

POLICY ON EQUAL EMPLOYMENT OPPORTUNITY AND HARASSMENT¹

EQUAL EMPLOYMENT OPPORTUNITY

In addition to its commitment to a harassment-free educational and working environment, 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 pregnancy, childbirth or related medical conditions), national origin, ancestry, age, physical disability, mental disability, medical condition, family care status, veteran status, marital status, or sexual orientation. The College also prohibits the harassment of any employee on any of these bases. The College also makes reasonable accommodations for disabled employees. These policies apply 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 these policies should discuss them with the Director of Human Resources or their supervisor.

HARASSMENT

I. Policy Statement

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 college 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, family care leave status, or veteran status, will be subject to discipline, 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.

¹ This consolidated policy statement replaces the specified sections in the current versions of each of following texts:

Guide to Student Life: Policy on Harassment and Free Speech (p. 67); Policy on Discriminatory Conduct (p. 68); CMC Policy Concerning Harassment (p. 68).

Faculty Handbook: Policy on Harassment and Free Speech (p. 9-1); Policy on Discriminatory Conduct (p. 9-1); Claremont McKenna College Harassment Policy (Appendix).

Staff Handbook: Equal Employment Opportunity (Tab 2); Harassment Policy (Tab 10).

Approved by Board of Trustees on December 1, 2004

II. Unlawful Harassment Defined

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, gender identification, age, religious creed, physical and/or mental disability, medical condition, marital status, or other status protected by anti-discrimination 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, co-workers, fellow students, and third parties. Generally, statements and/or conduct legitimately and reasonably related to the College's mission of education do not constitute harassment.

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:

1. Physical assault or other unwelcome touching;
2. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendations;
3. Direct propositions of a sexual nature;
4. Subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic purpose;
5. 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;
6. Visual displays of suggestive, erotic or degrading sexually-oriented images;

7. Letters, notes or electronic mail containing comments, words or images as described in (5) above.

Other Conduct Prohibited by this Policy

Retaliation against Complainants. It is a violation of this Policy to retaliate against a complainant for filing a charge of harassment. A complaint of retaliation may be pursued using the steps followed for a complaint of harassment.

False Reports. To file a knowingly false or malicious complaint of harassment or of retaliation is also a violation of this policy. A complaint against such conduct may be pursued using the steps followed for a complaint of harassment. A complaint under this provision shall not constitute prohibited retaliation.

REPORTING UNLAWFUL DISCRIMINATION OR HARASSMENT

Individuals who believe they are victims of, or witnesses to, unlawful discrimination or harassment (collectively “Unlawful Discrimination”) are urged to report such incidents as soon as possible to their supervisor, academic instructors, or one of the College officials designated at the end of this Section. CMC emphasizes that under no circumstances is an individual required to report Unlawful Discrimination to a supervisor or academic instructor who is accused of committing the Unlawful Discrimination. Any employee (including any faculty member) who receives a complaint of Unlawful Discrimination, is a witness to Unlawful Discrimination, or who otherwise learns of an occurrence of Unlawful Discrimination from a reliable source has the responsibility to report that occurrence immediately to any of the individuals listed below, even if the victim declines to report it.

The College will investigate every reported complaint of Unlawful Discrimination and will take appropriate action, based on the circumstances of the case, consistent with its policies and procedures then in force. Throughout the complaint and investigation process, the College will attempt to maintain confidentiality to the extent reasonably possible. Disciplinary sanctions for Unlawful Discrimination may include any of the following: required counseling, a verbal or written reprimand, a verbal or written warning, immediate suspension or termination of a third party contract/agreement, or immediate suspension or termination of employment/enrollment.

For more information or to report a suspected incident of Unlawful Discrimination you may contact any of the individuals listed below:

Vice President for Student Affairs and Dean of Students, Heggblade Center, extension 18114.

Vice President and Dean of the Faculty, Bauer Center, extension 18117.

Director of Human Resources, Claremont Boulevard, extension 18490.

Vice President for Business and Administration and Treasurer and Affirmative Action Officer, Bauer Center, extension 18116.

STATE ENFORCEMENT PROCEDURES

In addition to the College’s internal remedies, external remedies are available for employees and students through the California Department of Fair Employment and Housing at 322 West First Street,

#2126, Los Angeles, CA 90012-3112, telephone: (213) 897-1997, or at 1845 S. Business Center Drive, #127 San Bernardino, CA 92408-3246, telephone: (909) 983-4711, the United States Equal Employment Opportunity Commission at 255 East Temple, 4th Floor, Los Angeles, CA 90012, telephone: (213) 894-1000, and the United States Office of Civil Rights at 50 United Nations Plaza, San Francisco, CA 94102, telephone: (415) 557-4400.