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**UNIVERSITY OF MASSACHUSETTS MEDICAL SCHOOL  
SEXUAL HARASSMENT POLICY AND PROCEDURES**

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**I. PURPOSE**

To provide a learning and working environment that is free of sexual harassment in the form of unwelcome physical advances, requests for sexual favors, and verbal or written communications of a sexual nature.

**II. APPLICATION**

The policy and procedures for resolution apply to all employees, students and individuals who are authorized to conduct business with and/or perform other services on behalf of the University of Massachusetts Medical School who believe that they have been sexually harassed. The policy and procedures also address the concerns of any person who has a sexual harassment complaint brought against them.

**III. DEFINITIONS**

**Complainant:** An individual who believes he/she has been subject to sexual harassment and who files a complaint of sexual harassment, either informal or formal, against another individual(s).

**Accused:** Any person who has a sexual harassment complaint brought against them.

**Sexual Harassment:** Any unwanted and/or unwelcome sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature.

**Quid Pro Quo:** When a person in authority or control makes unwanted and unwelcome requests/demands for sexual favors from a subordinate, and implies that the subordinate's employment or academic standing depends on submission to these requests/demands. **Quid pro quo** is existent when:

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

**Hostile Environment:** When conduct has the purpose or effect of unreasonably interfering with the individual(s) work or academic performance or in creating an intimidating, hostile, humiliating, uncomfortable, or offensive working or academic environment. Such conduct may include, but is not limited to:

- verbal or written abuse;
- subtle pressure for sexual activity;
- persistent remarks about another individual's clothing, body or sexual activities;
- unnecessary touching, patting, or pinching;
- intentional brushing against another individual's body; and/or
- leering, whistling, or sexual gestures.

**Retaliation:** Conduct which is taken against a complainant because they have filed a complaint or conduct taken against an individual who has cooperated with the investigation of a complaint.

**IV. POLICY**

The Medical School is firmly committed to working to ensure that all employees, students and individuals who are authorized to conduct business with and/or perform other services on behalf of the Medical School are not subject to sexual harassment as defined in Section III of this

document. To that end, it is the policy of the Medical School to comply with all federal and state laws and regulations: Title VII of the Civil Rights Act of 1964, Chapter 151B, and M.G.L. 151B Sec. 3A.

## V. COMPLAINT PROCEDURE

The Medical School has designated the Equal Opportunity Office (EOO) as having primary responsibility for receiving and investigating complaints of sexual harassment and acting upon them through both informal and formal processes.

If any individual(s) (complainant) believes he/she has been subject to sexual harassment, the individual should initiate a complaint immediately by calling or visiting the EOO to arrange an appointment as soon as possible. The longer the period of time between the incident and the initiation of a complaint, the more difficult it is to reconstruct what occurred. A complaint should be filed as soon as possible following the occurrence(s) of the sexual harassment; prompt filing within ninety (90) days of the last occurrence is strongly encouraged. However, the Medical School retains the right to review a complaint of sexual harassment that is filed beyond the recommended time period.

**The presence/involvement of legal counsel is not permitted at any time during the sexual harassment complaint procedures.** If an individual is a member of a collective bargaining unit, they may have the support of a union representative. However, the representative is **not** a part of the proceedings, but they may be available for support. All parties involved in an investigation, including the union representative, are required to keep information related to the investigation confidential.

## VI. TYPES OF COMPLAINTS

### **Informal Complaint**

During the informal complaint process, a complainant shares his/her concern with an EOO staff member. The EOO staff member may suggest ways the complainant can resolve the issue(s) in an informal, non-adversarial approach that satisfies all concerned parties. EOO may consult with or refer complainant to other appropriate offices, i.e. Human Resources or the Employee Assistance Program. EOO may schedule follow-up meetings as needed to further assist the complainant.

When filing an informal complaint, the individual must provide the following information:

- the name of the complainant;
- the specific nature of actions/behaviors leading to the allegation of sexual harassment;
- the date(s) and time (s) of the occurrence(s) of sexual harassment;
- a detailed description of the occurrence(s) of the sexual harassment;
- the name(s) of the person(s) the complainant is accusing of the sexual harassment;
- the name(s) of other individual(s) who have knowledge of the occurrence(s) of the sexual harassment brought forth in the complaint; and
- the remedy or relief that is being sought.

### **Formal Complaint**

If at any time the complainant considers the informal complaint procedure unsatisfactory, he/she may elect to forgo the informal procedure and request that a formal complaint be initiated. Also,

in some instances, the Associate Vice Chancellor for Equal Opportunity may determine that the serious nature of the complaint requires that it be addressed as a formal matter.

When filing a formal complaint, the individual should put the information stated above in writing and submit it to the EOO. Please use the Formal Complaint Form available on the EOO Web site or in the EOO.

The individual(s) accused by the complainant is/are provided a copy of the EOO written report of the complaint and given an opportunity to respond to the allegation(s). The appropriate managers are informed of the filing of a formal complaint on a need to know basis.

## **VII. INVESTIGATION PROCEDURES**

### **Complainant Responsibilities**

A formal complaint should be filed as soon as possible following the occurrence(s) of the sexual harassment; prompt filing within ninety (90) days of the incident or the last occurrence is strongly encouraged. However, the Medical School retains the right to review a sexual harassment complaint that is filed beyond the recommended time period.

### **EOO Responsibilities**

An EOO staff person initiates the investigation of the complaint within ten (10) working days of receipt of the formal/written complaint or within a time frame after the informal complaint has been filed by the complainant. Documents relevant to the investigation are held in a confidential case file. Information is shared with all parties on a need-to-know basis during the investigation of the complaint.

The Associate Vice Chancellor for Equal Opportunity and/or an EOO staff person will inform the party against whom the complaint is made that a sexual harassment complaint has been filed against him/her. The respective managers of the complainant and the accused will be informed on a need-to-know basis.

Upon completion of the investigation, EOO reviews the findings with all of the appropriate parties. Every effort is made to complete the review within forty-five (45) working days after the complaint is filed with EOO. However, depending on the complexity of the case, the process may be extended at the discretion of the EOO.

If the EOO determines through its investigation that the allegations in the complaint are probable, it will recommend to the appropriate manager that disciplinary action be taken against the accused individual. Disciplinary action, which may include expulsion or discharge, will be appropriate to the offense and individuals involved. The complainant will be notified either verbally or in writing of the disposition of the investigation. The accused will be notified either verbally or in writing of the findings and, where/when appropriate, the recommended sanctions.

## **VIII. RETALIATION**

Retaliation against an individual for filing a complaint of sexual harassment or against any individual for cooperating in an investigation of a complaint, is against the Medical School policy and **it is against the law**. If retaliation is found to have occurred, appropriate action(s) will be taken.

**IX. 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 harassment laws. 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 of the occurrence or the last incident. A complaint under federal law should be filed within 180 days. Under certain circumstances a federal complaint may be filed within 300 days of the incident or of the last occurrence.

**X. RELATED POLICIES**

Discrimination Complaint Policy and Procedures  
Disciplinary Action  
Dispute Resolution  
Domestic Violence Prevention Policy  
Trustee Document T92-037 (Appendix D - 6)

**Approved:**

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Aaron Lazare, MD  
Chancellor/Dean

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Date

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Marian V. Wilson, Ph.D.  
Associate Vice Chancellor for Equal Opportunity

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Date

