

QUINCY COLLEGE

CONFIDENTIAL *

**EQUAL OPPORTUNITY & ANTI-HARASSMENT
COMPLAINT PROCEDURES**

** The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Adherence to confidentiality is expected of all individuals directly and indirectly involved with the investigation process and its final determination.*

To obtain information and/or report possible discrimination or harassment or retaliation, please contact one of the following people listed below:

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Approved by Quincy College Board of Governors: May 21, 2015

EQUAL OPPORTUNITY AND ANTI-HARASSMENT COMPLAINT PROCEDURES

Section I – Quincy College Policy and Campus Responsibility

These procedures are designed to implement Quincy College’s policies which require equal opportunity for all members of the Quincy College community and prohibit harassment of any member of the Quincy College community. Quincy College is committed to enforcing the requirements of applicable federal and state laws, including but not limited to Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Chapter 151B of the Massachusetts General Laws.

Furthermore, it is the policy of the Quincy College to promote a College community that is free of harassment of any type, including sexual harassment. Harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such race, color, religion, gender, gender identity or expression, age, sexual orientation, national origin, ancestry, disability, military status, or genetic information in employment, admission to and participation in academic programs, activities and services, and the selection of vendors who provide services or products to the Quincy College. Quincy College will not tolerate harassing conduct that affects employment or educational condition or interferes unreasonably with an individual’s school or work performance, or that creates an intimidating, hostile, or offensive work or school environment.

Harassment of employees or students occurring on campus, in connection with work-related travel, and/or at Quincy College sponsored events will not be tolerated. Furthermore, retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

Quincy College takes allegations of harassment and violations of equal opportunity seriously and will respond promptly to complaints. Where it is determined that inappropriate conduct has occurred, Quincy College will act promptly to eliminate the conduct and will impose corrective action as necessary, including disciplinary action where appropriate, which may include termination of employment or school-related discipline. Each campus is responsible for disseminating and enforcing the policy and procedures so that each member of college community is aware of the policy and held responsible for his/her behavior.

Section II – Definitions

Equal Opportunity

“Equal opportunity” means the right to enjoy equal opportunity in employment, admission to, and participation in Quincy College’s programs and activities, the provision of College services, and the selection of vendors who provide services or products to Quincy College, without regard to an individual’s race, color, religion, sex, age, sexual orientation, national origin, disability, or veteran status.

Harassment

“Harassment” means unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

1. display or circulation of written materials or pictures that are degrading to a person or group as previously described; and
2. verbal abuse or insults about, directed at, or made in the presence of an individual or group as previously described.

Sexual Harassment

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic work;
2. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
3. such conduct has the effect of unreasonably interfering with an individual’s work performance and/or creating an intimidating, hostile or offensive working or academic environment.

Under these definitions, direct or implied requests by a faculty member, supervisor or other individual in a position of work or school authority for sexual favors in exchange for actual or promised job or school benefits such as favorable reviews, salary increases, promotions, increased benefits, continued employment, better grades, recommendations or other advantages constitute sexual harassment.

The definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct, whether intended or not, that has the effect of creating a school or work environment that is hostile, offensive, intimidating or humiliating to either male or female students or employees also may constitute sexual harassment. Such conduct may include, but is not limited to, sexual epithets, jokes, comments, inquiries or gossip regarding one’s sex life or sexual activity; displaying sexually suggestive objects, pictures or cartoons; and unwelcome leering, whistling, or brushing against the body or sexual gestures.

Unwelcome conduct may be considered harassment or sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness.

Retaliation

An individual who has engaged in a protected activity is protected against retaliation. A protected activity consists of the following: 1) opposing a practice made unlawful by one of the employment discrimination statutes; or 2) filing a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under the applicable statute.

Any individual who believes they are the victim of retaliation as described above, may file an oral or written complaint of retaliation with the Title IX Coordinator(s) or designee. The complaint of retaliation will be addressed in accordance with the provisions of these Equal Opportunity and Anti-Harassment Complaint Procedures. The complaint of retaliation will be treated as a new and separate complaint.

Section III – Complaint Procedures

A. Responsible Persons and Covered Individuals

1. All members of the Quincy College community are responsible for avoiding, discouraging and reporting any form of harassment or discrimination. The primary responsibility for ensuring that a proper investigation and resolution of discrimination or harassment or retaliation complaints rests with the Title IX Coordinator(s) or designee, who will administer the policy and procedures described herein.
 - a. The Title IX Coordinator(s) or designee will receive complaints, advise complainants and respondents about Quincy College’s procedures and options for responding to complaints, conduct investigations, and determine its findings.
 - b. The Vice Presidents, Associate Vice Presidents, and Deans (hereinafter, Vice Presidents/Deans), working with the Title IX Coordinator(s) or designee, will see that all supervisors on the Quincy and Plymouth campuses receive information and are offered training concerning discrimination and harassment. In addition, the Vice Presidents/Deans have other responsibilities as described herein.
2. These complaint procedures are available to any member of the Quincy College community who believes that he or she has been discriminated against or harassed. In addition, applicants; visitors; guest lecturers; contractors, their agents and employees may use these procedures where applicable to bring complaints against members of the Quincy College community whom they believe have engaged in discrimination or harassment or retaliation in the course of the educational, work or other official activities of Quincy College, such as sporting events or lectures. Members of the Quincy College community consist exclusively of students, faculty, and other full and part-time employees of Quincy College. These procedures are available regardless of whether the person alleging discrimination or harassment or retaliation (the “complainant”) has filed a complaint with any outside agency or court.
3. The Vice President for Academic Affairs will be notified whenever the person accused of discrimination or harassment or retaliation (the “respondent”) is a Quincy College student. Title IX issues and complaints will only be handled through these Equal Opportunity and Anti-Harassment Complaint Procedures.
4. Those found to be in violation of Quincy College’ discrimination or harassment or retaliation policy will be subject to disciplinary sanctions. Disciplinary sanctions shall be based on the nature and severity of the offense as well as any record of prior disciplinary action imposed on the respondent. In general, sanctions may include, but are not limited to, one or more of the following: public apologies, public reprimands, written warnings, letters of reprimand,

attendance at appropriate workshops, and, in the case of employees, suspension, denial of merit pay for a specified period of time, involuntary demotion, removal from administrative or supervisory duties, and/or termination of employment. Students may also be issued oral reprimands, put on disciplinary probation, suspended from Quincy College for a stated period of time, and/or expelled from Quincy College.

In investigating complaints under this procedure, Quincy College may impose discipline for inappropriate conduct without regard to whether the conduct constitutes a violation of the law and may take corrective action even if the conduct does not rise to the level of violating Quincy College's equal opportunity and anti-harassment policies.

B. Initiating Complaints

1. Prompt reporting of discrimination or harassment or retaliation is in the best interest of the entire Quincy College community and is essential to a fair, timely and thorough investigation. Accordingly, all complaints must be filed within 90 calendar days of the action that prompts a complaint. (NOTE: this filing period may be extended for good cause.)
2. Notwithstanding any provision of this policy, Quincy College reserves the right to investigate and take action on its own initiative in response to behavior and conduct which may constitute discrimination or harassment or retaliation or otherwise be inappropriate, regardless of whether an actual complaint has been filed.
3. Attorneys are not permitted to be present or participate in the complaint process.
4. Initiating the Process: In order to initiate a proceeding under this policy, the aggrieved individual(s) must first file an oral or written complaint with the Title IX Coordinator(s) or designee. The complainant initiates a filing process by meeting with the Title IX Coordinator(s) or designee who will explain the complaint procedures. When initiating the complaint process, the complainant should provide the following information which will include a "confidential internal intake form" and may also be completed online at My QC Campus Portal by clicking on the "Submit an Incident Report" hyperlink:
 - a. all relevant facts, including the date(s) of the occurrence(s), the identity of all parties, the location(s) and circumstances of the behavior at issue, and any other information the complainant feels is relevant;
 - b. the specific nature of the discrimination or harassment or retaliation involved in the complaint;
 - c. other individuals who might be aware of or have knowledge of the situation;
 - d. what actions, if any, the complainant has taken as a result of the incident(s); and
 - e. what remedy or relief is being sought (although the imposition of any particular remedy is in the discretion of Quincy College).

C. Complaint Investigation

1. After the complainant has provided the appropriate information, the Title IX Coordinator(s) or designee will conduct an investigation as appropriate to determine whether there has been a violation of Quincy College's policy. Both the complainant and the respondent have the right to present witnesses. All individuals (i.e., employees, students, contractors, visitors) are expected to fully cooperate in the procedure. An unwillingness to cooperate by an individual may result in a sanction(s). The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. When the Title IX Coordinator(s) or designee has completed the investigation he/she will, to the extent appropriate, inform the person filing the complaint and the respondent of the results of that investigation. A complete investigation will be completed within sixty (60) days of the complaint with all appropriate information being filed. If it is determined that more than sixty (60) days is necessary to conduct a complete investigation, the complainant and the respondent will be notified.
2. If the Title IX Coordinator(s) or designee determines that inappropriate conduct has occurred, he/she will recommend corrective action to the Vice President of Academic Affairs in the case of a student, or to the individual's supervisor and the Vice President of Human Resources responsible for the appropriate work unit in the case of an employee. Disciplinary or other action will be approved by the appropriate Vice President consistent with Section III, (A) (4) of these Equal Opportunity and Anti-Harassment Complaint Procedures.
3. Both a complainant and a respondent who is aggrieved by disciplinary action imposed as a result of an investigation may, within **ten working days** of the imposition of the action by the appropriate Vice President, file a written appeal to the President. The President or designee will review the results of the Title IX Coordinator(s) or designee's investigation, the decision of the Vice President, and the discipline imposed and **within ten (10) working days** will make a final decision regarding the appeal. Nothing in these procedures is intended to interfere with the right of any member of the Quincy College community to utilize other applicable grievance or appeal procedures following the imposition of corrective action. An appeal must be in writing and must be based on a credible claim that:
 - a. The investigation was not conducted in conformity with the prescribed procedures; or
 - b. New information that was reasonably unknown at the time of the investigation, and which is sufficiently relevant that it could alter the College's decision had it been discovered.
4. Some complainants may wish to explore informal alternatives, which may involve, but are not limited to, one or more of the following:
 - a. the Title IX Coordinator(s) or designee may counsel the complainant concerning options for responding to the problem on his/her own initiative, for example through oral or written communication with the respondent or the respondent's department head/supervisor (in the case of an employee) or an appropriate administrator (in the case of a student);
 - b. the Title IX Coordinator(s) or designee may arrange for a meeting(s) and/or distribution of relevant policy statements and/or other forms of educational materials to the appropriate department, etc.;

- c. if both complainant and respondent agree, the Title IX Coordinator(s) or designee may arrange and facilitate a meeting between the parties in an attempt to reach a mutually acceptable resolution; or
- d. other options may be pursued which are consistent with applicable laws and/or Quincy College policies and procedures.

Note:

- 1.) Although the informal options above are available, it is at the complainant's discretion as to whether or not to explore these informal alternatives. A complainant who wishes to explore these informal alternatives may, in the complainant's sole discretion, bypass an informal process for a formal process at any point.
- 2.) No complainant will be required to have direct interaction with an alleged perpetrator in any informal resolution or mediation involving a complaint of sexual assault.
- 5. It is the intention of Quincy College that the process described herein be the sole process for investigating complaints of discrimination or harassment or retaliation. Nothing in these procedures is intended to interfere with Quincy College's right to investigate and take appropriate action with respect to any other conduct or behavior.
- 6. Quincy College reserves the right to discipline members of the Quincy College community who bring false complaints of discrimination. No complaint will be considered "false" solely because it cannot be corroborated.
- 7. These procedures may be modified, revised or amended at the discretion of Quincy College.

Section IV - State and Federal Remedies

In addition to the above, employees who believe they have been subjected to harassment may file a complaint with the respective state agency and/or the United States Equal Employment Opportunity Commission (EEOC). Using Quincy College's complaint process does not prohibit an employee from filing a complaint with these agencies. Each agency has a specific time period for filing a claim: the EEOC allows 300 days (maybe longer in some circumstances); and the Massachusetts Commission Against Discrimination (MCAD) allows 300 days from the alleged incident or when the complainant became aware of the incident.

U.S. Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone 1-800-669-4000
Fax 617-565-3196
TTY 1-800-669-6820

Massachusetts Commission Against Discrimination (MCAD)

Boston Office:

One Ashburton Place, Room 601

Springfield Office:

436 Dwight Street, Room 220

Boston, MA 02108
Phone 617-994-6000
TTY 617-994-6196

Springfield, MA 01103
Phone 413-739-2145

Students may also file complaints with the Massachusetts Commission Against Discrimination at the **address listed above or with the United States Department of Education's Office for Civil Rights (OCR). The OCR allows 180 days (maybe longer in some circumstances) from the alleged incident** or when the complainant became aware of the incident for filing a claim.

Office for Civil Rights (OCR)
U.S. Department of Education
33 Arch Street, Suite 1030
Boston, MA 02110-1490
Telephone: 617-289-0100
Fax: 617-289-0151