

CIVIL RIGHTS RELATED POLICIES

I. **Statement on Non-Discrimination, Equal Opportunity, and Related Laws**

Claremont McKenna College does not discriminate on any illegal basis in the administration of its admission, educational, or employment policies and practices, nor in the recruitment, training, promotion, financial support, or compensation of its faculty, students, or staff. The College complies with all applicable state and federal laws, including, but not limited to:

- A. Title IX of the Higher Education Amendments of 1972
- B. Title VII of the Civil Rights Act of 1964
- C. California Fair Employment and Housing Act ("FEHA")
- D. California Unruh Civil Rights Act
- E. Family Educational Rights and Privacy Act of 1974
- F. Section 504 of the Rehabilitation Act of 1973
- G. Americans with Disabilities Act (the "ADA")
- H. Age Discrimination in Employment Act of 1967, as amended by the Older Worker's Benefit Protection Act ("ADEA")
- I. Any other applicable federal, state, or local law addressing nondiscrimination and/or equal employment opportunity.

Inquiries concerning the application of these laws to this institution should be referred to the Title IX Coordinator or the Director of Human Resources.

II. **Equal Employment Opportunity**

The College is an equal opportunity employer. The College is committed to a policy of equal employment opportunities for all applicants and employees and complies with all applicable state and federal laws on the matter. The College does not unlawfully discriminate on the basis of race, color, religion, sex (including gender, pregnancy, childbirth or related medical conditions), national origin, ancestry, age, physical disability, mental disability, medical condition or medical leave, marital status, sexual orientation, gender identity, or any other category protected by law. The College also prohibits the harassment of any employee on any of these bases. The College also makes reasonable accommodations for disabled employees. This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social and recreational programs. It is the responsibility of every manager and employee to follow this policy conscientiously. Employees with questions regarding this policy should discuss them with the Director of Human Resources or their supervisor.

III. **Harassment Policy**

A. It is the policy of Claremont McKenna College to maintain an environment for students, faculty, and staff that is free of sexual, racial and other unlawful harassment. All members of the community should be aware that the College is concerned about such harassment, and is prepared to take prompt remedial action to prevent and correct such behavior. Individuals who engage in sexual harassment (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), as well as other unlawful harassment based on such factors as race, color, religion, national origin, sexual orientation, gender identity, family care leave status, or veteran status, will be subject to disciplinary action, up to and including expulsion or termination. Retaliation against a person who properly reports, complains about, or participates in the investigation of such harassment is likewise prohibited.

B. **Unlawful Harassment Defined**

1. *Unlawful Harassment in General*

Unlawful harassment is conduct that creates an intimidating, offensive, or hostile working or academic environment, or that interferes with work or academic performance based on a person's protected status, including race, color, national origin, ancestry, sex (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity, age, religious creed, physical and/or mental disability, medical condition, marital status, or

other status protected by antidiscrimination and anti-harassment statutes, such as Titles VII or IX of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the California Fair Employment and Housing Act. Such harassment can be physical, verbal, or visual. Harassment can be committed by employers, coworkers, students, and third parties. Generally, statements and/or conduct legitimately and reasonably related to the College's mission of education do not constitute harassment.

2. *Sexual Harassment*

One form of unlawful harassment is sexual harassment. Sexual harassment may be either "quid pro quo" harassment, that is sexual advances or requests for sexual favors where submission is made an explicit or implicit term or condition of an individual's employment or education or where submission or rejection is used as the basis for making employment or educational decisions affecting an individual; or "environmental" harassment, where the individual is subjected to a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere with an individual's work or education, or to affect adversely an individual's living conditions. Occasional compliments that are generally accepted as not offensive or other generally accepted social behavior, on the other hand, do not constitute sexual harassment.

Examples of sexual harassment may include such conduct as:

- a. Physical assault or other unwelcome touching;
- b. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendations;
- c. Direct propositions of a sexual nature;
- d. Subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic and employment purpose;
- e. A pattern of conduct that would discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (1) unnecessary touching, patting, hugging, or brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (3) remarks about sexual activity or speculations about previous sexual experience; or (4) other comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes;
- f. Visual displays of suggestive, erotic or degrading sexually-oriented images;
- g. Letters, notes or electronic mail containing comments, words or images as described in (e) above.

Sexual harassment includes harassment of women by men, of men by women, and same gender gender-based harassment. Sexual misconduct offenses are specific forms of sexual harassment and are strictly prohibited by the College. Due to the unique nature of sexual misconduct the College has a separate Sexual Misconduct Policy which is outlined below.

IV. **Sexual Misconduct Policy**

- A. The expectations of our community regarding sexual conduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Sexual misconduct is a specific form of sexual harassment and is prohibited by the College. Sexual misconduct is defined as:

1. **Non-Consensual Sexual Contact** (or attempts to commit same)

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force.*