



University Guidelines

Equal Opportunity, Discrimination, Harassment, and Retaliation

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www.umassd.edu/eeo

University policy and campus responsibility

The University of Massachusetts Dartmouth's policies as well as federal and state laws require equal opportunity for all members of the University community and prohibit discrimination and harassment of any of its community members. It is a matter of law and the policy of the University to promote a community that is free of discrimination and harassment of any type, including sexual harassment. The University employs a diverse workforce and it is of paramount importance that every member of the University community is treated with fairness and respect at all times. The University will not tolerate harassment or discrimination that affects employment or educational conditions, that interferes unreasonably with an individual's school or work performance, or that creates an intimidating, hostile, or offensive work or learning environment. Further, retaliation against an individual who has complained about discrimination or harassment, or retaliation against individuals for cooperating with an investigation of a complaint is unlawful and will not be tolerated.

The University takes allegations of discrimination, harassment and retaliation seriously and will respond promptly to complaints. Notwithstanding any provision of this policy, the University reserves the right to investigate and take action on its own initiative in response to behavior and conduct that may constitute discrimination or harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed. All individuals (i.e., employees, students, contractors, visitors) are expected to fully cooperate with the procedure. An unwillingness to cooperate by an individual may result in a sanction(s).

Where it is determined that inappropriate conduct has occurred, the University will impose corrective action as necessary, which may include disciplinary action up to and including termination of employment or school-

related discipline. If you feel that you are being discriminated against or harassed, report it to a supervisor and/or to the Office of Diversity, Equity & Inclusion immediately. It is essential that all complaints be submitted to the Office of Diversity, Equity & Inclusion within 300 days of the action that prompted the complaint.

A. **"Discrimination"** is an act directed at an individual or group that subjects him/her to treatment which adversely affects his/her employment, application for employment, education, admissions, or terms and conditions of employment because of their religion or religious belief, color, race, marital status, veteran or military status, age, sex, gender identity or expression, sexual orientation, national origin, ethnicity, disability, genetic information, or any other classification protected under local, state, or federal anti-discrimination statutes.

B. **"Harassment"** is unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

- 1) display or circulation of written materials or pictures that are degrading to a person or group as previously described; and
- 2) verbal abuse or insults about, directed at, or made in the presence of an individual or group as previously described.

C. **"Sexual harassment"** is unwelcome conduct of a sexual nature when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic work;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or academic environment.

D. **"Retaliation"** is any act of intimidation against a complainant or an individual who has cooperated with the investigation of a complaint. An individual who has engaged in a protected activity is protected against retaliation. A protected activity consists of the following:

- 1) Opposing a practice made lawful by one of the employment discrimination statutes; or
- 2) Filing a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under the applicable statute.

Confidentiality

Information provided during and after a review of a complaint or investigation of alleged discrimination or harassment will be maintained as confidential to the extent possible.

Reasonable ADA and Religious Accommodations

If you are a qualified disabled employee, applicant, or student, you have the right to request a reasonable accommodation to assist you in the performance of your job or academic pursuits. In accordance with the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), the University defines a disabled individual as “any person who has a physical or mental impairment which substantially limits one or more of such person’s major life activities, has a record of such impairment, or is regarded as having such an impairment.” These terms are defined as follows

a. “major life activities” include, but are not limited to, functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, and learning;

b. “has a record of such impairment” includes records which predate the relevant law and includes disabilities with which the individual is no longer afflicted;

c. “is regarded as having such an impairment” refers to those individuals who are perceived as having a disability, regardless of whether the individual has a disability.

To make a reasonable ADA accommodation request, please contact the Office of Diversity, Equity & Inclusion if you are an employee or applicant, or the Center for Access and Success if you are a student.

The University also offers reasonable religious accommodations to members of the university community.

What should I do?

To report or file a complaint of possible discrimination, harassment or sexual violence, or to make a reasonable ADA or religious accommodation request, contact:

Deborah Majewski
Associate Vice Chancellor
Title IX Coordinator, ADA, and 504 Coordinator
Office of Diversity, Equity and Inclusion
Foster Administration Building, Room 324
508.999.8008
dmajewski@umassd.edu

David A. Gomes
Deputy Director/Senior Investigator
Office of Diversity, Equity and Inclusion
Foster Administration Building, Room 324
508.999.8192
dgomes3@umassd.edu

Link to Complaint Procedures and Form:
www.umassd.edu/eo/complaintproceduresandform

Other Title IX Contacts:
Victim Advocate/Educator
508.910.4584
Center for Women, Gender, and Sexuality
508.910.6567

Counseling Center Health Services
508.999.8648 508.999.8982

Public Safety Student Affairs
508.999.9191 508.910.6402

Link to Sexual Misconduct Support Services:
www.umassd.edu/sexualviolence/supportservices

Between the hours of 5pm and 8am on weekdays, and anytime during weekends and holidays, individuals wishing to report a concern, issue, or sexual harassment complaint should call 508.999.9191, the university’s police emergency line.

Outside agencies

Complaints may also be filed with local state and federal anti-discrimination agencies:

The United States
Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building, Room 475
Government Center
Boston, MA 02203
617.565.3200 or 1.800.669.4000
TTY 617.565.3204 or 1 800.669.6820
www.eeoc.gov

The Massachusetts Commission
Against Discrimination (MCAD)
Boston Office
One Ashburton Place, Room 601
Boston, MA 02108
617.994.6000
TTY 617.994.6196

<http://www.mass.gov/mcad>

The Massachusetts Commission
Against Discrimination (MCAD)
New Bedford Office
800 Purchase St., Rm 501
New Bedford, MA 02740
508.990.2390
www.mass.gov/mcad

Students may also file complaints with:

Office for Civil Rights/ED (OCR)
8th Floor
5 Post Office Square, Ste. 900
Boston, MA 02109-3921
617.289.0111

ocr.boston@ed.gov

Each agency has a specific time period for filing a claim: the EEOC allows 300 days (may be longer in some circumstances), the MCAD allows 300 days, and the OCR allows 180 days (may be longer in some circumstances) from the alleged incident, or when the complainant became aware of the incident, for filing a claim.