



Brandeis University

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. The University has the responsibility to help prevent sexual harassment from occurring, to pursue concerns of which it is aware, to investigate concerns thoroughly and in an impartial fashion, 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 relevant allegation filed under this policy will be reviewed under those policies as well.

Applicability

This policy applies to all Brandeis employees, i.e., faculty and staff members. In addition, the University encourages visitors, parents, prospective students, and third-party vendors (e.g., Sodexo and Follett) to report instances of discrimination or harassment that occur on University property or at University-sponsored events to the Office of Equal Opportunity and/or the Title IX Coordinator.

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. Harassment can be: (1) quid pro quo harassment (a or b below), and/or (2) hostile environment harassment (c below). A behavior meets the legal definition for sexual harassment when conduct of a sexual nature is unwelcome and:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status as a student;
- b. 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; 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; or
- c. such conduct is sufficiently severe, pervasive, or persistent as to have 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 affecting a person's employment or educational opportunities.

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 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

Faculty, managers, and supervisors are responsible for being knowledgeable of the types of actions that constitute sexual harassment and demonstrating unwillingness to tolerate such actions, including taking appropriate action to maintain an environment free from sexual harassment.

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 Office of Equal Opportunity and/or the Title IX Coordinator. You may also report any incident of sexual harassment on the Brandeis Report It Web Page (<http://www.brandeis.edu/studentlife/srcs/reportit.html>). Employees of the University who fail to promptly report such allegations may be subject to disciplinary action. Employee whose positions legally require confidentiality (i.e. clergy and counseling staff) or who are designated by the University as confidential employees are exempt from reporting.

The Director of the Office of Equal Opportunity will discuss with the reporting party informal and formal options for resolution. In some cases, depending on the scope of events, the history of the responding party, and the needs of the University, the Director of the Office of Equal Opportunity will have to conduct a formal investigation even if the reporting party would prefer an informal resolution to the situation.

Employees who would like to discuss their situation with a confidential resource can meet with the University Ombuds (<https://www.brandeis.edu/ombuds/>) and/or the University Chaplains and/or the Prevention, Advocacy and Resource Center (<https://www.brandeis.edu/parc/support/index.html>).

Title IX Coordinator

Complaints of violations of this policy or concerns about sexual harassment can be made to Brandeis Title IX Coordinator Sonia Jurado, sjurado@brandeis.edu, 781-736-4802.

Problem Resolution

In the case of sexual harassment, the Office for Equal Opportunity is available to assist in this process. If the individual(s) involved wish to file a complaint or if, in the judgment of the Director of the Office for Equal Opportunity and/or the Title IX Coordinator, the matter requires further fact finding or review, the Office for Equal Opportunity will investigate and resolve claims. The investigation and resolution process is outlined in the [Non-Discrimination and Harassment Problem Resolution and Appeal Procedure for Claims of Harassment/Discrimination against Staff or Faculty](#).

Retaliation

Retaliation is a separate violation that law and this policy strictly prohibit. Retaliation occurs when a person engages in a protected activity, e.g., in good faith, initiates a complaint of harassment or discrimination or cooperates in its investigation; when another party, who knows of that activity, takes an adverse action against the person engaged in it; and when the adverse action was caused or motivated by the protected activity. Retaliation may result in corrective action, up to and including termination from employment or loss of privileges.

Examples of retaliatory action may include the following:

- Termination;
- Denial of promotion;
- Demotion in title or duties;
- Transfer to a less favorable position or location;
- Involuntary placement on leave;
- Hostile or abusive workplace treatment;
- Decreasing compensation or benefits;
- Coercion, threats, or intimidation;
- Interference with protected conduct;

- Removal of co-authorship from a publication;
- Interference with a job search.

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. An individual has the 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,
Boston, MA 02203
(800) 669-4000
<https://www1.eeoc.gov/field/boston/>

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

<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>

This policy 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 for Equal Opportunity and Office of Human Resources
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