

BOARD POLICIES

Non-Discrimination And Harassment Policy (T16-040)

Doc. T16-040

Passed by the Board of Trustees on September 21, 2016

Purpose

The University of Massachusetts complies with applicable state and federal laws on non-discrimination, harassment, and retaliation including Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Act of 1994, and the Massachusetts anti-discrimination law. This policy states the University's commitment to assure compliance.

I. Introduction

This policy affirms the University of Massachusetts' ("University's") commitment to provide a welcoming and respectful work and educational environment, in which all individuals within the University community may benefit from each other's experiences and foster mutual respect and appreciation of divergent views. The University will not be tolerant of conduct which violates rights guaranteed by the law or University policies. Accordingly, the University prohibits unlawful discrimination and harassment based upon protected characteristics, and related retaliatory conduct, in accordance with state and federal non-discrimination laws, including Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Act of 1994, and the Massachusetts anti-discrimination laws.

II. Policy Statement

The University prohibits unlawful discrimination, harassment (including sexual harassment), and retaliation against anyone based on 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 legally protected class, in education, admission, access to or treatment in, its programs, services, benefits, activities, and terms and conditions of employment at the University.

III. Definitions

For the purposes of this policy, the following definitions apply.

- a. **Unlawful discrimination** is conduct 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 Violence Against Women Act of 1994, 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.

Any member of the University community who engages in unlawful discrimination, harassment (including sexual harassment), or retaliation in violation of this policy may be subject to disciplinary or other action. The campuses shall develop campus policies and complaint and investigatory procedures that will provide an equitable and prompt resolution of a complaint and make recommendations for disciplinary or other action.

This policy applies to all members of the University community, including students, employees, faculty, applicants for admissions and employment, contractors, volunteers, and visitors.

IV. Responsibilities

Chancellors and the Senior Vice President for Administration & Finance and Treasurer for the President's Office are directed to disseminate this policy within their communities.

V. Standards

The President or designee, in consultation with the General Counsel and Senior Vice President for Administration & Finance and Treasurer, will issue administrative standards to implement this policy. Campuses shall establish campus policies and procedures, within the scope of this policy and the administrative standards.

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