

Discrimination and Harassment:

Saint Michael's College is committed to a policy of equal employment opportunity, in compliance with applicable provisions of state and federal law that prohibit discrimination in employment on the basis of race, color, sex, gender identity, age, ancestry, national origin, place of birth, religion, sexual orientation, veteran or military service status, HIV-positive test result status, disability, or any other legally protected characteristic, as such characteristics and prohibitions are defined by applicable law. The College will not rely inappropriately on such characteristics, or upon related stereotypes or biases, in making employment-related decisions. Also, in accordance with applicable law, the College will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship or otherwise would not be required by applicable law. While the College complies with provisions of applicable law, no portion of this handbook should be interpreted or relied upon as creating any rights broader than those recognized by applicable law.

The College's nondiscrimination policy applies to all of its employment practices, including hiring, job assignment, compensation, discipline, termination, and access to benefits and training. However, with respect to benefits, the terms and coverages provided in the various benefits agreements in effect at a particular time define the available coverages exclusively, and this policy should be read as consistent with such terms and coverages, and consistent with the provisions of applicable law.

Employees should feel free to raise concerns or complaints relating to discrimination or perceived discrimination without fear of reprisal or retaliation from the College, supervisors or co-workers. Violations of the College's nondiscrimination policy will likely result in disciplinary action or termination. Please refer to the College's Discrimination, Harassment, and Sexual Harassment Complaint Procedure for more information about how you should report any such concerns or complaints.

Other questions that you have regarding equal employment opportunity at the College, and/or accommodation requests by individuals with disabilities, should ordinarily be addressed to the Vice President, Human Resources. If you are not comfortable contacting the Vice President, Human Resources under the applicable circumstances, you should contact the Associate Director, Human Resources or the Provost.

Policy Against Discrimination, Harassment, Sexual Harassment and Related Retaliation

Saint Michael's College is committed to promoting a work environment that is free from unlawful harassment and discrimination. Therefore, harassment or discrimination on the basis of characteristics recognized in the College's Nondiscrimination Policy, and/or on the basis of other characteristics as protected and defined by applicable law, will not be tolerated.

The College will not tolerate harassment or discrimination by supervisors, co-workers, students or others (to the extent the College can control the conduct of others).

For the purposes of this policy, "harassment" is defined as statements or conduct of a verbal or physical nature which create an unreasonably abusive or offensive work-related environment for an employee, and which would adversely affect a reasonable employee's ability to do his or her job, because of that employee's race, color, sex (including gender identity), age, ancestry, national origin, place of birth, religion, sexual orientation, veteran or military service status, HIV-positive test result

status, disability, or any other legally protected characteristic, as such characteristics are defined by applicable law. "Discrimination" is defined as making decisions about the terms or conditions of a person's employment on the basis of their possessing a protected characteristic, or on the basis of related stereotypes or biases.

Examples of inappropriate harassment include, but are not limited to, the following: jokes, derogatory expressions or comments reasonably offensive to someone possessing a particular protected characteristic, the display of graphics, cartoons, or objects reasonably offensive to someone possessing a particular protected characteristic, sending and forwarding offensive electronic mail messages and/or attachments, and other conduct reasonably offensive to someone possessing a particular protected characteristic because of that characteristic.

Sexual harassment is a particular type of unlawful harassment which is characterized by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: submission to such conduct is made either explicitly or implicitly a term or condition of employment; submission to or rejection of such conduct by an employee is used as a component of the basis for employment decisions affecting that employee; or the conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment because of the employee's gender.

Examples of inappropriate sexually harassing activity include, but are not limited to, the following:

1. Jokes, derogatory expressions, e-mail (including attachments) or comments of a sexual nature;
2. The display or communication of graphics, cartoons, e-mail or objects of a sexual nature;
3. The display of sexually degrading gestures, cartoons, e-mail or objects;
4. Unwelcome physical contact, flirtation or advances of a sexual nature;
5. Statements or threats which imply a link between an employee's sexual conduct and his or her employment status, advancement potential, salary treatment, or other employment actions;
6. Basing an employment decision such as hiring, promotion, retention, or compensation on whether an employee or applicant submits to sexual advances.

Unlawful sexual harassment may occur regardless of the genders of the employees involved. Victims can be bystanders of the individual at whom the unwelcome sexual conduct is directed.

Retaliation for an employee's having filed a good faith complaint or having participated in an investigation of a complaint of harassment or discrimination is unlawful, is strictly prohibited, and will be considered a violation of this policy. Harassment by an employee that occurs off-duty and off-campus which falls within the above definitions and which affects the work environment as described above may also constitute harassment prohibited by this policy.

It is the primary responsibility of the person who feels harassed or discriminated against to bring these concerns to the College's attention, as encouraged here and in the College's Discrimination, Harassment, Sexual Harassment and Related Retaliation Complaint Procedure. However, co-workers are also encouraged, and supervisors are required, to report incidents or patterns of prohibited harassment, discrimination or retaliation to appropriate personnel.

A copy of this policy is provided to every employee, copies are posted throughout the campus, and extra copies will be available in the Office of the Vice President, Human Resources. At least annually, every employee will be asked to re-read the College's policy against discrimination, harassment, sexual harassment and related retaliation and to sign an acknowledgment form that certifies that the employee has read the policy and understands its provisions.

Discrimination, Harassment, Sexual Harassment and Related Retaliation Complaint Procedure

When an employee wishes to make a complaint of discrimination, harassment, sexual harassment or related retaliation, the following guidelines and steps will usually be followed (though variations may be appropriate due to the circumstances of a particular situation).

- a) An employee need not first complain to the alleged harasser before complaining to the Vice President, Human Resources.
- b) In most instances, complaints should be expressed to the Vice President, Human Resources, or designee. You may also lodge a complaint with the President. Nothing in this policy shall require you to take a complaint to the Vice President, Human Resources, if the VP HR is being charged with harassment. In that case, the complaint should go directly to the President.
- c) The Vice President, Human Resources or designee will write a complaint summary based on an oral interview(s) with you. You will be able to review the summary, and if you agree with the summary, your signature will confirm its contents.
- d) When the Vice President, Human Resources receives a complaint he or she will also notify the College President, unless the complaint is against the President, in which case the Vice President, Human Resources will notify the Chair of the Board of Trustees.
- e) The President and the Vice President, Human Resources are authorized to take reasonable interim measures in order to safeguard the individuals involved.

The Vice President, Human Resources, and/or designee, shall investigate and attempt to resolve problems through a process of interviews with the complaining party, the alleged harasser and others with knowledge of the situation.

- a) Investigations will be conducted in as confidential a manner as practical, with disclosure only on a need-to-know basis and/or as reasonably necessary to carry out the investigation and any remedial action.
- b) Within a reasonable period of time, the Vice President, Human Resources, and/or designee, will issue a written report to the President. The report will include findings and recommendations as to whether the evidence gathered indicates that a violation of this policy has occurred, as well as the appropriate resolution of any problems identified.
- c) If the Vice President, Human Resources makes a finding that this policy has been violated, and the President, agrees with it, they shall decide upon a course of action that may include one or more of the following processes:
 - 1) training or counseling required for the harasser
 - 2) mediation between the harasser and victim

- 3) discipline, up to and including immediate termination of the employee who has violated this policy; and
- 4) in the case of non-employees, the President may take appropriate measures to ensure the welfare of employees.

For purposes of making a complaint under these guidelines, the address of the Vice President, Human Resources is:

Vice President, Human Resources
Saint Michael's College, Box 265
One Winooski Park
Colchester, Vermont 05439
802-654-2635
mnew@smcvt.edu

Complaints to State and Federal Employment Discrimination Enforcement Agencies

If you believe that you are a victim of unlawful discrimination, harassment or related retaliation, you are also entitled to file a complaint under state and federal discrimination laws, whether or not a complaint is filed with Saint Michael's College.

Title VII of the Civil Rights Act is enforced by the Federal Equal Employment Opportunity Commission. For additional information, contact: The Equal Employment Opportunity Commission, 1 Congress Street, 10th Floor, Room 100, Boston, MA 02114.
Telephone: 1-617-565-3200

The State Fair Employment Practices Act is enforced by the Vermont Attorney General's Office. For additional information, contact: The Civil Rights Unit, Vermont Attorney General's Office, 109 State Street, Montpelier, VT 05602. Telephone: 1-802-828-3171.

Generally, complaints must be presented to the Vermont and/or federal agencies within 300 days of the adverse action, but you should verify this information directly with an agency if you feel you might like to pursue a complaint. Each of these agencies can conduct investigations, facilitate conciliation, and if it finds that there are reasonable grounds to believe that unlawful harassment has occurred, can take the case to court.

All employees who hold supervisory positions are responsible for taking appropriate action to help prevent and report any such harassment of a Saint Michael's College employee, even if the employee has not filed a formal complaint. Supervisors should contact the Office of Human Resources to discuss suspected or potential harassment situations and required actions. The College is committed and required by law to take action if it learns of unlawful harassment, even if the aggrieved employee does not wish to formally file a complaint.