

Frequently Asked Questions on Harassment

What Is Sexual Harassment?

The College's policy against sexual harassment prohibits sexual advances or requests for sexual favors or other physical or verbal conduct of a sexual nature. Sexual harassment may involve behavior of a person of either sex against a person of the opposite or same sex and occurs when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or academic standing.
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment or academic standing.
3. Such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile or offensive work, learning or social environment.

While it is not possible to list all the circumstances that constitute sexual harassment, the following are some examples:

1. Unwelcome sexual advances – whether they involve physical touching or not.
2. Requests for sexual favors in exchange for actual or promised benefits such as favorable reviews, salary increases, promotions, continued employment, academic grades, classroom or work assignments, or academic standing.
3. Coerced sexual acts.

Depending on the circumstances, the following conduct may or may not also constitute sexual harassment: as defined above, but may create a hostile work/education environment, which is also unlawful within the scope of Sexual Harassment:

1. Use of sexual epithets, jokes, written or oral references to sexual conduct, or gossip regarding one's sex life.
2. Sexually oriented comments about an individual's body, sexual activity, deficiencies or prowess.
3. Displaying sexually suggestive objects, pictures, or cartoons.
4. Unwelcome leering, whistling, deliberate brushing against the body in a suggestive manner, sexual gestures, and suggestive or insulting comments.
5. Inquiries into one's sexual experiences.
6. Discussion of one's sexual activities.

What are the other forms of Discriminatory Harassment?

It is also against College policy to engage in verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, sexual orientation, age, or physical or mental disability, or that of the individual's relative, friends, or associates, that (1) has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive educational or working environment (2) has the purpose or

effect of unreasonably interfering with an individual's educational or work performance; or (3) otherwise adversely affects an individual's education or employment.

How to Stop Sexual Harassment

If you believe that you are being harassed, there are several options (both informal and formal) you can use to address the situation. In all cases, we recommend that you address the situation promptly, by taking appropriate steps when you suspect that you are a victim of harassment. You are not required to confront the alleged harasser directly (whether with or without a resource person).

Direct discussion is encouraged, but we recognize that there are factors that can make it both understandable and appropriate that an individual will not want to confront the alleged harasser directly. The following steps might be appropriate, depending on the specific facts and circumstances of each situation:

- 1. Don't ignore the behavior.** While some offensive behavior may not constitute sexual harassment, it is important to discuss the facts and your feelings with someone you trust at Simmons. At this stage, the person does not need to be an official sexual harassment resource person, however, we encourage you to report anything that you believe is serious enough to constitute sexual harassment to any of the resource personnel listed in this document.
- 2. Document the behavior as factually as you can.** Keep track in writing of dates, places, times, witnesses, and the nature of the behavior. Include as much information as possible. Record your own feelings as well. Save written evidence in a safe place.
- 3. Seek advice from, or report the incident to, any of the Simmons College sexual harassment resource persons** listed in this brochure.
- 4. Tell the offending person to stop the behavior.** Depending on the circumstances, you may choose to have a resource person with you, or you may talk directly with the offending person. You are encouraged to tell the offending person at the time of the incident to stop the behavior. You may also choose to put the objection in writing. Describe the specific behaviors that are offensive or threatening, and keep a copy. Remind the person of Simmons' policy regarding harassment.
- 5. Use the Simmons College sexual harassment complaint procedure.** Simmons College process for handling complaints is designed to provide choices for the complainants, so that different people may find an option for stopping harassment that is appropriate for them. Some people prefer the clarity of a single, formal complaint procedure. In some instances, people who have been offended do not want to lodge a formal complaint. The more options for handling complaints that are available, the more likely an alleged victim will come forward. Each option has its advantages and disadvantages. The choice of option is affected by many factors, including the need for privacy and control over the complaint.

Depending on the circumstance, the following conduct may constitute discriminatory harassment: (1) epithets, slurs, negative stereotyping, jokes, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, sexual orientation, age, or physical or mental disability, and (2) written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, religion, gender, national origin, sexual orientation, age, or physical or mental disability, and that is circulated anywhere in the College's facilities. Other conduct may also constitute discriminatory harassment if it falls within the definition of discriminatory harassment set forth above.

The Simmons College Policy on Sexual Harassment and Other Forms of Discriminatory Harassment applies equally to other forms of discriminatory harassment. Because of the greater frequency of expressed concerns about sexual harassment most of this policy refers solely to sexual harassment. This is not intended to limit the policy's application to sexual harassment. To the contrary, the procedures in this policy that refer solely to sexual harassment are intended to apply equally to other forms of discriminatory harassment.

Academic Freedom

In higher education, some students may, from time to time, find coursework with sexual content to be offensive. While faculty should consider the possibility of those concerns, faculty have the academic freedom to make coursework choices, which may, in the judgment of faculty, include matters with subjects that some students may find offensive. Except in rare cases, a faculty member's exercise of his or her academic judgment will not constitute sexual harassment. As with all other aspects of this policy, the same principles apply to concerns about forms of discriminatory harassment other than sexual harassment.

Who Are the Participants?

Sexual harassment can involve, but is not limited to:

- instructor/professor and instructor/professor
- instructor/professor and student
- teaching assistant and student
- supervisor and employee
- student and student
- staff member and student
- other relationships among colleagues, peers, co-workers and contractors/vendors

Simmons College will not take action against an individual for having brought a claim of sexual harassment unless it is clear that the individual bringing the charges did so while knowing the charges to be false. Individuals who are directly involved in a sexual harassment complaint or other forms of harassment complaints will be notified as to the outcome(s) of the complaint investigation.

Sexual Harassment Complaint Procedures

If the complainant has chosen to follow the informal complaint procedure and the problem has not been resolved to the satisfaction of the complainant through informal discussion, she/he has the right to file a formal complaint in accordance with the following procedure.

Resolution by Informal Complaint

Any member of the Simmons community who believes that she/he has been sexually harassed is encouraged to attempt to resolve the problem through discussion with the other party. However, there may be cases in which discussion of the problem with that person causes particular stress or difficulty. In these cases, the complainant has the right to consult on an informal basis with someone with whom she/he feels comfortable: a resident director, the Office of the Dean for Student Life, a dean, a supervisor, the Office of Human Resources (see insert), the Office of the President. The complainant also has the right under this policy, to request that any of the listed resource personnel identified in this policy intervene on his or her behalf and speak with the alleged harasser with or without the complainant being present. Reasonable efforts will be made to protect all parties' confidentiality. If there has been no resolution after informal discussion, the formal sexual harassment complaint procedure may be instituted.

Simmons College will generally attempt to investigate all claims of harassment, and will take reasonable efforts to protect the identity of the complainant if requested to do so as long as doing so does not preclude the College from responding effectively to the alleged harassment and preventing any further incidents.

Resolution by Formal Complaint

A formal complaint is one that is in writing, signed and dated. A formal complaint that has been appropriately prepared and filed, will be addressed by Simmons in a timely fashion, fairly and thoroughly. It will be investigated unless the complainant explicitly asks for an informal option. At any point in a formal process, a complainant may request a change to an informal option. Records of formal complaints will be kept in accordance with institutional policy.

Outcomes

The best outcome is that the alleged offensive behavior stops and resolution is achieved. The possible consequences to a person found responsible for sexual harassment can include:

- Termination or expulsion
- Demotion or denial of promotion
- Suspension
- Letter of reprimand.

When Should the Complaint Be Filed?

The complaint should be filed as promptly as possible from the date of the alleged incident or if the complainant chooses to use the formal process, promptly after the completion of the informal proceedings.