



BRANDEIS UNIVERSITY SEXUAL HARASSMENT ANNUAL NOTICE

Office of Human Resources and Employee Relations
Reviewed and Revised
November 2002

I. PREFACE

This information on sexual harassment is provided so you will know:

- what sexual harassment is;
- how to recognize it in the workplace;
- how to deal with it if it happens to you; and
- the process Brandeis has in place to report sexual harassment.

Sexual harassment is discriminatory and unlawful. It can be stressful and humiliating. It can cause personal anguish and interfere with the learning process. It violates personal rights and institutional values.

Brandeis University seeks to create and maintain an educational and work environment which is free from unlawful discrimination, including sexual harassment. Sexual harassment will not be tolerated at Brandeis. Because the University is responsible for providing an educational and work environment free from sexual harassment, we retain the right to pursue any complaint of sexual harassment of which we become aware.

All faculty members, deans, administrators, managers, supervisors and

persons with supervisory authority who become aware that a student, faculty or staff member believes that s/he has been sexually harassed should take immediate corrective action to stop the harassment when it comes to their attention. They should advise the person of her/his rights to contact the office of [Human Resources and Employee Relations](#), and make Debra Gratto, Associate Vice President for Human Resources and the Affirmative Action Officer aware of the situation.

Sexual harassment may occur between people in superior-subordinate relationships, within peer groups or outside of a superior-subordinate relationship. Sexual harassment by an individual outside the Brandeis community who has a recognized connection with the University campus is also a violation of this policy.

Brandeis prohibits retaliation against any person who in good faith initiates a complaint of sexual harassment or cooperates in the investigation of a complaint of sexual harassment. Retaliation is also prohibited by federal and state law.

Violations of this policy will not be tolerated and may result in internal disciplinary actions up to and including dismissal or termination of employment. Likewise, acts of retaliation will be subject to the same range of disciplinary actions.

Brandeis takes sexual harassment complaints seriously. Allegations of sexual harassment brought to the attention of [Debra Gratto](#), Associate Vice President of Human Resources and the Affirmative Action Officer, Phone - 781-736-4464, shall be reviewed under the procedures below.

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II. WHAT IS SEXUAL HARASSMENT?

Sexual harassment takes many forms. Federal and state law define sexual harassment this way:

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

(a) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or a student's status in a course, program or activity;

(b) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or

(c) such conduct has the purpose or effect of interfering unreasonably with an individual's work or academic performance by creating an intimidating or hostile educational, living or work environment.

There are two basic forms of sexual harassment. The first is called Quid Pro Quo sexual harassment. Translated from the Latin, Quid Pro Quo means "this for that". In the context of sexual harassment, quid pro quo sexual harassment occurs when a person with authority, power or influence over another gives or withholds something of value in exchange for sexual favors. While it is the clearest form of sexual harassment, it is not as common as the second form of sexual harassment: Hostile Environment Sexual Harassment.

Hostile environment sexual harassment interferes with an individual's

work or learning environment because it creates an abusive or offensive work environment as the term implies. Hostile environment sexual harassment can be demeaning or intimidating behavior such as general comments about the "inferiority" or the "attributes" of men or women.

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III. EXAMPLES THAT ILLUSTRATE SEXUAL HARASSMENT

Sexual Harassment takes many forms and includes, but is not limited to:

Quid Pro Quo:

- unwanted sexual proposals which are made explicitly or implicitly a term or condition of hiring or continued employment;
- offering benefits (i.e., promotions, salary increases) in exchange for sexual favors;
- making or threatening reprisals unless the faculty or staff member submits to the harasser's sexual demands;
- losing a promotion or professional opportunity because someone else submitted to the harasser's demands.

Hostile Environment:

- unwelcome sexual conduct toward an individual, including offensive comments, touching or sexual propositions;
- leering, making sexual gestures, touching, patting, pinching, rubbing, impeding or blocking movements, displaying of sexually suggestive objects, pictures, cartoons or posters, suggestive or obscene letters or e-mails, notes, invitations or

- gifts;
- making or using derogatory comments, epithets, slurs or jokes with a sexual content;
- persist in unsolicited and unwelcomed invitations for dates, encounters, or pressure to engage in sexual activity of an implied or explicit nature;
- persistent inappropriate and unwelcomed questions asked about personal life;
- comments to, or about, any individual or her/his appearance that are sexually graphic or would otherwise tend to be degrading.

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IV. OPTIONS AVAILABLE TO INDIVIDUALS WHO WANT TO FILE A COMPLAINT THROUGH BRANDEIS' GRIEVANCE PROCEDURES

Brandeis University has adopted grievance procedures for resolving and investigating complaints. **Information about these procedures can be found on the web at**

www.brandeis.edu/departments/affirmaction/griev.html.

A. STEPS YOU SHOULD TAKE, BUT DO NOT HAVE TO TAKE, PRIOR TO FILING A COMPLAINT

- Keep a written records of dates, times, places, events and comments made by the harasser as well as your response to the behavior.
- Retain any correspondence or gifts received from the harasser.
- To ensure that memories are fresh and to provide adequate

opportunity for response, a complaint of harassment or discrimination should be reported as soon as possible, normally no longer than 180 days after the incident has occurred

- Confront the harasser in writing or in person, with a witness present, if possible, clearly describing specific incidents, feelings, and expectations for changes in behavior.

B. COMPLAINT PROCEDURES

The University offers complaint procedures to register a complaint of sexual harassment. A sexual harassment investigation normally begins with the filing of a complaint. If your complaint is against a Brandeis undergraduate or graduate student (except students acting in an instructional or staff capacity), submit your complaint to:

**[Assistant Dean of Student Life, Office of Student Life \(OSL\)](#),
Usdan 118, MS U8, Phone - 781-736-3600.**

If your complaint is against a member of the faculty, including visiting faculty or persons holding an instructional position (e.g., teaching assistant), a University administrator, a staff member, **a student in a staff position**, or any other person with a recognized connection with the University (e.g., contractor, vendor) submit your complaint to: **[Associate Vice President and Affirmative Action Officer, Office of Human Resources and Employee Relations](#)** (AAO), Gryzmish 106, MS 118, Phone - 781-736-4464.

Normally a complaint is expected to be in writing, but the University reserves the right to investigate matters without a

written complaint where it determines that an investigation is nonetheless warranted.

C. THE REVIEW PROCESS

A copy of the grievance procedures which explain in detail the procedure for filing a grievance and the process to be followed, is available to faculty and staff members from the [Office of Human Resources and Employee Relations](#), Gryzmish 106, Phone - 781-736-4464. The procedures also appear in the Staff Handbook under Grievance Procedures and on the Affirmative Action web page at www.brandeis.edu/department/affirmaction/griev.html

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V. COMMONLY ASKED QUESTIONS ABOUT SEXUAL HARASSMENT

- **Why does the University have a sexual harassment policy?** Sexual harassment is a form of unlawful discrimination. It is covered under state and federal discrimination laws (like Massachusetts General Law Chapter 151B and Title VII) which prohibit discrimination based on sex or gender.
- **What if I am not sure I have been sexually harassed?** When faced with a situation where a clearly definable incident of sexual harassment may not have occurred, but you feel uncomfortable, seek advice from the [AAO](#) or the [OSL](#).
- **Does the harasser have to be a faculty or staff member, or a student at Brandeis, in order for me to file a complaint of sexual harassment?** No. You may file a complaint of sexual harassment if you believe you are being harassed by an

independent contractor, agent or vendor, a visiting professor or scholar, an exchange student or anyone who has a recognized connection with the University.

- **Can only females be sexually harassed?** No. Males, as well as females, can be targets of sexual harassment and may bring a complaint for sexual harassment.
- **Can sexual harassment occur between members of the same sex?** Yes. Sexual harassment can occur between members of the same sex or of the opposite sex.
- **Are only young people victims of sexual harassment?** No. Sexual harassment knows no age. Young and old alike can find themselves targets of sexual harassment.
- **Who determines what is sexually harassing behavior?** It is not the harasser who decides whether his or her particular behavior constitutes sexual harassment. The University will factor into its investigation whether a reasonable person would consider the behavior at issue to be sexually harassing.
- **Is there a standard reaction to sexual harassment?** No. There is no standard reaction to sexual harassment. Reactions can range from fear to fury, from not immediately reacting to the situation, to choosing to ignore an incident of sexual harassment which may encourage the harasser to continue the harassment.
- **Are some people more likely than others to be harassed?** In many cases the harasser selects someone who is perceived as defenseless, weak or docile in character which makes the harasser willing to take a chance on not being accused or confronted with the incident.
- **What if I witness an incident of sexual harassment?** If sexual harassment is not directed at you but nonetheless affects your work

performance or professional opportunities you may have a claim for sexual harassment.

- **What about confidentiality?** The University makes all reasonable efforts to maintain the confidentiality of the complainant and the respondent provided it does not interfere with the University's ability to investigate or to take corrective action in the situation.

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VI. STATE AND FEDERAL EMPLOYMENT DISCRIMINATION AGENCIES

While we encourage you to use the University's complaint procedures, if you believe you have been subjected to sexual harassment, you may file a complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim from the date of the harassment (EEOC - 180 days; MCAD - 300 days).

The United States Equal Employment Opportunity Commission
("EEOC")

10 Congress Street - 10th Floor
Boston, MA 02114
617-565-3200

The Massachusetts Commission Against Discrimination
("MCAD")

Boston Office
One Ashburton Place - Room 601
Boston, MA 02108

617-727-3990

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Office of Human Resources and Employee Relations

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Comments, criticism, witty sayings? Contact the Webmaster@Brandeis.edu