



Revised Date 03/25/2002	Policy No. 5014
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HARASSMENT OF INDIVIDUALS IN PROTECTED CLASSES AND OTHERS

I. PURPOSE

To provide a learning and working environment that is free of all forms of abuse or harassment and is supportive of the right of all individuals to be treated with respect and dignity.

II. APPLICATION

All employees. If portions of this policy are covered by a collective bargaining agreement, employees should seek counseling from Human Resources to clarify policy applicability.

III. POLICY

State and federal law prohibit harassment on the basis of race, creed, color, national origin, age, physical or mental disability, covered veterans status, or sexual orientation. UMass Medical School policy is to prohibit protected class harassment of individuals in the classroom and workplace, or in other settings in which individuals may find themselves in connection with their relationship to the Medical School. UMass Medical School also condemns and prohibits protected class harassment by any applicant, client, vendor or visitor.

It is, therefore, against the policy of UMass Medical School for any individual, whether a member of a protected class or not, to harass another individual on the basis of protected class status when:

- submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
- submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
- such harassment has the effect of interfering with an individual's work performance; or
- such harassment creates a hostile or intimidating work environment for the employee and potentially for other non-protected individuals.

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It is also against the policy of UMass Medical School for an individual to harass any person with whom he or she has contact with in the classroom or on the job, or to engage in any protected class harassment or inappropriate or unprofessional conduct in the classroom or workplace.

A. APPLICATION

Harassment on the basis of race, creed, color, national origin, age, physical or mental disability, covered veterans status or sexual orientation (hereafter referred to as "protected class harassment") is a form of behavior that adversely affects the academic environment. The University of Massachusetts Medical School depends upon a learning and working environment of support and respect for the achievement of its goals. This policy covers the Medical School student body and workplace, but is not designed or intended to limit UMass Medical School's authority to discipline or take remedial action for conduct deemed unacceptable, regardless of whether that conduct satisfies the definition of protected class harassment. (Sexual harassment is covered by a separate policy, which has been issued to all students and employees.)

B. DEFINITIONS

Protected class harassment refers to behavior which is not welcomed by a student or employee, which is personally offensive to him or her, and which undermines morale and/or interferes with an individual's ability to study or work effectively. It is not possible to list all of the circumstances that may constitute protected class harassment but, depending upon the totality of the facts, including the severity of the conduct and its pervasiveness, what follows is a list of situations that could constitute protected class harassment:

- verbal abuse on the basis of any protected status;
- use of words that degrade a protected class or person because of his/her protected class status;

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- jokes or language about a protected class;
- obscene or suggestive gestures or sounds intended to relate to the protected class;
- teasing related to the protected class;
- verbal comments of a nature about an individual's appearance or terms used to describe an individual that are related to the individual's protected class;
- verbal abuse, comments, jokes, teasing or threats directed at a person because of his/her protected class status;
- posting or distributing objects, pictures, cartoons or other materials degrading to the protected class or a person because of his/her protected class status;
- letters or notes that degrade the protected class or a person because of his/her protected class status;
- sending offensive or discriminatory messages or materials through the use of electronic communications (e.g., electronic mail, including the Internet, voice mail and facsimile) which are degrading to the protected class or a person because of his/her protected class status;
- condoning harassment on the basis of protected class;
- harassment of a protected class member by another member of the protected class.

C. RESPONSIBILITY

UMass Medical School will respond promptly to complaints of protected class harassment and, where it is determined that inappropriate conduct has occurred, will act promptly to eliminate the conduct and impose such corrective and disciplinary action as is necessary and appropriate. The Equal Opportunity Office (EOO) is the department designated to respond to complaints. In addition, each individual of UMass Medical School is personally responsible for:

- ensuring that his/her conduct does not harass any other employee or person with whom he or she employee has contact with in the classroom or on the job;

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- cooperating in any investigation of alleged protected class harassment by providing any information he/she possesses concerning the matter being investigated;
- actively participating in efforts to prevent and eliminate protected class harassment and to maintain an academic environment free from such discrimination; and
- ensuring that an individual who files a protected class harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

D. PROCEDURE FOR COMPLAINTS

1. Complaint

UMass Medical School has designated the EOO to receive complaints at the University Campus, 55 Lake Avenue North, Worcester, MA 01655, telephone number 508-856-2179. If any individual believes he or she has been subject to protected class harassment on the basis of his/her protected class, the individual should initiate a complaint by contacting the EOO as soon as possible.

The individual should file the complaint promptly following any incident of protected class harassment. The individual should be aware that the longer the period of time between the incident giving rise to the complaint and the filing, the more difficult it will be for the EOO to reconstruct what actually occurred. The individual will be requested to write out his or her complaint to document the charge. An individual who prefers to discuss a possible protected class harassment problem with his or her supervisor may always do so, but does not have to go through the regular chain of supervision when reporting protected class harassment and may go directly to the EOO.

2. Investigation

On receiving the complaint, the EOO will promptly make a preliminary investigation. If after completion of this preliminary investigation it is determined that there is reasonable cause for finding a violation of this policy, UMass Medical School will orally notify the complainant and the accused of the finding. The accused individual will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate in each case. This process will be confidential to the

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extent consistent with an effective investigation, subject to the business needs of UMass Medical School.

3. Decision

After the accused individual has made a response, and any further investigation that may be warranted has been carried out, UMass Medical School will make a final decision. If the Medical School finds that the allegations in the complaint have been established by the investigation, it will initiate discipline of the accused individual. Discipline will be appropriate to the offense and individuals involved, and may include expulsion or discharge. The complainant will be notified of the disposition of the investigation.

4. Retaliation

Retaliation against an individual for filing a complaint of protected class harassment, or against any individual for cooperating in an investigation of a protected class harassment complaint, is against the law.

5. State and Federal Agencies

The Massachusetts Commission Against Discrimination (“MCAD”), located at One Ashburton Place, Boston, MA 02108, and 436 Dwight Street, Springfield, MA 01103, is responsible for enforcing the Massachusetts discrimination and protected class harassment law, and the U.S. Equal Employment Opportunity Commission (“EEOC”) is responsible for enforcing the federal law prohibiting protected class harassment. The EEOC is located at JFK Federal Office Building, Government Center, Room 475, Boston, MA 02203. These agencies may be contacted at the above addresses. A complaint to the MCAD must be filed within six months. A complaint under the federal law should be filed within 180 days, but under certain circumstances, a federal complaint may be filed within 300 days.

IV. OTHER RELATED POLICIES

[Sexual Harassment Policy](#)

[Equal Employment Opportunity Policy](#)

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APPROVALS:

1) _____ DATE _____
Associate Vice Chancellor, Human Resources

2) _____ DATE _____
Vice Chancellor of Operations and Commonwealth Medicine