

70.2.2 Discrimination and Harassment Policy

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| Policy Name: | DISCRIMINATION AND HARASSMENT |
| Approval Authority: | VICE PRESIDENT FOR HUMAN RESOURCES |
| Responsible Executive: | VICE PRESIDENT FOR HUMAN RESOURCES |
| Responsible Office: | Office of Human Resources |
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1. Policy Statement

Harassment of, and inappropriate, disrespectful or demeaning behavior toward applicants, employees, students and third parties is strictly prohibited by Stevens and will not be tolerated. Such conduct may result in disciplinary action up to and including dismissal and expulsion.

2. Reason for Policy

The university recognizes the dignity of each member of the Stevens community and believes that each member has a responsibility to promote respect and dignity for others so that all employees and students are free to pursue their goals in an open environment, able to participate in the free exchange of ideas, and able to share equally in the benefits of the university's employment and educational opportunities. To achieve this end, the university believes it should foster an academic, work and living environment that is free from discrimination and harassment.

This policy defines what constitutes discrimination and harassment based upon enumerated protected categories, as well as any behavior (verbal, physical, visual) that is reasonably likely to create a hostile, intimidating or offensive environment; the scope to which it applies; harassment related definitions; discrimination related definitions; the reporting process; and retaliation violations.

3. Policy and Scope

Applicable to all members of the Stevens community

4. Related Documents

These policies may be helpful in the application of this policy.

- Conflict Management Involving Family or Household Members (10.3.2)
- Equal Employment Opportunity and Affirmative Action (70.2.1)
- Academic Freedom (20.11)
- Student Code of Conduct (50.1)

5. The Policy

A. General

It is the policy of Stevens Institute of Technology to provide equal employment opportunity and to make the benefits and services of its educational program available to employees and students without discrimination on the basis of certain protected categories. These categories include race, religion, color, national origin, ancestry, age, sex, sexual orientation, gender identity and expression, disability, atypical hereditary cellular or blood trait, marital status, civil union status, domestic partnership status, military service, and veteran status, and any other category protected by law.

Harassment is a form of discrimination and, therefore, harassment directed toward an individual or group, or experienced by an individual or group, based on membership in a protected category, also violates university policy. Discrimination and harassment compromise the integrity of the

university and unfairly interfere with the opportunity for all persons to fully participate in the academic, work and living environment of the university.

Note: Complaints of harassment against students arising out of their conduct as students are addressed by other university policies addressing student conduct, including the University Code of Student Conduct.

B. Action

The university will respond to allegations of discrimination in employment in accordance with its Equal Employment Opportunity and Affirmative Action policy and this policy (for employees, student employees and applicants). The university will respond to allegations of harassment in accordance with this policy (for employees and student employees) or with the University Code of Student Conduct (for students) and will take appropriate action against those who violate this policy.

C. Scope

This policy applies to all areas of university operations and programs. As to harassment, it applies to the conduct of all university employees, including student employees with respect to conduct that arises out of their employment status, as well as to the conduct of all vendors, contractors, subcontractors and others who do business with the university. (Those individuals whose conduct is addressed by this policy are "respondents.") Complaints of discrimination or harassment against employees or student employees will be processed according to the Discrimination Complaint Process or the Harassment Complaint Process.

D. Definitions

- I. **Discrimination** is defined as an intentional or unintentional act which adversely affects employment opportunities due to one of more of the protected categories. Stevens provides equal employment opportunity to all its employees and applicants for employment regardless of their race, religion, color, national origin, ancestry, age, sex, sexual orientation, gender identity and expression, disability, atypical hereditary cellular or blood trait, marital status, civil union status, domestic partnership status, military service, and veteran status, and any other category protected by law, and considers as a basis for selection in employment only those characteristics which are demonstrably related to job performance or requirements.
- II. **Harassment** is defined as any conduct directed toward an individual or group including those categories in Section D.I. above that is sufficiently severe or pervasive enough to alter an individual's employment conditions, educational environment, living environment, or participation in a university activity, and that creates an intimidating, offensive or hostile environment.
 1. A person does not have to be the direct and immediate target of harassment to complain about it. Harassing behavior toward others may be so offensive, demeaning or disruptive as to constitute a hostile work or academic environment, though not specifically directed at the observer or individual lodging the complaint. Conduct alleged to constitute harassment will be evaluated according to the objective standard of a reasonable person.
 2. **Sexual harassment** includes any unwelcome sexual advances, requests for sexual favors, or other unwelcome written, verbal or physical conduct of a sexual nature when:
 - submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's education, employment, or participation in a university activity;
 - submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting that individual's academic standing, employment status or participation in a university activity; or
 - such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive

environment for that individual's employment, education, or participation in a university activity.

Note: Steven's policy prohibits inappropriate and/or offensive conduct that may not be severe enough to satisfy the legal definition of sexual harassment, and which may include:

- Displaying "pin-up" calendars or sexual demeaning pictures.
 - Telling sexually-oriented jokes.
 - Making sexually offensive or suggestive remarks.
 - Engaging in sexual teasing, including comments about sexual orientation.
 - Engaging in favoritism or retaliation based on the granting or refusal of sexual favors.
 - Subjecting another employee to unwelcome pressure for dates.
 - Engaging in unwelcome touching
3. Sexual relationships that occur in the student-teacher context or in the context of employment supervision or evaluation present special problems.

The difference in power, and the respect and trust that are often present between a teacher and student, supervisor and subordinate, or senior and junior colleague in the same department or unit, makes these sexual relationships especially vulnerable to exploitation. Those who abuse their power in such circumstances by, for example, granting preferential treatment to a student who has submitted to sexual favors may be found to have violated this Policy. A student's "voluntary" participation in a sexual relationship does not alone demonstrate that the respondent's conduct was not unwelcome. Therefore, the university does not tolerate sexual relationships between individuals where there is an imbalance of power between the two individuals and where one of the individuals is in a position to make decisions which may affect the career or academic experience of the other.

4. Sexual harassment may occur between members of the same or opposite sex. Further, harassment based on a person's sex is not limited to instances involving sexual behavior. That is, harassment on the basis of sex may occur without sexual advances or sexual overtones when conduct is directed at individuals or groups because of their gender. This is often referred to as sex or gender harassment and violates this policy.
5. Examples of conduct that may constitute or support a finding of harassment in violation of this Policy include, but are not limited to, the following types of behavior:

PHYSICAL CONDUCT

- Unnecessary or unwanted physical contact
- Blocking someone's path or impeding movement
- Physical interference with work
- Stalking, physical assault or coerced or forced sexual activity
- Deliberate destruction of property

NON-VERBAL CONDUCT

- Display of offensive material or objects.
- Suggestive or insulting gestures, sounds or whistles.

VERBAL CONDUCT

- In some instances, innuendo or other suggestive, offensive or derogatory comments or jokes about sex, or other protected categories listed in Section I. above.
- Extortion, overt threats or intimidation.

- Obscene or harassing messages sent via computer or left on an answering machine or voice mail.
6. Classrooms or other instructional settings (e.g. laboratory) present special problems because academic freedom protects the expression of ideas; even where the idea or its expression is perceived to be offensive, if the complained of conduct is germane to the subject matter taught. Accordingly, wide latitude is required for professional judgment in determining the appropriate content and presentation of the academic material being taught. Therefore, harassment in violation of this Policy will not be found to exist in an instructional setting unless the complained of conduct is not germane to the subject matter taught and:
- is directed toward an individual or group based on one or more of the categories listed in Section I above;
 - is sufficiently severe or pervasive to alter an individual's educational environment;
 - creates an objectively hostile learning environment; and
 - is, in fact, perceived as hostile by the complainant.

E. Reporting Discrimination and Harassment

Any member of the university community who has been subject to discrimination or harassment or who has witnessed clear circumstances of discrimination or harassment, on the basis of any of the previously cited protected categories, is required to report it immediately to his or her supervisor and/or the Vice President for Human Resources... One does not have to be the direct target of the discrimination or harassment to report it. The method for reporting discrimination or harassment may be in any written form, including email, or by verbal discussion.

The university will conduct an investigation as soon as is reasonably practicable. Confidentiality will be respected to the extent consistent with the need to conduct a fair, complete and responsive investigation.

Upon completion of the discrimination or harassment process, the university will take appropriate corrective action, consistent with the results of the investigation. The immediate goal is to take remedial action to stop the discriminatory, harassing or offensive conduct if a violation of this policy has occurred. The second goal is to ensure that the violation will not reoccur.

Disciplinary action, up to and including dismissal, may be taken against employees or students who violate this policy.

F. No Retaliation

Retaliatory conduct against any individual who has filed a complaint of discrimination or harassment, who has reported witnessing discrimination or harassment, or who has participated in the discrimination complaint process or the harassment complaint process is a violation of this policy. Similarly, retaliation against someone who has been the subject of an investigation, or the subject of a complaint of discrimination or harassment and found not to have engaged in discrimination or harassment is also a violation of this policy and is grounds for discipline and/or remedial action.