case of sexual harassment, the Office of Human Resources is available to assist in this process. If the individual(s) involved wish to file a complaint or if, in the judgment of the Title IX Coordinator, the matter requires further fact-finding or review, claims will be investigated and resolved by the Office of Human Resources. The investigation and resolution process is outlined in the Non-Discrimination and Harassment Problem Resolution and Appeal Procedure.

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

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. It is an individual’s right, however, to file a formal complaint with either or both of the government agencies set forth below. Using the University complaint process does not prohibit anyone 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)
   One Ashburton Place, Room 601
   Boston, MA 02108 617-994-6000
   436 Dwight Street Room 220
   Springfield, MA 01103
   (413) 739-2145
   http://www.state.ma.us/mcad/
This policy is for general guidance only. It does not create an employment contract or any right to continued employment at Brandeis University. Brandeis University reserves the right to modify, revoke, suspend, terminate and/or change any and all policies and procedures at any time, with or without notice.

Office of Human Resources    12/22/16