



MERRIMACK COLLEGE

Non-Discrimination and Sexual Harassment Policy Equal Opportunity Notice of Non-Discrimination

Merrimack College is firmly committed to the principle and practice of Equal Employment Opportunity. Every employee is entitled to work in an environment free of discrimination where employment is based upon personal capabilities and qualifications. The College prohibits discrimination of any kind. Discrimination constitutes a serious infraction of College policy, as well as a violation of state and federal law. Any employee who discriminates against another employee on the basis of race, color, national origin, religion, sex, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation, gender identity (or gender expression), or any other lawfully protected characteristic will be disciplined accordingly, up to and including dismissal.

It is the policy of Merrimack College to administer all personnel decisions without regard to race, color, national origin, religion, sex, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation, gender identity (or gender expression), or any other lawfully protected category.

The Office of Human Resources has overall responsibility for this policy and maintains reporting and monitoring procedures. Any questions or concerns should be referred to that Office.

Zero Tolerance: Sexual harassment and harassment based upon any protected characteristic, are unlawful and will not be tolerated by the College. Any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating in an investigation of a harassment complaint is similarly unlawful and will not be tolerated. ***This policy applies to every College employee, including faculty, staff, administrators and student employees.*** ***Any*** employee who violates this policy will be disciplined up to and including termination or dismissal.

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal or physical conduct that is sexual or based on gender if that conduct could reasonably offend another reasonable, similarly situated person, whether or not such conduct was intended to offend.

Examples of sexual harassment can include, but are not limited to, the following:

- Verbal harassment, including jokes, comments or threats relating to sexual activity, body parts, or other matters of a sexual nature.
- Non-verbal harassment, including staring at a person's body in a sexually suggestive manner, sexually related gestures or motions and/or circulating sexually suggestive material.
- Physical conduct, including grabbing, hugging, kissing, tickling, massaging, displaying private body parts, unnecessary touching or other unwelcome physical conduct.
- An employment decision (including promotion, demotion, compensation, scheduling) made by a supervisor based on the employee's submission to or rejection of sexual conduct; or an academic decision by a faculty member based on a student's submission to or rejection of sexual conduct.
- Submission to sexual conduct as an implicit or explicit condition of employment or academic status.
- Displaying sexually suggestive objects, pictures or cartoons.
- Conduct that denigrates or shows hostility or aversion to a person because of his/her gender and creates an intimidating, hostile or offensive environment.
- Any other sexual conduct that unreasonably interferes with another person's work or academic performance or creates an intimidating, hostile or offensive environment or adversely affects another person's employment or educational opportunities.

How to File An Internal Complaint: Any member of the College community, whether an employee, faculty, staff, contractor, administrator or student, who feels subjected to discrimination or harassment should immediately report it in writing, by telephone, in person, or by any other means of communication to any supervisory employee at the director level or to any official of the College with whom they feel comfortable. You may also direct any complaint to Human Resources (x 5157).

How to File a Complaint with a Government Agency: You may also file a formal complaint with either or both of the government agencies set forth below.

United States Equal Employment
Opportunity Commission
JFK Federal Building, Room 475
Boston, MA 02203
(617) 565-3200

Massachusetts Commission
Discrimination
1 Ashburton Place, Room 601
Boston, MA 02108
(617) 727-3990