

## SEXUAL HARASSMENT POLICY

The Massachusetts College of Art and Design prohibits any member of the College Community, male or female, from sexually harassing another employee, student, or other person having dealings with the institution. MassArt is committed to providing a working, living, and learning environment that is free from all forms of sexually abusive, harassing, or coercive conduct. This Policy seeks to protect the rights of all members of the MassArt community (defined in this policy as faculty, librarians, administrators, staff and students) and other persons having dealings with the College, to be treated with respect and dignity.

Sexual harassment is a form of behavior, which fundamentally undermines the integrity of academic and employment relationships. It is of particular concern within educational institutions where all members of the community are connected by strong bonds of intellectual interdependence and trust. The Federal Courts have ruled, and the Equal Employment Opportunity Commission, and the Massachusetts Legislature have declared that sexual harassment constitutes sex discrimination as defined by Federal Law under Title VII of the Civil Rights Act of 1964 and Title XI of the Higher Education Amendments of 1972 and under Chapters 151B and 151C of the Massachusetts General Laws.

### Definition and Description of Sexual Harassment

The Massachusetts College of Art and Design, in response to the issue of sexual harassment, provides the following definitions, which apply, to any individual of either sex who participates in the college community or other persons having dealings with the institution.

Sexual harassment consists of unwelcome verbal, non-verbal and or physical behavior of a sexual nature, which has the effect of interfering with a person's academic, employment or other status, or of creating a sexually intimidating, hostile or offensive environment. Sexual harassment incidents can involve a male harasser and a female victim, a female harasser and a male victim, and also same gender harassment. Often the harasser is in a position of power over the victim's professional or educational well being, for instance, as a supervisor of an employee or a teacher of a student.

Unwelcome sexual advances (whether they involve physical touching or not), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- I. *Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;*

For Example: Requests for sexual favors in exchange for actual or promised benefits such as favorable reviews, salary increases, promotions, increased benefits, grades, letters of recommendation for future educational advancement or employment or continued employment.

2. *Submission to, rejection of, such conduct by an individual is used as the basis for academic or employment decisions affecting that individual;*

For Example: Threatening or taking a negative employment action such as termination, demotion, lowering or denial of a grade, withholding of a letter of recommendation, denial of a leave of absence if sexual conduct is rejected.

3. *Such conduct has the purpose and effect of substantially interfering with an individual's academic or professional performance or creating a sexually intimidating, hostile, or offensive employment, educational or living environment.*

For Example: Displaying or circulating materials that demean or show hostility to a person because of the person's gender.

Other examples of sexual harassment may include but are not limited to:

- Physical sexual assault;
- Use of sexual epithets, written or oral references to sexual conduct, gossip regarding one's sexual life; comment on an individual's body, comments about an individual's sexual activity deficiencies, or prowess;
- Unwelcome sexual jokes;
- Unwelcome whistling, staring or leering at another person;
- Unnecessary touching, patting or pinching.

### **Consensual Relationships**

Under this Policy, consenting romantic and sexual relationships between faculty and students, Librarian and student, administrator and student, classified staff member and student or advisor and employee are deemed unprofessional. Because such relationships interfere with or impair required professional responsibilities, they are looked upon with disfavor and are strongly discouraged under this policy.

Codes of ethics for most professional associations forbid professional-client relationships. In this context and for the purposes of this policy, the professor-student relationship is properly regarded as one of professional and client. The trust and respect accorded a professor by a student as well as the power exercised by the professor in giving praise or blame, grades, recommendations for further study and employment, and other benefits and opportunities diminish the student's actual freedom of choice such that relationships thought to be consensual may in fact be the product of implicit coercion. Many elements of the administrator-student, librarian-student, classified staff member-student, and the supervisor-employee relationship are similar to those of the professor-student relationship because of a similar imbalance of power and similar need for trust. For purposes of this Policy, therefore, these relationships are also discouraged and looked upon with disfavor.

Faculty, librarians, administrators, classified staff members, and supervisors are warned against the dangers of apparently consensual relationships. An employee who enters into a romantic or sexual relationship with a student, or a supervisor who enters into such a

relationship with an employee, where a power differential exists must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to disprove the claim on the grounds of mutual consent. Because this is so, it should be understood that relationships of this kind pose serious professional risks to any who enter into them.

### **Institutional Measures to Confront Sexual Harassment**

Whenever it has been properly determined that sexual harassment has occurred, the Massachusetts College of Art and Design will take prompt and corrective action including appropriate disciplinary action. In determining whether the alleged conduct constitutes sexual harassment, the College will look at the entire record and circumstances, such as the nature of the sexual conduct and the context in which the alleged incidents occurred and will make a decision on a case-by-case basis. MassArt is committed to promoting, to the greatest extent possible, an environment free from sexual harassment. To this end, the college will distribute the policy statement against sexual harassment on an annual basis and conduct educational workshops on strategies to prevent sexual harassment within the MassArt Community.

### **Institutional Complaint Procedures**

The Massachusetts College of Art and Design has established a specific internal complaint policy to help resolve claims of discrimination, including claims and complaints of sexual harassment. Our Discrimination Complaint Procedure will serve as a system of review and resolution for both informal and formal complaints in hiring and employment. Any member of the MassArt community or any applicant for employment who believes s/he has been a victim of discrimination may initiate an informal claim or formal complaint as outlined in the Discrimination Complaint Procedure. Further advice or information may be obtained by contacting the Director of Civil Rights Compliance /Diversity, Mercedes S. Evans, at extension 7060.

### **Retaliatory Action Prohibited**

The Massachusetts College of Art and Design prohibits retaliatory action against persons who file claims, complaints, or charges under these procedures, under applicable local, state, or federal non-discrimination statutes, who are suspected of having filed such claims, complaints, or charges, who have assisted or participated in an investigation or resolution of such claims, complaints or charges, or have protested practices alleged to be violative of the non-discrimination policy of MassArt, the Board of Higher Education, or local, state, or federal non-discrimination regulation or statute. Such retaliation is recognized under these procedures as well as state and federal law. Retaliation, even in the absence of a provable discrimination in the original complaint, charge or allegation, constitutes a violation as serious as proven discrimination under the original claim, complaint, charge or allegation. Any person who believes s/he has been retaliated against in this manner is encouraged to immediately file a claim or complaint under these procedures.

### **Other Administrative Options**

It is the intent of the administrators of MassArt to actively respond to all claims/complaints of discrimination with the hope that it can fully, quickly and adequately resolve them internally. The College also recognizes the right of all complainants to file charges of unlawful discrimination with the appropriate federal, state, or local agency with or without first pursuing a resolution of the claim/complaint through MassArt's discrimination complaint procedure. These agencies include:

United States Office of Education/Office for Civil Rights  
McCormack Post Office and Court House Building, Room 222  
Boston, MA 02109

U.S. Equal Employment Opportunity Commission (EEOC)  
One Congress Street, 10th Floor  
Boston, MA 02114

Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place, 6th Floor  
Boston, MA 02108