



Title: Non- DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES FOR THE UNIVERSITY OF MASSACHUSETTS PRESIDENT’S OFFICE –AND GUIDELINES (APPENDIX)

Number: HR-INTERNAL-07

Effective: Immediately

Responsible Office: Office of Human Resources

## I. POLICY STATEMENT

The University of Massachusetts President’s Office (“President’s Office”) prohibits unlawful discrimination, harassment, and retaliation against anyone based on religion, color, creed, race, marital status, veteran or military status, age, sex, (including sexual harassment), gender identity or expression, sexual orientation, national origin, ethnicity, disability, genetic information, or any other legally protected class, in education, admission, access to or treatment in, its programs, services, benefits, activities, and terms and conditions of employment at the President’s Office.

Inquiries: The Office of Human Resources, President’s Office is available to anyone, with respect to any questions and concerns about discrimination, harassment, or retaliation or the President’s Office Nondiscrimination and Harassment complaint procedures.

## II. PRESIDENT’S OFFICE POLICY ON NON-DISCRIMINATION AND HARASSMENT

The President’s Office investigates complaints of discrimination pursuant to its Non-Discrimination and Harassment policy, Doc. T16-040, (“Policy”), which provides the following terms:

- a. **Unlawful discrimination** that is directed at a specific person or persons that subjects them to treatment that adversely affects their employment, application for employment, education, admissions, University benefits, programs, or activities, because of their religion or religious belief, color, race, marital status, veteran or military status, age, sex (including sexual harassment), gender identity or expression, sexual orientation, national origin, ethnicity, disability, genetic information, or any other legally protected class.
- b. **Harassment** is conduct by a person or persons against another person or persons based upon their legally protected class that adversely has the effect of:
  - (i) unreasonably interfering with a person or person’s employment, educational benefits, academic grades or opportunities, or participation in University programs or activities; or
  - (ii) unreasonably interfering with a person or person’s work or academic performance; or
  - (iii) creating an intimidating, hostile, or offensive working or academic environment.

- c. ***Sexual Harassment*** is unwelcome conduct of a sexual nature when:
- (i) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, education, or participation in University programs or activities; or
  - (ii) submission to or rejection of such conduct by a person or persons is used as a basis for employment or educational decisions affecting such person or persons, or participation in University programs or activities; or
  - (iii) such conduct unreasonably interferes with a person or person's work or academic performance; interferes with or limits a person or person's ability to participate in or benefit from a work or academic program or activity; or creates an intimidating, hostile, or offensive working or academic environment.
- d. ***Retaliation*** is the interference through intimidation, including threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law [Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Massachusetts anti-discrimination laws, or other laws] or interfering with an individual's right to make a complaint, testify, assist, or participate in any manner in an investigation, proceeding or hearing, or to intervene to prevent a violation of this policy.

### **III. REASON FOR PROCEDURES AND GUIDELINES**

The University of Massachusetts President's Office ("President's Office"), prohibits unlawful discrimination, harassment (including sexual harassment), and retaliation in education, admissions, or access to, or treatment in its programs, services, benefits, activities, and all terms and conditions of employment at the University in accordance with state and federal laws as amended including Title IX, Title VII, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 as Amended, Equal Pay Act of 1963, and the Massachusetts anti-discrimination law. These Non-Discrimination and Harassment procedures, ("Procedures") provide a prompt and equitable mechanism through which the President's Office may identify, respond to, and prevent incidents of discrimination, harassment, and retaliation in violation of the President's Office's Non-Discrimination and Harassment policy, Doc. T16-040 ("Policy").

### **IV. SCOPE OF PROCEDURES AND GUIDELINES**

The Office of Human Resources, President's Office ("Human Resources") investigates complaints of unlawful discrimination or harassment based on religion, color, creed, race, marital status, veteran or military status, age, sex, (including sexual harassment), gender identity or expression, sexual orientation, national origin, ethnicity, disability, genetic information, or any other legally protected class (collectively "Discrimination Claim"), in education, admission, access to or treatment in, its programs, services, benefits, activities, and terms and conditions of employment at the President's Office and related retaliation. These Procedures also address claims specific to sex discrimination, including sexual harassment, sexual violence such as rape, sexual assault, sexual battery and sexual coercion, (collectively "Sexual Violence").

### **V. APPLICABILITY OF THESE PROCEDURES**

Members of the President's Office community including all, staff, visitors, volunteers, contractors, applicants for employment, and others participating in a President's Office sponsored activity, or providing services to the President's Office may bring a complaint of violation(s) of the University's

Policy under these Procedures.

Allegations of Sexual Violence shall be subject to this Procedure, **except where the respondent is a student/intern employee** at the President’s Office, in which case, the procedure set forth under Section VI entitled “Complaint Resolution Procedures for Allegations Against Students” shall apply.

**VI. COMPLAINT RESOLUTION PROCEDURES FOR ALLEGATIONS INVOLVING STUDENTS**

Student/intern employees working at the President’s Office may bring a complaint of discrimination or harassment including Sexual Violence to the Office of Human Resources, President’s Office:

**Contact:** Mark Preble, Chief Human Resources Officer, Title IX Coordinator  
Office of Human Resources, President’s Office  
One Beacon Street, 31<sup>st</sup> Floor  
Boston, MA -02108  
617-287-4021  
[mpreble@umassp.edu](mailto:mpreble@umassp.edu)

Jacque Kittler, Assistant Director of Human Resources, Deputy Title IX Coordinator  
Office of Human Resources, President’s Office  
333 South Street  
Shrewsbury, MA -01545-4176  
774-455-7559  
[jkittler@umassp.edu](mailto:jkittler@umassp.edu)

These complaints of Sexual Violence and claims of domestic violence or dating violence (collectively “Relationship Violence”) or retaliation related to such claims **where a student worker/intern working at the President’s Office is a complainant or respondent**, will **NOT** be investigated by the President’s Office. These claims will be forwarded and investigated in accordance with the complaint procedures of the respective student’s campus provided below, and working closely with the Office of Human Resources at the President’s Office.

<b><u>Campus</u></b>	<b><u>Title IX Website</u></b>	<b><u>Title IX Coordinator</u></b>	<b><u>Contact</u></b>
UMass Amherst	<a href="https://www.umass.edu/titleix/">https://www.umass.edu/titleix/</a>	Débora D. Ferreira	413-545-3464
UMass Boston	<a href="https://www.umb.edu/odi/title_ix_process">https://www.umb.edu/odi/title_ix_process</a>	Georgiana Melendez	617-287-4818
UMass Dartmouth	<a href="http://www.umassd.edu/eo/titleixandsexualassaulttharassment/">http://www.umassd.edu/eo/titleixandsexualassaulttharassment/</a>	Deborah Majewski	508-999-9293
UMass Lowell	<a href="https://www.uml.edu/Prevent/Reporting.aspx">https://www.uml.edu/Prevent/Reporting.aspx</a>	Clara Orlando	978-934-2100
UMass Medical	<a href="http://www.umassmed.edu/dio/equal-opportunity/title-ix-incident-investigative/">www.umassmed.edu/dio/equal-opportunity/title-ix-incident-investigative/</a>	C. Greer Jordan	508-856-2179

For complaints that involve non UMass students/interns that work at the President’s Office, the Office of Human Resources at the President’s Office will reach out to the respective student’s applicable educational institution and will work closely with the applicable educational institution and their Title IX process.

The Title IX Coordinators at the respective University of Massachusetts campuses will also be able to provide information or guidance about resources available that provide counseling and support.

**VII. FILING A COMPLAINT WITH THE PRESIDENT’S OFFICE**

The President’s Office will take steps to: prevent discrimination, harassment, and retaliation; prevent the

recurrence of such claims; and to remedy their discriminatory effects, as appropriate. The President's Office reserves the right to promptly investigate Discrimination Claims of which the President's Office has notice regardless of the cooperation of a complainant, or whether an actual complaint has been filed. In addition, the President's Office may initiate an investigation into any apparent discrimination issue identified out of the investigation of a charge filed with it.

A violation of the Policy may result in disciplinary or other action. To the extent possible, while complying with state and federal laws and University policies, the President's Office will protect the privacy of all parties involved in its handling of Discrimination Claims and retaliation in violation of the Policy. Retaliation is against the law and against the Policy. The President's Office will take steps to prevent retaliation, and also take strong responsive action when it occurs. A concern of retaliation should be immediately reported and will be immediately investigated. Examples of behavior, which depending upon the facts, may be perceived as retaliatory because an employee filed a complaint, served as a witness, or assisted or participated in any manner in this Procedure, includes reprimanding an employee, willfully violating a "no-contact" order, excluding someone from employment-related activities or correspondence, giving a performance evaluation that is lower than it should be, engaging in verbal or physical abuse, increased scrutiny, spreading false rumors, or making an employee's work more difficult.

The complainant is not required to pursue a Discrimination Claim through the President's Office' internal procedures before filing a complaint with a state or federal agency. In addition, if the complainant chooses to pursue the President's Office's internal procedures, the complainant is free to file a complaint with the appropriate state or federal agency at any point during the process. See section XI for a list of Reporting Agencies.

## **VIII. REPORTING PROCESS**

The reporting of a Discrimination Claim or retaliation in violation of the Policy may be made by any individual, including staff, visitors, volunteers, contractors, applicants for employment, and others participating in a President's Office sponsored activity, or providing services to the President's Office who believes he/she has been subject to discrimination, harassment, sexual harassment, or retaliation in violation of the Policy. The person reporting an incident, may file a complaint with the Office of Human Resources, President's Office.

Contact: Mark Preble, Chief Human Resources Officer, Title IX Coordinator  
Office of Human Resources, President's Office  
One Beacon Street, 31<sup>st</sup> Floor  
Boston, MA -02108  
617-287-4021  
[mpreble@umassp.edu](mailto:mpreble@umassp.edu)

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333 South Street  
Shrewsbury, MA -01545-4176  
774-455-7559  
[jkittler@umassp.edu](mailto:jkittler@umassp.edu)

Members of the President's Office community are encouraged to report incidents of discrimination, harassment, or retaliation in violation of the Policy which they have noticed to a supervisor, or to the Office of Human Resources. Complaints or concerns that are reported to a manager or supervisor,

concerning an act in violation of the Policy, or managers/supervisors observe or become aware of an act or violation of the Policy, shall be promptly referred to the Office of Human Resources, President's Office. Employees who observe or become aware of Sexual Violence [or Sexual Violence or Relationship Violence of students] should promptly report this information to the Office of Human Resources, President's Office.

Although verbal complaints may be acted upon, the President's Office would prefer a written complaint to ensure a full and fair investigation of the allegation(s). Therefore, all complaints will be reduced to writing and signed by the complainant. It is the complainant's responsibility to file a complaint (in writing or verbally) within the applicable time limit.

Complaint Contents. All complaints must be submitted (or reduced to writing) on the forms provided by the President's Office. The information may be provided verbally or in writing. If provided verbally the information will be reduced to writing using the attached **Formal Complaint Form (see Appendix B)**. The complaint should at least include the following information:

- the name of the complainant;
- the specific nature of actions/behaviors leading to the allegation(s) made in the complaint;
- the date(s) and time (s) of the occurrence(s) of the event(s);
- a detailed description of the occurrence(s) of the event(s);
- the name(s) of the person(s) the complainant alleges violated the Policy;
- the name(s) of other individual(s) who have knowledge of the occurrence(s) event(s) alleged forth in the complaint; and
- proposed remedies, however the President's Office, not the person bringing the concern/complaint, will determine appropriate remedies, but this information may be helpful in understanding the complaint.

Notices to Complainant and Respondent. Upon receipt of a complaint, the complainant will be provided with a notice of available options, including the right to file a complaint with the Reporting Agencies listed below, [including the complainant's right to pursue a criminal complaint with a law enforcement agency for a Sexual Violence claim], pursuing the President's Office Non-Discrimination and Harassment complaint procedures or pursuing more than one option at the same time; and the potential consequences of pursuing these options (*i.e.*, possible temporary delay of the fact-finding aspect of the President's Office investigation while the law enforcement agency is in the process of gathering evidence). As soon as reasonably possible, after the date of filing the complaint, the Office of Human Resources, President's Office will notify the complainant of its receipt of the complaint. The respondent will be notified that a complaint has been filed, and will be provided with a summary of the Human Resources written report of the complaint, and given an opportunity to respond to the allegation(s). Appropriate managers and supervisors will be informed of the filing of a complaint on a need to know basis.

The President's Office may also inform the complainant and respondent of any interim measures that may be put in place. Where a Sexual Violence claim is filed, the President's Office will inform both the complainant and respondent of available remedies and resources on and off campus (such as the Employee Assistance Program (EAP), local rape crisis center, see Section XII, Confidential Counseling and Support Resources), and interim measures of protection that will be instituted by the President's Office. Assistance will be available whether or not a formal complaint is contemplated. Human Resources shall also describe the penalties for filing a knowingly false report. To file a knowingly false report of discrimination is a violation of the Policy.

Confidentiality. All inquiries, complaints and investigations, including investigatory materials, witness statements, notes, etc., will be treated confidentially. Any information disclosed will be disclosed on a

“need-to-know” basis. The designated investigator upon receipt of a complaint and during an investigation will attempt to limit the dissemination of information relating to the matter, to the extent permitted by applicable law; however, confidentiality, cannot be guaranteed. The complainant, respondent, witnesses, and other individuals involved in the informal or formal proceedings will be informed of the importance of maintaining confidentiality and the possible effects of disclosing any information concerning the complaint, investigatory documents, informal resolution, formal resolution, or findings.

Reporting Time Limit. Complaints of discrimination, harassment, and retaliatory action should be made to Mark Preble, Chief Human Resources Officer at the President’s Office as soon as possible following the alleged act(s). The longer a complainant waits before submitting a complaint, the more difficult it may be to pursue a resolution. A complaint must be filed within 300 calendar days following the alleged discriminatory, harassing, or retaliatory act, or the date on which the complainant first knew or reasonably should have known of such act. If a complaint is submitted beyond the 300 calendar days, the decision as to whether or not the complaint may be submitted for investigation will be at the sole discretion of the Office of Human Resources, President’s Office. Members of the Office of Human Resources, President’s Office are available to assist in preparing a complaint.

Support Person. The complainant and respondent may have a support person present during the proceedings. The support person shall not be a part of the proceedings [or have any involvement with the proceedings] and may not participate in any way with the proceedings. Support persons are expected and encouraged to keep information related to the complaint, investigatory, and any appeal process confidential. **The presence or involvement of legal counsel is not permitted at any time during any of the procedures or processes provided in these Procedures.**

Interim Measures. Interim measures which are designed to support and protect the complainant and the respondent or the President’s Office community may be considered or implemented at any time during the complaint, investigation or any appeal process, including during a request for information or advice, informal resolution, or a formal complaint proceeding. Interim measures may include; but, not be limited to: restrictions on contact; work-schedule alteration; or changes in work locations. These interim measures are subject to review and revision throughout the processes described within these procedures.

## **IX. COMPLAINT PROCEDURES**

The President’s Office strongly encourages all persons to report any claims of discrimination, harassment, and retaliation so that these may be investigated. When a complaint is filed, the complainant may have a choice of requesting either an informal or formal hearing process. It is expected that most complaints will begin with the Informal Complaint Procedure. However, the President’s Office will review each complaint to determine whether the informal process is appropriate. Complaints of Sexual Violence and retaliation arising from such claims will not be resolved by using mediation. The complainant will not be required to resolve the problem directly with the respondent in cases of Sexual Violence.

Duty to Cooperate. Members of the President’s Office community have a duty to cooperate in the investigatory process. Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this Procedure, is strictly prohibited and may result in disciplinary action.

Preponderance of the Evidence. – the standard of evidence used in the investigation shall be a preponderance of the evidence, which asks whether it is “more likely than not” that the discriminatory,

harassing, or retaliatory act violated the Policy. If the evidence presented meets this standard, then the respondent should be found responsible.

Filing a false charge is a serious offense. If an investigation reveals that a person knowingly filed false charges, the President's Office may take appropriate actions and issue sanctions, up to and including termination. The imposition of such sanctions does not constitute retaliation under the Policy/ Guidelines.

A. **Informal Complaint Process.**

- Within two (2) working days of receiving a complaint, the Office of Human Resources will send the complainant via University email, an acknowledgment of Human Resources receipt of the Complaint and inform the complainant, and when necessary, the respondent of any preliminary steps that have been taken.
- The Office of Human Resources will review the allegations of the complaint and schedule a preliminary interview with the complainant to discuss the allegations. Where the complaint is verbal, in addition to discussing the allegations, the Office of Human Resources will assist the complainant in reducing the verbal allegations to writing.
- During the interview with the complainant, the Office of Human Resources will provide the complainant with a copy of the President's Office Non-Discrimination and Harassment Complaint Procedures; inform the complainant of any available rights (to both complainant and respondent), including the right to file a complaint with any Reporting Agency; any interim measures available, possible courses of action that may be taken, and the availability of employee services.
- The Office of Human Resources will schedule a preliminary interview with the respondent, explaining the charges and possible remedies. The Office of Human Resources will provide the respondent with a copy of the President's Office Non-Discrimination and Harassment Complaint Procedures and inform the respondent of any available rights.
- If an informal resolution is determined by the President's Office to be appropriate, the Investigator will attempt to assist in finding a mutually acceptable resolution. A resolution will be deemed satisfactorily resolved when both the complainant and respondent expressly agree in writing to an outcome that is also acceptable to the President's Office Human Resources.
- At any time prior to an informal resolution, either the complainant or the respondent may withdraw the request for an informal resolution and initiate a formal complaint under these Procedures. If the President's Office is unable to resolve the complaint to the mutual satisfaction of the complainant and respondent within 60 (sixty) calendar days from the filing of the complaint, the President's Office shall notify the complainant and respondent in writing that the complaint will proceed under the Formal Complaint Process.
- If either the complainant or the respondent refuse to follow the Informal Complaint Process, then the complaint will move to the Formal Complaint Process. In addition, the Office of Human Resources, representing the President's Office, in an apparent violation of the Policy, may initiate the Formal Complaint Process even if the complainant chooses not to continue the complaint process.

B. **Formal Complaint Process.**

- The Formal Complaint Process may be requested by either party, if a mutually satisfactory resolution is not reached in the Informal Complaint Process or upon the request of the President's Office during any stage of the informal process. The President's Office may also determine upon initial receipt of a complaint that the Formal Complaint Process is appropriate.

- The Office of Human Resources will provide the complainant and the respondent with a copy of the President’s Office Non-Discrimination and Harassment Complaint Procedures and inform the complainant of the right to file a complaint with any Reporting Agency.
- The complainant will be informed of any available rights, any interim measures available, possible courses of action that may be taken, and the availability of employee services. If the claim involves Sexual Violence, the complainant will also be informed of: (a) their right to pursue a criminal complaint with a law enforcement agency; and (b) available remedies and resources on and off campus (such as counseling, local rape crisis center).
- If someone other than the individual against whom the violation was alleged to have occurred reports the concern, the Chief Human Resources Officer will inform the party against whom the violation allegedly occurred, and ask whether she/he wishes to file a complaint.
- Confidentiality will be kept to the extent possible while complying with the requirements of state and federal law. While information is only provided on a need-to-know basis, confidentiality cannot be ensured.
- Immediate safety measures or interim measures may be taken after a concern or complaint is received, even prior to the completion of the formal inquiry. Such interim measures may include changes of work locations; temporary leave; “no contact” orders and/or other measures.
- Neutral trained investigators from Human Resources will assess the reported facts and may conduct preliminary interviews to determine whether the allegations, if true, could constitute a violation of the Policy/ Guidelines. If it is possible that there was a violation, the formal procedure will proceed. If not, the complaint will be closed and the complainant and respondent will be informed of the closure, with no further action.
- Under circumstances where the President’s Office deems it necessary or appropriate, the President’s Office may also appoint an external investigator.

### **Inquiry Process.**

- The Inquiry Process is designed to provide a fair and reliable determination about whether the Board of Trustee’s Policy or President’s Office Guidelines have been violated. If so, the President’s Office will implement a prompt and effective remedy designed to end the violation, prevent its recurrence and address its effects.
- The individual reporting the concern should provide all known information as stated in Section VIII, Reporting Process.
- Each party and witness to the concern will be required to meet (separately) in person with two investigators, one who will guide the interview and one who will take notes. He/she will be given the opportunity to respond to the allegation(s), to provide names and contact information of witnesses, and to provide documentary evidence in support of his/her account. The evidence must be provided as quickly as possible. Notes of accounts given and all documentation are confidentially kept in the Office of Human Resources; no copies will be provided to parties or witnesses.
- Both parties (complainant and respondent) interviewed may be given notice of the complaint prior to, or at the time of, the interview.
- Witnesses will be interviewed and the investigators will inquire further as needed, at their discretion.
- During the course of the inquiry, both parties will be provided with periodic status updates.
- After reviewing the accounts, documentation, and any other relevant facts, a determination will be made based on the Preponderance of the Evidence. Accordingly, the Investigator must find that it is more likely than not that the respondent violated University policy(ies). The



findings of the inquiry will be provided to both parties in writing, concurrently, to the extent possible.

### **Resolution and Remedies.**

- The investigation into a claim will be completed within sixty (60) working days of the respondent being notified of the complaint. The Office of Human Resources may extend the investigation at their discretion. The complainant and respondent will be notified in writing of any extension period.
- If the final status of the inquiry is that there has been a violation of the Policy, the Office of Human Resources will recommend and confer with the appropriate President's Office administrators to implement prompt and effective steps to end the prohibited behavior, prevent its recurrence, and address its effects. This may include appropriate disciplinary actions, which may include formal intervention, including counseling and/or training, disciplinary action up to and including termination, or any other such appropriate action as may be recommended. The Office of Human Resources may also make a recommendation upon not finding a violation of Policy.
- While the Office of Human Resources may make recommendations on sanctions, they are not imposed or enforced by Human Resources. All sanctions are determined by the Department Head and Vice President of that department.
- Following the Formal Complaint Process, the Office of Human Resources shall issue a detailed finding report as to the investigative findings ("Investigative Finding Report") to the respondent's supervisor if deemed necessary and appropriate Senior/Vice President of that department.
- The appropriate Senior/Vice President in consultation with Human Resources will within ten (10) working days of receiving the investigative findings from the Office of Human Resources accept, reject, or modify the recommendation.
- The Office of Human Resources, the supervisor or appropriate superior shall notify the respondent and the complainant in writing within at least fifteen (15) working days of receiving the final recommendations as to the discipline, if applicable, to be imposed along with a summary of the investigative findings ("Summary Investigative Finding Report"), which will be sent to both the complainant and respondent contemporaneously. While privacy considerations limit the ability to share confidential information about other employees, the Summary Investigative Finding Report shall include the nature of the complaint, whether there were any policy violations, and the corrective measures that may be implemented.
- The Investigative Findings Report or the Summary Investigative Finding Report shall not be placed in the complainant's or respondent's personnel file. However, if disciplinary action is taken a letter describing the disciplinary action may be placed in the appropriate personnel file, containing only such information as necessary (and not including the identity of the complainant).

### **Due Process.**

Employees shall have the right to appeal a decision prior to disciplinary action such as termination, probation or suspension, for inappropriate behaviors or acts committed by the employee. Any individual who is aggrieved by disciplinary action imposed as a result of an investigation may within 10 working days of the imposition of the action a written appeal to the President or his/her designee. The President or his/her designee will review the results of the investigation, the decisions, and the discipline imposed and will make a final decision regarding the appeal.

**Record Retention.**

- All materials relative to an informal resolution or formal investigation shall be confidential and shall be maintained by the Office of Human Resources for a period of six (6) years. Records held by the Office of Human Resources may be subject to judicial subpoena.

**X. REPORTING AGENCIES**

- Massachusetts Commission Against Discrimination (MCAD)

The MCAD, a state agency, monitors discrimination in the areas of housing, employment, loans, and educational opportunities. Any person claiming to be aggrieved by an alleged unlawful practice may file a complaint with this agency. The offices to contact are:

Springfield Office:

Massachusetts Commission Against Discrimination  
436 Dwight Street, Suite 220  
Springfield, MA 01103  
(413) 739-2145

Boston Office:

Massachusetts Association Against Discrimination  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000  
TTY (617) 994-6196

- Office of Federal Contract Compliance Programs (OFCCP)/ Department of Labor

On October 5, 1978, President Carter signed Executive Order 12086. This order is the most recent amendment to Executive Order 11246. It gives OFCCP the compliance responsibility for equal opportunity programs previously assigned to eleven other federal agencies. This agency monitors discrimination in employment and in educational institutions (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin, or sex. The local office to contact is:

Office of Federal Contract Compliance Programs  
U.S. Department of Labor  
Boston District Office  
John F. Kennedy Federal Building  
Room E-235  
Boston, MA 02203  
(617) 624-6780

- Equal Employment Opportunity Commission (EEOC)

The EEOC monitors discrimination in employment under Title VII which prohibits discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other

conditions of employment) on the basis of race, color, religion, national origin or sex. The local office to contact is:

U.S. Equal Employment Opportunity Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800) 669-4000  
TTY (800) 669-6820

- Office for Civil Rights (OCR)/U.S. Department of Education

The OCR monitors: 1) Title IX, which specifies prohibitions against discrimination on the basis of sex in educational programs; 2) the Rehabilitation Act of 1973, which prohibits discrimination based on handicap in areas related to employment, program accessibility, and student programs. Anyone who has a complaint relating to sex discrimination or discrimination based on personal impairment may contact:

U.S. Department of Education  
Office for Civil Rights  
5 Post Office Square  
8th Floor/Suite 900  
Boston, MA 02109-3921  
(617) 289-0111  
TTY (800) 877-8339

## **XI. CONFIDENTIAL COUNSELING AND SUPPORT RESOURCES**

- ComPsych-Employee Assistance Program- (EAP)

ComPsych is a provider of GuidanceResource services. Your GuidanceResources benefits will give you and your dependents confidential support, resources and information for personal and work-life issues. These services are provided at no charge to employees of the President's Office.

Call 844.393.4983. You'll speak to a counseling professional who will listen to your concerns and can guide you to the appropriate services you require.

Shrewsbury Police

Police Department  
106 Maple Avenue  
Shrewsbury, MA 01545

Phone: 508-841-8577  
Emergency: 911

- RAINN

Among its programs, RAINN created and operates the National Sexual Assault Hotline at 800.656.HOPE(4673). This nationwide partnership of more than 1,100 local rape treatment hotlines provides victims of sexual assault with free, confidential services around the clock.

RAINN also offers an [Online Hotline](#), a secure web-based hotline that provides live and completely confidential help to victims through an interface as intuitive as instant messaging.

- Rape Crisis Centers

Central Mass:

Worcester, 800-870-5905 Hotline, 508-852-7600, TTY: (888) 887-7130  
Wayside Victim Services, Milford 800-511-5070 Hotline, 508-478-4205  
Voices Against Violence- Framingham, 800-593-1125, Hotline (TTY) 508-626-8686

Greater Boston:

Boston Area Rape Crisis Center, Cambridge 800-841-8371, TTY: (617) 492-6434

Western Mass:

Elizabeth Freeman Center, Pittsfield, 413-443-0089, Hotline (TTY) 413-499-2425  
Center for Women & Community (CWC), Amherst, 413-545-0800, Hotline 888-337-0800

As the above contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at <http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/rape-crisis-centers.html>.

## **APPENDIX A**

## **PRESIDENT OFFICE GUIDELINES**

The University of Massachusetts President's Office (President's Office), as a public institution of higher education of the Commonwealth, recognizes its responsibility to promote the interests and welfare of the public it serves. In so doing, the President Office reaffirms its commitment to employment practices and free of discrimination and harassment. At the President's Office, equal opportunity and safe working and learning environments are not only just, but also the foundation for a diverse, inclusive and highly effective community in which all members may thrive.

The following guidelines apply to all employees who are authorized to conduct business with and/or perform services on behalf of the President's Office.

- The President's Office does not discriminate on the basis of race, color, creed, religion, gender (including pregnancy, childbirth, or related medical conditions), age, sexual orientation, gender identity and expression, genetic information, national origin, covered veteran status, disability, ancestry or any other characteristic protected by law in employment, admissions, participation in its programs, services and activities, and selection of vendors who provide services or products to the President's Office.
- Other forms of discrimination include differential treatment, and practices that adversely impact some protected classes. Individuals may file a concern or complaint of discrimination if they believe they are subjected to a hostile environment or another form of discrimination on the basis of race, color, creed, religion, gender (including pregnancy, childbirth, or related medical conditions), disability, national origin, ancestry, age, sexual orientation, gender identity and expression, genetic information, marital status, and covered veteran status or any other characteristic protected by law.
- It is the position of the President's Office that all members of the President's Office community and its visitors may not be subjected to a hostile work environment. Such conduct is defined as behavior or treatment that unreasonably interferes with an individual's work by creating an intimidating, hostile, humiliating or offensive environment. "Unreasonably" means that the conduct is severe, persistent, or pervasive and not based on bona fide business factors.
- In addition, retaliation by the President's Office or by any employee against anyone who raises concerns about discrimination and/or harassment is also prohibited. No employee will be fired, demoted, harassed, intimidated or otherwise "retaliated" against for filing a charge of discrimination and/or harassment, participating in a discrimination and/or harassment proceeding or otherwise opposing discrimination.
- Employees who direct the work of others in supervisory roles are required to report possible discrimination, harassment, or hostile environment behavior to the Chief Human Resources Officer, Office of Human Resources. Any member of the President's Office community who has a question about his or her responsibilities under these guidelines should contact the Chief Human Resources Officer.
- Sexual harassment is a violation of both Federal and Massachusetts law. It can take many forms and the determination of what constitutes sexual harassment will vary according to the particular circumstances and with consideration to the context in which the conduct occurred. Sexual harassment may be described generally as unwelcome sexual behavior that a reasonable person would find offensive and/or that adversely affects the working or learning environment. It can involve, among others, supervisor to employee, faculty or staff to student, student-to-student, student to staff, employee to employee.
- Sexual harassment may involve behavior by a person of either gender against a person of the same or opposite gender. These guidelines apply to every President Office employee, consultant,

contractor, and student when working for the President Office. Some examples of sexual harassment are, but are not limited to:

- Persisting in making unwanted sexual advances. This may include situations beginning as mutual attractions but later cease to be reciprocal and result in harassment;
  - Making or threatening reprisals after a negative response to sexual advances;
  - Offering employment (i.e. hiring, promotion, salary increase, or performance review, etc.) or educational benefits in exchange for sexual favors or relationships. These situations may also involve and affect third parties treated less favorably because others have been offered or have acquiesced to sexual advances;
  - Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, recordings, cartoons or posters in public work places, offices, or classrooms, unless the purpose of such display is part of legitimate educational activities;
  - Unwelcome verbal conduct such as making derogatory comments, slurs, jokes, unwanted sexual advances or propositions, verbal abuse of a sexual nature, graphic commentaries about an individual's body, suggestive or obscene written or electronic letters and notes or sexually degrading words used to describe an individual, etc.; and
  - Intentional and unwelcome physical conduct of a sexual nature such as assault, touching, impeding or blocking movement to force contact, or unwelcome hugging, etc.
- The best method for preventing the problem of sexual harassment is an ongoing effort. However, corrective discipline will, at times, be necessary up to and including termination.
  - The President's Office complies with all federal and state anti-discrimination laws and regulations, including those covering affirmative action: Executive Order 11246, Titles VI and VII of the Civil Rights Act of 1964, The Civil Rights Act of 1991, Sections 503 and 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 as Amended 2008, Age Discrimination Act of 1967, Equal Pay Act of 1963, the Genetic Information Nondiscrimination Act of 2008 (GINA), Veterans Assistance Act of 1972, Title IX of the Education Amendments Act of 1972, and Massachusetts General Law Chapter 151B, as well as other applicable state and federal laws.
  - These matters will be responded to with prompt concern to facilitate resolution. If the provisions of these guidelines are violated, the President's Office will take appropriate steps to halt the inappropriate behavior and address its effects. The Human Resources staff, located at 333 South Street, Suite 400, Shrewsbury, MA 01545, telephone 774-455-7590, fax 774-455-7574, will assist in resolving your concerns and/complaints.



# University of Massachusetts

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## Complaint Form

Please provide all of the following known information relevant to your allegations of a violation of the **University of Massachusetts Non-Discrimination and Harassment BOT Policy (Doc. T16-040)**. Alternately, you may report your complaint verbally. A verbal complaint will later be reduced to writing.

Please provide the following information:

Your name: \_\_\_\_\_

Your employee title: \_\_\_\_\_

Your contact information: \_\_\_\_\_

If you are a concerned person but not the person you believe was directly impacted, please provide the following:

The impacted person's name: \_\_\_\_\_

The impacted person's employee title: \_\_\_\_\_

The impacted person's contact information: \_\_\_\_\_

Name(s) of the person(s) alleged to have violated the University of Massachusetts Policy/Guidelines:

Name: \_\_\_\_\_

Contact information if known: \_\_\_\_\_

Alleged violator's employee status: \_\_\_\_\_

Date(s), time(s), and location(s) of the alleged occurrence(s); or, practice(s) that are unfair to some groups or create unequal access:

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