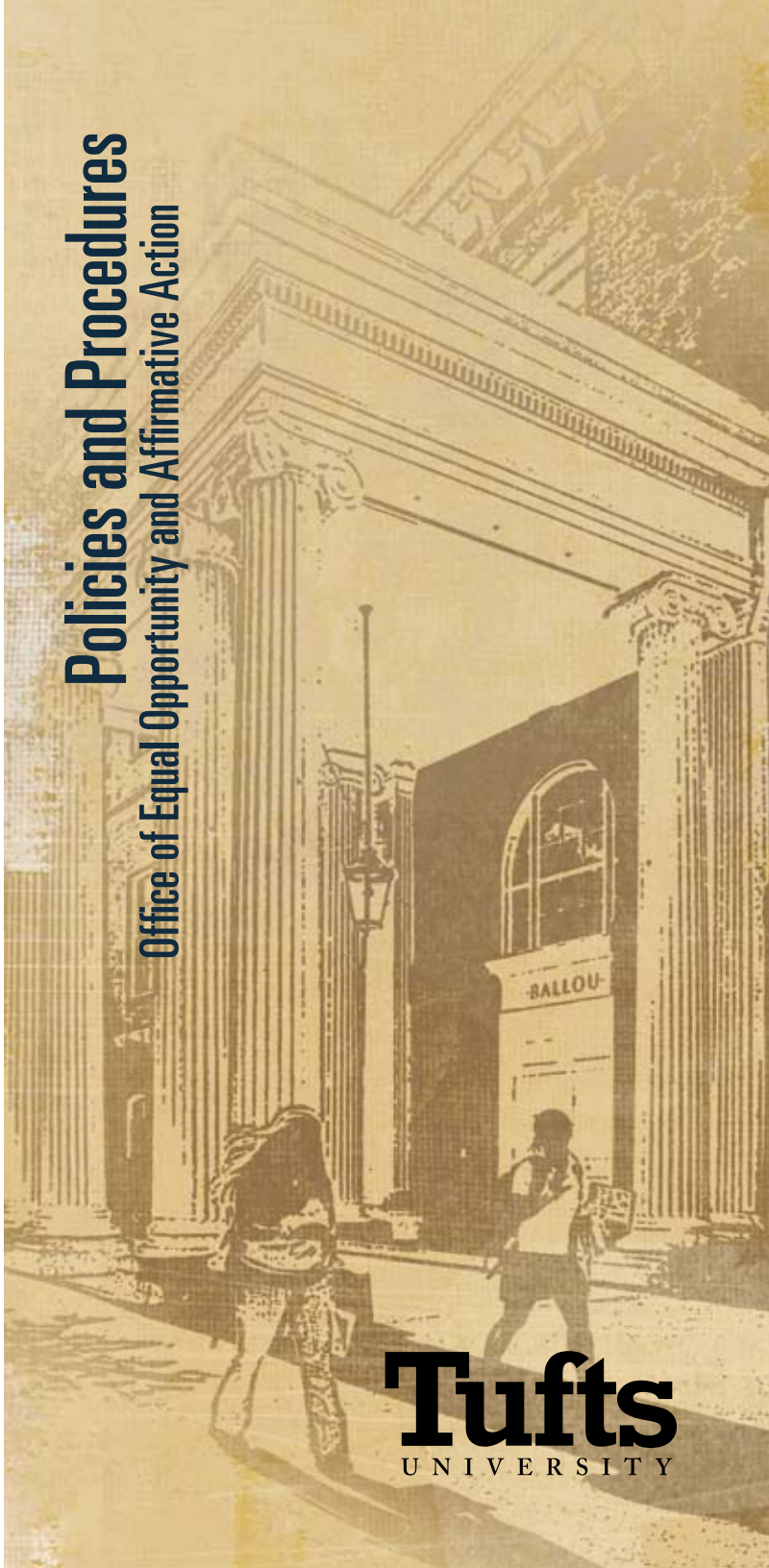




# Policies and Procedures

## Office of Equal Opportunity and Affirmative Action



**Tufts**  
UNIVERSITY

# Policies and Procedures

## Office of Equal Opportunity and Affirmative Action

The Office of Equal Opportunity and Affirmative Action (OEO) is guided by a commitment to ensuring equal opportunity is provided for all members of the Tufts community. We further this work by ensuring that the University maintains compliance with all federal and state laws pertaining to affirmative action, nondiscrimination, and the Americans with Disabilities Act. OEO serves the University to resolve complaints of discrimination and harassment and to set forth University policies and guidelines that pertain to these areas.

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# Americans with Disabilities Act

Office of Equal Opportunity and Affirmative Action

**Purpose:** To establish uniform guidelines in order to promote a work and educational environment at Tufts University that is free of discrimination and harassment and fosters university compliance with federal and state law pertaining to qualified individuals with disabilities.

**Revised:** June 26, 2009

**Applicability:** This policy applies to faculty, staff, applicants for employment, and students.

## Policy Statement

Tufts University is committed to providing reasonable accommodations for qualified individuals with disabilities in a fair and equitable manner, and in accordance with applicable federal and state law. All personnel who are responsible for the implementation of the University's mission are charged to support this policy. We urge everyone in the Tufts community to join in this commitment.

## Reasonable Accommodations

The Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, require Tufts University to provide appropriate educational and employment accommodations to employees and students with documented disabilities unless doing so would create an undue hardship, compromise the health and safety of members of the University community, or fundamentally alter the nature of the University's employment or academic mission. As described more fully below, the University engages in an interactive process with the student or employee to determine the individual's disability status and particularized accommodation needs.

## Reasonable Accommodation Procedures

### Students

#### Academic Accommodations

##### Medford Campus

If you are an undergraduate or graduate student enrolled in the School of Arts and Sciences, the School of Engineering, The Fletcher School, or the Boston School

of Occupational Therapy or any other school located on the Medford campus and you need an academic accommodation, please visit the Disability Services website at: <http://uss.tufts.edu/arc/disability> or contact the Program Director, Sandy Baer, at 617.627.2000 or [disabilities.services@ase.tufts.edu](mailto:disabilities.services@ase.tufts.edu).

Note: If you are a faculty member who has received an accommodation request from a student, please refer him/her to the Program Director for Disability Services at the contact number listed above.

##### Boston and Grafton Campuses

If you are a graduate or professional student of any Tufts school located on the Boston or Grafton campus and you need an academic accommodation, follow the procedures set forth in your school's student handbook or contact the appropriate school administrator listed below.

Note: If you are a faculty member who has received an accommodation request from a student, please refer him/her to the appropriate school administrator listed below in the contacts table.

The following is a list of school administrators to whom requests for accommodations on the Boston and Grafton campus should be forwarded:

School	Contact	Title	Contact Information
Cummings School of Veterinary Medicine	Barbara Berman	Assistant Dean of Student Affairs	508.839.8733 barbara.berman@tufts.edu
Friedman School of Nutrition Science and Policy	Stacy Herman	Director of Student Affairs	617.636.3711 stacy.herman@tufts.edu
Sackler School	Kathryn Lange	Associate Dean	617.636.6767 kathryn.lange@tufts.edu
Tufts Dental School	Mark Gonthier	Associate Dean of Student Affairs	617.636.6539 mark.gonthier@tufts.edu
Tufts Medical School	Colleen Romain	Director of Student Affairs	617.636.6576 colleen.romain@tufts.edu

### Non-Academic Accommodations

#### Medford Campus

**Housing**—For all requests related to accessible housing, please contact the Office of Residential Life at 617.627.3248 or visit: <http://ase.tufts.edu/reslife/policies/disabilities.asp>.

**Transportation**—For information regarding accessible parking and/or Tufts accessible shuttle service on the Medford Campus, please contact the Department of Public Safety Parking and Administrative Services at 617.627.3030 or visit: <http://publicsafety.tufts.edu/adminsvc>.

**Other**—For all other non-academic accommodations, including information involving medical leaves, please contact the Dean of Student Affairs at 617.627.2000.

#### Boston and Grafton Campus

For all non-academic accommodations on the Boston and Grafton campuses, please contact the appropriate school administrator in the contacts table listed above.

## Faculty and Staff

### Guidelines for Employees

When seeking a reasonable accommodation, employees are encouraged to inform their manager of the need for an accommodation. Upon receiving an accommodation request, managers should engage the employee in an interactive dialogue to clarify the type of accommodation(s) being sought. Before any accommodations are made, managers should contact Office of Equal Opportunity (OEO) for assistance in determining, among other things:

- whether the employee qualifies as an individual with a disability,
- the essential functions of the employee's job,
- whether the accommodation(s) being sought is "reasonable" and/or to identify alternative accommodation(s).

As part of the interactive process, OEO may ask the employee to provide medical and other documentation to support his/her request for reasonable accommodation. All medical documents will be handled confidentially.

After submission of all required documentation, OEO will confer with the employee and the employee's manager and may also confer with Human Resources (HR) to discuss the requested accommodation(s), and if necessary, possible alternatives. After making a final determination on the matter, OEO will communicate its decision to the employee, the employee's manager

and appropriate HR personnel. Employees who are in disagreement with the outcome of their request for an accommodation may address their concerns with the University's Section 504 Officer in the Office of Equal Opportunity and Affirmative Action at 617.627.3298.

### Guidelines for Job Applicants

Applicants for employment at Tufts should inform the hiring official or the Department of Human Resources of the need for any reasonable accommodation. Upon receiving an accommodation request, hiring officials and Human Resources designees should do one of the following:

- Engage the job applicant in an interactive process to determine whether the individual qualifies as an individual with a disability and if so, determine what reasonable accommodation can be offered, or
- Contact OEO for assistance at 617.627.3298

As part of the interactive process, OEO or the involved HR representative may ask the applicant to provide medical and other documentation to support his/her request. All medical documents will be handled confidentially.

Once the required documentation has been submitted, OEO and/or HR will discuss the requested accommodation(s) with the applicant, and if necessary, suggest possible alternatives.

After making a final determination on the matter, OEO and/or HR will communicate its decision to the applicant. The Human Resources department is responsible for implementing all approved accommodations during the interview process.

## **Helpful Resources for Tufts Community Members and Visitors**

### **Access Issues**

To report an issue concerning access to Tufts' buildings and grounds, including access issues involving snow removal, curb cuts, and non-operable automatic door openers, on the Medford, Boston, or Grafton campus, please contact the Tufts Department of Public Safety:

- Medford Campus: 617.627.3496
- Boston Campus: 617.636.3535
- Grafton Campus: 508.839.7921

### **Accessible Parking**

For information regarding accessible parking on the Medford, Boston, and Grafton campus, please contact the Tufts Facilities Department:

- Medford Campus: 617.627.3030
- Boston Campus: 617.636.6610
- Grafton Campus: 508.839.5303

### **Faculty Assistance Involving Medical Leaves:**

School of Arts and Sciences–  
Inez McCarthy, Faculty Officer  
at 617.627.3708

School of Engineering–  
Sarah Richmond, Special Projects  
Coordinator at 617.627.3754

Schools on the Boston or Grafton campus–  
Faculty should contact their respective  
department chair.

### **Campus Accessibility Maps:**

<http://o eo.diversity.tufts.edu/univmaps.html>

### **Commencement Resources:**

<http://commencement.tufts.edu>

### **Planning an Accessible Event:**

<http://o eo.diversity.tufts.edu/10steps.html>

### **Arts, Sciences & Engineering Conference Bureau:**

<http://ase.tufts.edu/conferences>

## Frequently Asked Questions

### What is a disability?

According to the Americans with Disabilities Act (ADA), disability is defined as a physical or mental impairment that substantially limits one or more of a person's major life activities (for example, walking, standing, or breathing).

### What is the interactive process?

The interactive process is when an employer and an individual with a documented disability work together to identify what barriers exist to the individual's performance of a particular job function. This analysis often includes a review of the individual's abilities and limitations and which factors or job tasks pose difficulties. Fundamental to the process is ensuring that the employee provides sufficient documentation to enable the university to determine if the condition substantially limits a major life activity, and if so, what accommodation(s) may be reasonable but still permit the employee to meet the essential functions of the employee's position.

### How are reasonable accommodations made?

Accommodations are provided through an interactive process between the applicant or employee and Tufts representatives. The individual requesting the accommodation may be asked to obtain documentation from his/her health care provider to be forwarded to OEO. Supporting documentation from a qualified clinician may include:

- a diagnosis of the impairment and any accompanying test results,
- a detailed description of the specific impairment, functional limitations (with and without the use of mitigating measures such as treatment, aids, and medication), functional need, and the medical justification for such need, and
- a recommendation for the type and duration of the accommodation needed, as well as the rationale underlying the request.

Upon receiving and reviewing the appropriate documentation, a determination will be made regarding the individual's disability status as well as his/her essential job functions as they relate to the accommodation being requested.

### What should I do if I feel as though I've been discriminated against or harassed because of my disability?

Students, staff, and faculty may report alleged acts of discrimination or harassment by contacting OEO at 617.627.3298. For further information on reporting incidents or filing an OEO grievance, visit [www.tufts.edu/oEO](http://www.tufts.edu/oEO).

### Where do I go if I have questions about this policy?

Tufts University Office of Equal Employment and Affirmative Action is responsible for enforcing the University's ADA policy. Please contact OEO at 617.627.3298 if you have questions about this policy.

## **Rights and Responsibilities of Tufts Employees**

### **Duty to Cooperate**

Managers, supervisors, faculty and other agents of the University have a duty to engage students, employees and applicants in an interactive process in response to requests for reasonable accommodations. Anyone who feels uncomfortable initiating the interactive process is encouraged to contact OEO at 617.627.3298 as soon as they have notice of a possible need for an accommodation.

### **Freedom from Retaliation**

Any eligible member of the University community has the right to request a reasonable accommodation. It is a violation of University policy to retaliate against an individual for requesting an ADA accommodation.

Any person who retaliates against an individual is subject to disciplinary action up to and including termination by the University.

### **Confidentiality**

In accordance with the ADA, Tufts will protect and maintain the privacy and confidentiality of medical information of its employees obtained in connection with the reasonable accommodation process. All medical information will be treated confidentially and maintained securely and separately from personnel files.

### **OEO Grievance Procedures**

The OEO Grievance Procedures can be found on p. 22 of the OEO Policies and Procedures brochure or by visiting [www.tufts.edu/oEO](http://www.tufts.edu/oEO). You may also request a copy of the OEO grievance procedures by contacting OEO at 617.627.3798.

## **Terminology Used**

**ADA:** Americans with Disabilities Act

**Disability:** According to the Americans with Disabilities Act (ADA), a disability is defined as a physical or mental impairment that substantially limits one or more of a person's major life activities (for example, walking, standing, or breathing).

**Essential Functions:** Job duties considered so fundamental that the individual cannot do the job without performing them.

**Interactive Process:** The interactive process is when an employer and an individual with a documented disability work together to identify what barriers exist to the individual's performance of a particular job function. This analysis often includes a review of the individual's abilities and limitations, and which factors or job tasks pose difficulties.

**Qualified Persons with Disabilities:** An employee or applicant with a disability who satisfies skill, experience, education, and other job-related requirements for the position and who can perform the essential functions of the job in question with or without reasonable accommodations. This includes part-time, full-time, probationary, non-career status, and temporary employees.

**Undue Hardship:** An action requiring significant difficulty, expense or disruption, or an action that would fundamentally alter the nature of an operation at Tufts University.

# Sexual Harrassment

## Office of Equal Opportunity and Affirmative Action

**Purpose:** To establish uniform guidelines in order to promote a work and educational environment at Tufts University that is free of sexual harassment and to provide a framework within which sexual harassment complaints can be addressed.

**Revised:** June 26, 2009

**Applicability:** This policy applies to faculty, staff, students and contract employees.

## Policy Statement

Sexual harassment violates the dignity of individuals. It is a form of discrimination that violates federal and state laws and is prohibited at Tufts University. Tufts is committed to providing an education and work environment that is free from sexual harassment. The University works to prevent and address sexual harassment through educational programs, training, and complaint resolution. Tufts encourages all members of the University community to report any concerns or complaints of sexual harassment.

Managers, supervisors and other agents of the University are required to respond promptly and appropriately to allegations of sexual harassment that are brought to their attention.

## Identifying Sexual Harassment

### What is sexual harassment?

Sexual harassment is a form of sex discrimination. It includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature or conduct directed at a person because of his or her gender when:

- Submission to such conduct is made either explicitly or implicitly a term and condition of an individual's academic status or employment; or
- Submission to, or rejection of, such conduct by an individual is used as a basis for academic decisions or employment decisions; or
- Such conduct, whether verbal or physical, has the purpose or effect of unreasonably interfering with the

individual's academic or work performance or of creating an intimidating, hostile, or offensive environment in which to work or to learn.

### What are my rights under this policy?

You have the right to work, learn and live in an environment free from sexual harassment.

### Who could be involved in an incident of sexual harassment?

Sexual harassment can occur between any individuals associated with the University, whether between people of different sexes or the same sex. Sexual harassment can occur between people of unequal power or between peers. Examples of who could be involved in a sexual harassment allegation could include, but are not limited to, any combination of the following: supervisor and subordinate, faculty and staff, coworkers, student and professor, student and staff, student and student, contractor or vendor and staff.

A victim does not have to be the direct recipient of the conduct but could be anyone affected by the conduct.

### What actions constitute sexual harassment?

The following are some examples of conduct, particularly when unwelcome, which may constitute sexual harassment:

- Direct proposition of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work or academic environment.

- gender harassment, including sexist statements and behavior that convey insulting, degrading, or sexist attitudes
- persistent and unwanted requests for dates, unwelcome and inappropriate letters, telephone calls, email, or other communications or gifts
- direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation
- subtle or overt pressure for sexual favors
- unwanted physical contact such as touching, hugging, brushing against a person's body, impeding or blocking movements
- sexually explicit statements, questions, jokes, or anecdotes regardless of the means of communication (oral, written, email, text messages, etc.)
- the display of inappropriate sexually oriented materials in a location where others can view them
- sexual assault, attempted rape, or rape. (Please see section on sexual assault)

### **Where does sexual harassment occur?**

Sexual harassment does not restrict itself to the workplace nor does it have to take place on University property. Sexual harassment could occur at any University-sponsored program or activity regardless of location. For example, sexual harassment could occur out of state, such as at a conference, off-site project, or an externship.

### **What can I do if I feel I have been sexually harassed?**

- If you feel comfortable enough, you may talk with the person, inform him or her of the unwelcome behavior and ask that the behavior stop. Document the incident and the steps taken to resolve it.
- Staff/faculty: You may report it to any supervisor or manager; Student: You may report it to any university faculty member or university administrator.
- You may contact any of the Sexual Harassment Resource Persons listed in this brochure.
- You may call the Office of Equal Opportunity directly at 617.627.3298.
- You may file a confidential and anonymous complaint through EthicsPoint, Inc. ([https://secure.ethicspoint.com/domain/en/report\\_custom.asp?clientid=7182](https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=7182)) or by calling EthicsPoint, Inc. directly at 1.866.384.4277.

Note: Complaints that are submitted without identifying the Complainant make it difficult, if not impossible, to adequately investigate, respond or take appropriate action. Employees with complaints are strongly encouraged to contact OEO directly if there are specific concerns about filing a complaint.

### **Where do I go if I have questions about this policy?**

Tufts University Office of Equal Employment and Affirmative Action is responsible for enforcing the University's Sexual Harassment policy. Please contact OEO at 617.627.3298 if you have questions about this policy.

OEO is located in Ballou Hall on the Medford Campus, first floor. You can call OEO at 617.627.3298 or visit [www.tufts.edu/o eo](http://www.tufts.edu/o eo).

## **Rights and Responsibilities**

As a member of the Tufts community you have the right to work, learn, and live in an environment free from sexual harassment. All members are responsible for reporting incidents of possible sexual harassment. Managers, supervisors and other agents of the University are required to respond promptly and appropriately to allegations of sexual harassment that are brought to their attention.

### **Duty to Report**

Managers, supervisors, faculty and other agents of the University have a duty to report any known or alleged incidents of sexual harassment to the OEO.

### **Duty to Cooperate**

Faculty, staff, student employees and students must cooperate with University investigations into sexual harassment. Refusal to cooperate with an investigation may result in disciplinary action.

### **Freedom from Retaliation**

Any member of the University community has the right to raise concerns about or complaints of, sexual harassment without fear of reprisal. It is unlawful and it is a violation of University policy to retaliate against an individual for filing a complaint of sexual harassment or for cooperating in a sexual harassment investigation. Any person who retaliates

against an individual reporting sexual harassment, filing a sexual harassment complaint, or participating in a sexual harassment investigation is subject to disciplinary action up to and including expulsion or termination by the University.

### **Confidentiality**

The University recognizes the importance of confidentiality and understands that some individuals filing complaints or involved in an investigation may want their identity to remain confidential. In some instances, the alleged harasser can be spoken to without the Complainant being identified. In other cases, issues of confidentiality must be balanced against the University's need to investigate and take appropriate action. The University will respect the privacy and confidentiality of individuals involved in a sexual harassment investigation to the fullest extent possible.

### **Consequences of Sexual Harassment**

Sexual harassment affects the victim of harassment. The student or employee may suffer a diminished ability to work and study, which may have a lasting career impact or a loss of confidence in the University's ability to provide a comfortable and safe environment for work and learning. A student's educational goals may also be significantly affected if the student decides to avoid certain courses, change his or her area of study, or transfer to another institution.

In addition, sexual harassment impacts the University and the department(s) involved. The University and the department(s) may experience an atmosphere of fear, intimidation, declining work productivity and office morale.

A person found responsible for sexual harassment may face:

- student disciplinary action
- letter of reprimand
- denial of promotion
- demotion
- suspension
- termination

## **Sexual Assault Cases**

Students who are survivors of sexual assault are highly encouraged to contact University police. Reporting an assault to University police does not require filing criminal charges; however, it does allow the University to assist and support the survivor. Sexual assault is an egregious form of sexual harassment and it is a crime. The University takes all incidents seriously. The University supports the right of the survivor of a sexual assault to decide how best to utilize various university, community, private, and public support systems designated to address crimes of sexual assault.

Within the University, instances of sexual assault should be reported to:

### **Tufts University Police Department**

- Medford Campus: 617.627.6911
- Boston Campus: 617.627.6911
- Grafton Campus: 508.839.6911

Students may also contact the appropriate dean of college/school. On the Medford campus, students may contact Elaine Theodore, Sexual Violence Resource Coordinator located in Health Services, at 617.627.3350.

For further information regarding sexual assault, please reference Tufts University Sexual Assault Policy at [www.tufts.edu/oeo/univpolicies.html](http://www.tufts.edu/oeo/univpolicies.html).

## **Title IX: Central Reporting and Coordination**

Title IX regulations of the Education Amendments of 1972 require all university personnel to report any incident of sexual harassment whether resolved informally or formally through the grievance procedure to the University's Title IX coordinator. The director of the Office of Equal Opportunity serves as the Title IX coordinator.

Reports *should not* include the names or identities of the persons involved. Reports should include a description of the complaint and the schools or administrative units with which the participants are affiliated. These reports allow the Title IX Coordinator to identify patterns of frequency in a particular area or location within the University and report these findings to the president on an annual basis and to coordinate compliance with federal regulations. For questions regarding Title IX, please call the Title IX Officer at 617.627.3298.

## **University Sexual Harassment Resource Persons**

### **Office of Equal Opportunity and Affirmative Action**

Ballou Hall, 1st Floor—Medford

Jacqueline D. Hymes, *Director*, 617.627.3298

Christy Galatis, *Office of Equal Opportunity Team Leader*, 617.627.3298

(OEO handles all Title IX inquiries)

### **Office of Institutional Diversity**

Lisa Coleman, *Executive Director of Institutional Diversity*, 617.627.3298

## **Medford Campus**

### **Advancement**

Alissa Danchig, *Professional Development and Staffing Consultant*, 617.627.5339

### **Africana Center**

Katrina Moore, *Director*, 617.627.2260

### **Asian American Center**

Linell Yugawa, *Director*, 617.627.3056

### **Dean of Students Office**

Bruce Reitman, *Dean of Student Affairs*, 617.627.3158

Marisel Perez, *Associate Dean of Student Affairs*, 617.627.3158

Veronica Carter, *Judicial Affairs Officer*, 617.627.3158

### **Experimental College**

Robyn Gittleman, *Director*, 617.627.3384

### **Fletcher School**

Gerard Sheehan, *Executive Associate Dean*, 617.627.5997

Nora Moser McMillan, *Registrar Manager Student Academic Programs*, 617.627.2405

### **Human Resources**

Kathe Cronin, *Vice President of Human Resources*, 617.627.3283

Alison Blackburn, *Director of Human Resources and Talent Management*, 617.627.6272

### **International Center**

Jane Etish-Andrews, *Director*, 617.627.3458

### **Latino American Center**

Ruben Salinas Stern, *Director*, 617.627.3363

### **Lesbian Gay Bisexual Transgender Resource Center**

Tom Bourdon, *Director*, 617.627.5770

### **Office of Diversity Education and Development**

Margery Davies, *Director of Diversity Education and Development*, 617.627.3385

### **University Police**

Linda O'Brien, *Captain*, 617.636.6847  
Mark Keith, *Captain*, 617.627.3978

### **Women's Center**

Steph Gauchel, *Director*, 617.627.4640

### **Boston Campus**

#### **Friedman School of Nutrition Science and Policy**

Lynne Ausman, *Professor of Nutritional Biochemistry*, 617.636.3712

#### **Human Resources**

Julia Leonard, *Director of Employee Relations/ Employment*, 617.636.6600

#### **School of Dental Medicine**

Mark Gonthier, *Associate Dean of Admissions and Student Affairs*, 617.636.6539

#### **School of Medicine**

Dr. Amy B. Kuhlik, *M.D., Dean of Student Affairs*, 617.636.6534

Janet Kerle, *Associate Dean of Students*, 617.636.6534

Colleen Romain, *Director of Student Programs and Minority Affairs*, 617.636.6576

### **Grafton Campus**

#### **Human Resources**

Julia Leonard, *Director of Employee Relations/Employment*, 617.636.6600  
Lucia Hackett, *Sr. H.R. Representative*, 508.839.7975 (or ext. 87975)

#### **School of Veterinary Medicine**

Deborah T. Kochevar, *Dean*, 508.839.5302 (or ext. 84700)  
Mary Rose Paradis, *Associate Professor*, 508.839.5395 (or ext. 84657)

#### **Confidential Support and Guidance**

While not serving as Tufts University Sexual Harassment Resource Persons, the individuals listed below may offer confidential support, guidance, and counseling.

#### **Campus Chaplains**

Father David O'Leary, *University Chaplain*, 617.627.3427  
Jewish Chaplain, 617.627.3242  
Catholic Chaplain, 617.627.2044  
Protestant Chaplain, 617.627.2097  
Muslim Chaplain, 617.627.2065

#### **Counseling and Mental Health Service**

Julie Ross, PhD, *Director*, 617.627.3360  
Linda Escoll, PsyD, *Assistant Director*, 617.627.3360

#### **Health Science Counselor**

Deborah Quinn, *Director*, 617.636.2700

\*For the most up-to-date listings, please reference OEO's website ([www.tufts.edu/OEO](http://www.tufts.edu/OEO))

## **OEO Grievance Procedures**

The OEO Grievance Procedures can be found on p. 22 of this brochure or by visiting [www.tufts.edu/oeo](http://www.tufts.edu/oeo). You may also request a copy of the procedures by contacting OEO at 617.627.3798.

## **Other Resources**

Complaints or inquiries concerning sexual harassment may be filed directly with:

### **For University Employees:**

**Equal Employment Opportunity Commission (EEOC)**

JFK Building-Room 475

15 New Sudbury Street

Boston, MA 02203

617.565.3200

Statute of Limitations: 300 days

**Massachusetts Commission Against Discrimination (MCAD)**

One Ashburton Place

Boston, MA 02108

617.727.3990

Statute of Limitations: 300 days

### **For the Student Community:**

**US Department of Education**

**Office for Civil Rights**

33 Arch Street

Suite 900

Boston, MA 02110

# Nondiscrimination Policy

Office of Equal Opportunity and Affirmative Action

**Purpose:** To establish uniform guidelines in order to promote a work and educational environment at Tufts University that is free of discrimination and harassment and to affirm Tufts' commitment to equal opportunity and affirmative action.

**Revised:** June 26, 2009

**Applicability:** This policy applies to faculty, staff, students, and prospective employees.

## **Policy Statement**

Tufts University is committed to employment practices and a learning environment that are free of discrimination and harassment. We seek to promote a diverse and inclusive university community. At Tufts University, equal opportunity and affirmative action is not only a legal commitment; it is a moral commitment as well. This policy shall apply, but not be limited, to the following employment activities: recruitment and employment, promotion, demotion, transfer, compensation, selection for training, job reduction, and termination. Tufts further is committed to take affirmative action to ensure equal employment opportunities are afforded to all.

Tufts prohibits discrimination against and harassment of any employee or any applicant for employment because of race, color, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender identity and expression, veteran status (special disabled veterans, disabled veterans and Vietnam-era veterans), or any other characteristic protected under applicable federal or state law. Tufts also prohibits retaliation based on protected activity, such as the filing of a complaint of discrimination or participation in the investigation of such a claim.

Persons with knowledge about discrimination or harassment at Tufts are encouraged to report their information to a manager or supervisor, a dean, any senior member of the University administration, or directly to the Office of Equal Opportunity (OEO).

All personnel who are responsible for hiring and promoting employees and for the development and implementation of university programs or activities are charged to support this effort and to respond promptly and appropriately to any concerns that are brought to their attention. The University expects everyone to join in this commitment and provide for the prompt and impartial consideration of all complaints of discrimination issued by its faculty, staff, and students.

Tufts University's OEO is responsible for planning and implementing the University's affirmative action program, monitoring of affirmative action-related decisions and activities, and enforcing the University's nondiscrimination policy. Tufts University seeks to maintain an internal system of audit and reporting that shall facilitate the identification and removal of inequities and deficiencies in its employment and those policies and practices that could preclude the fair and equal treatment of minorities, women, individuals with disabilities, and all covered veterans (special disabled veterans, disabled veterans and Vietnam-era veterans).

## **Frequently Asked Questions**

### **What is the goal of equal opportunity?**

The goal of equal opportunity is to ensure equal access in all phases of the employment and the educational process. Employment decisions are based solely on merit and qualification related to the specific job without regard to extrinsic characteristics that are unrelated to the ability to do the job or participate in the educational

program and which are protected under University policy and applicable federal or state law.

### **What is unlawful discrimination?**

Unlawful discrimination is the unfair or unequal treatment of an individual (or group) based on certain characteristics that are specifically protected by law or University policy against discrimination. Specifically, at Tufts, discrimination is prohibited based on: race, color, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender identity and expression, veteran status (special disabled veterans, disabled veterans and Vietnam-era veterans), or any other characteristic protected under applicable federal or state law. In addition, Tufts prohibits retaliation against a person for complaining about discrimination or for participating in the investigation of such a complaint.

### **What is affirmative action?**

Programs that promote equal opportunity and the commitment to apply a good faith effort to eliminate the present effects of past discrimination or to prevent discrimination against minorities, women, individuals with disabilities, and all covered veterans (special disabled veterans, disabled veterans and Vietnam-era veterans). It is not a numerical quota system or program of preferential treatment.

### **Where do I go if I have questions about this policy?**

Tufts University Office of Equal Employment and Affirmative Action is responsible

for enforcing the University's nondiscrimination policy. Please contact OEO if you have questions about this policy.

OEO is located in Ballou Hall on the Medford Campus, first floor. You can call OEO at 617.627.3298 or visit [www.tufts.edu/oeo](http://www.tufts.edu/oeo).

Note: For student-on-student discrimination or harassment allegations, the appropriate dean of students or dean of college/school should be contacted.

### **Rights and Responsibilities**

As a member of the Tufts community you have the right to work, learn, and live in an environment free from discrimination and harassment. You have the right to equal opportunity and equal access to all university programs and activities.

### **Duty to Report**

Managers, supervisors, faculty, and other agents of the University have a duty to report any known or alleged incidents of discrimination or harassment to the Office of Equal Opportunity.

### **Duty to Cooperate**

Faculty, staff, and students must cooperate with University investigations concerning allegations of discrimination or harassment. Refusal to cooperate with an investigation may result in disciplinary action.

### **Freedom from Retaliation**

Any member of the University community has the right to raise concerns or make a complaint regarding discrimination or

harassment under this policy without fear of reprisal. It is a violation of University policy to retaliate against an individual for filing a complaint of discrimination or harassment or for cooperating in an investigation of alleged discrimination or harassment.

Any person at Tufts found in violation of this policy is subject to disciplinary action up to and including termination of employment or expulsion from school.

### **Confidentiality**

The University recognizes the importance of confidentiality and understands that some individuals filing complaints of discrimination or who are otherwise involved in an investigation may want their identity to remain confidential. In all cases, issues of confidentiality must be balanced against the University's need to investigate and take appropriate action. The University will respect the privacy and confidentiality of individuals involved in an investigation to the fullest extent possible.

### **OEO Grievance Procedures**

The OEO Grievance Procedures can be found on p. 22 of this brochure or by visiting [www.tufts.edu/oeo](http://www.tufts.edu/oeo). You may also request a copy of the procedures by contacting OEO at 617-627-3798.

### **Other Resources**

Complaints or inquiries concerning allegations of discrimination or harassment may be filed directly with the following organizations. Please be aware, as

indicated below, that each organization covers specific protected classes and has different filing deadlines.

#### **For University Employees**

##### **Equal Employment Opportunity Commission (EEOC)**

JFK Building-Room 475  
15 New Sudbury Street  
Boston, MA 02203  
617.565.3200

Prohibits employment discrimination based on race, color, religion, sex, age, disability, or national origin.  
Statute of limitations: 300 days

##### **Massachusetts Commission Against Discrimination (MCAD)**

One Ashburton Place  
Boston, MA 02108  
617.727.3990

Prohibits employment discrimination based on race, color, religion, national origin, ancestry, sex, age, criminal record (applications only), disability, retaliation, sexual harassment, sexual orientation, genetics, and military personnel.  
Statute of limitations: 300 days

#### **For the Student Community**

##### **U.S. Department of Education Office for Civil Rights**

33 Arch Street, Suite 900  
Boston, MA 02110  
617.289.0111

Prohibits discrimination based on race, color, national origin, sex, disability, and age.  
Statute of limitations: 180 days

# **Grievance Procedures**

*Office of Equal Opportunity and Affirmative Action*

Members of Tufts community who believe they have been subjected to discrimination or harassment may choose to resolve the issue(s) either through an informal resolution process or a formal resolution process. Although the University recognizes and encourages the informal resolution process, the individual initiating the complaint maintains the right to initiate formal proceedings at any time during this process. Tufts also maintains the right to institute a formal investigation at any time.

### **Terminology Used**

**Complainant:** The person who makes the complaint and/or files the grievance.

**Grievance:** A formal written complaint.

**Respondent:** The person accused of violating an OEO policy.

**OEO:** The Office of Equal Opportunity.

### **Coordination with Other University Grievance Procedures**

Tufts recognizes that grievance procedures not related to issues of discrimination or harassment are currently in place throughout the University. The University does not intend for the OEO grievance procedures to replace other established faculty, student, and staff university grievance procedures; individuals are expected to follow the appropriate and established guidelines. A complaint filed under the OEO grievance procedures should include an allegation of discrimination or harassment. When an allegation of discrimination or harassment is reported to a University member, he/she must notify the appropriate individuals as outlined in this policy.

Note: For student-on-student discrimination or harassment allegations, the appropriate dean of students or dean of college/school should be contacted.

### **Temporary Measures**

The University may, at any point in the OEO grievance process, elect to place the Respondent on investigative leave, reassign work and/or reporting responsibilities, or implement other types of temporary measures while an investigation is pending. The University also reserves the right to issue stay-away orders or no-contact directives to any or all parties involved in the process.

### **The Informal Resolution Process**

The purpose of the informal process is to resolve concerns about possible discrimination or harassment as expeditiously as possible. Any member of the Tufts community who believes that he/she has been subjected to discrimination or harassment has the option to resolve the problem through the informal resolution process.

An individual may elect to confront the person who is creating the conflict to discuss the situation and request that the behavior stops. The individual who chooses this option is encouraged to document their discussion. If discussing the problem with that person presents difficulties or if the Complainant does not want to address that person, he/she may contact OEO for consultation and assistance. The individual also has the right to initiate formal proceedings at any time during this process.

For sexual harassment allegations, the individual may contact any of the Sexual Harassment Resource Persons listed in the Sexual Harassment policy or at [www.tufts.edu/o eo](http://www.tufts.edu/o eo).

For ADA/Section 504 concerns, the individual may contact the Section 504 Officer at 617.627.3298.

## **The Formal Resolution Process**

If the Complainant is not satisfied with the resolution from the informal process, he/she has the right to file a grievance in accordance with the following procedures. The filing of an OEO grievance initiates the formal resolution process. The Complainant may choose to bypass the informal resolution process and institute a formal grievance.

### **Initiating the Formal Resolution Process**

An individual who believes that he/she has been subjected to discrimination or harassment and opts for the formal resolution process must file an OEO grievance. The grievance should be in writing and should summarize the particulars related to the OEO allegation(s) as outlined below under OEO Grievance Documentation. A formal OEO grievance form is available online at [www.tufts.edu/o eo](http://www.tufts.edu/o eo) or you may request one by contacting OEO at 617.627.3298.

For sexual harassment allegations, a Sexual Harassment Resource Person (with the exception of the Title IX Coordinator) may assist in the writing of the OEO grievance if the Complainant wishes. You may access the list of Sexual Harassment Resource Persons by visiting [www.tufts.edu/o eo](http://www.tufts.edu/o eo) or by calling 617.627.3298.

## **OEO Grievance Documentation**

Please use an OEO grievance form or submit the following information in writing to OEO:

- complainant's name, job title, work location and contact information
- the Respondent's name, job title, work location and contact information, if known
- a description of the alleged incident including the date of occurrence, location where incident occurred, and any response the Respondent had to the alleged incident

- the names and contact information, if known, of any witnesses
- identify why you believe the discrimination or harassment is based on one or more of the following: race, color, national origin, age, religion, disability, sex (including sexual harassment), sexual orientation, gender identity and expression, veteran status (special disabled veteran, disabled veteran, Vietnam-era veteran), or retaliation
- if retaliation is identified, describe in detail the actions you believe to be retaliatory (i.e., If there was a disciplinary action, describe the action and why you believe the action was unwarranted)
- what you would like to happen as a result of this OEO grievance. (State the resolution that you are seeking)

### Where to File an OEO Grievance

For **sexual harassment** allegations, the OEO grievance should be filed as indicated below:

If the person filing the grievance is a: Staff Member or Administrator	<p>File the grievance with one of the following:</p> <ul style="list-style-type: none"> <li>The Director of OEO</li> <li>The Vice President of Human Resources</li> <li>The Director of Employee Relations/Employment</li> <li>The Director of Human Resources and Talent Management</li> </ul>
Faculty Member	<ul style="list-style-type: none"> <li>The Director of OEO</li> <li>The appropriate dean of the college/school or the provost</li> </ul>
Student–on–Student ( <i>allegations against another student</i> )	<ul style="list-style-type: none"> <li>The appropriate dean of students or dean of the college /school</li> </ul>
Student ( <i>allegations against a staff or faculty member</i> )	<ul style="list-style-type: none"> <li>The Office of Equal Opportunity</li> <li>The appropriate dean of students or dean of the college /school.</li> </ul>

For **discrimination** or **harassement** allegations, the OEO grievance should be filed with OEO located in Ballou Hall, 1st floor, Medford Campus. You can also access an OEO grievance form online at [www.tufts.edu/oeo](http://www.tufts.edu/oeo).

### Timeframes for Filing an OEO Grievance.

#### Staff/Faculty

The grievance must be filed within:

180 days of the incident(s) giving rise to the complaint. The University may extend this period if it finds that there are extenuating circumstances.

### Student

The grievance must be filed within:

365 days of the incident(s) giving rise to the complaint. The University may extend this period if it finds that there are extenuating circumstances.

### **The OEO Grievance Process**

#### Staff/Faculty

If the Respondent is a staff member, administrator or faculty member, the person with whom the grievance is filed, if other than the Director of OEO, will notify the OEO Director of the complaint within five (5) working days of receiving the written grievance.

The Director of OEO (or his/her designee), upon receiving the grievance, will notify the charged party of the allegations and request that he/she submit a written response to the charges within seven (7) working days.

Upon receiving the written response from the Respondent, the OEO Director (or his/her designee) will attempt to resolve the situation through discussion, investigation, hearing or other steps that he/she feels are necessary. Both the Complainant and the Respondent will be notified by the OEO Director (or his/her designee) that the investigation has concluded and may be informed of any action to be taken.

#### Student

If the Respondent is a student and it is a student-on-student allegation, the grievance will be processed according to the student's specific school/college disciplinary procedure.

If Respondent is a student and it is other than a student-on-student allegation, the process is the same as for staff/faculty.

### **Investigation by Panel**

At the discretion of the OEO Director, an investigation by a panel may be instituted.

### **Conclusion of an Investigation**

The University will strive to conclude the investigation within thirty (30) working days (or within the constraints of the academic schedule for investigations involving students) from the date the original OEO grievance was filed. The time limits mentioned throughout this brochure are intended as reasonable amounts of time for specific activities to occur. The appropriate University officials may adjust the time lines to account for extenuating circumstances, in order to ensure a fair and equitable process for all parties.

# Grievance Form

Office of Equal Opportunity and Affirmative Action

## Terminology Used

**Complainant:** The person who makes the complaint and/or files the grievance.

**Grievance:** A formal written complaint.

**Respondent:** The person accused of violating an OEO policy.

**OEO:** The Office of Equal Opportunity.

## Instructions

Submit this completed form to the Office of Equal Opportunity, located in Ballou Hall, 1st floor, Medford Campus. A form can be requested by calling 617.627.3298 or by visiting the OEO website at [www.tufts.edu/oEO](http://www.tufts.edu/oEO).

1. Please provide the following information for the person who was discriminated against or harassed.

Was this yourself  or someone else  ?

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Campus:    Medford         Boston         Grafton         Other: \_\_\_\_\_

School/Department: \_\_\_\_\_

Phone: \_\_\_\_\_

Work/Campus Address: \_\_\_\_\_

Supervisor/Manager

    Name: \_\_\_\_\_

    Title: \_\_\_\_\_

    Phone: \_\_\_\_\_

2. If this is someone other than yourself, please provide your information below:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Campus:    Medford         Boston         Grafton         Other: \_\_\_\_\_

School/Department: \_\_\_\_\_

Work/Campus Address: \_\_\_\_\_

Campus Phone: \_\_\_\_\_

3. On what basis were you discriminated against/harassed?

Sex (including sexual harassment)     Race     National or Ethnic Origin     Religion

Gender Identity and Expression     Age     Sexual Orientation     Disability

Veteran Status     Color     Retaliation:

4. Please describe each occurrence of discrimination or harassment separately. For each occurrence, you need to provide the following information:

1. Complainant's name, job title, work location, and contact information.
2. The Respondent's name, job title, work location, and contact information, if known.
3. A description of the alleged incident including the date of occurrence, location where incident occurred, and any response the Respondent had to the alleged incident.
4. The names and contact information, if known, of any witnesses.
5. State why you believe the discrimination or harassment is based on one or more of categories identified in question 3 above.
6. If retaliation is identified, describe in detail the actions you believe to be retaliatory and why (i.e., If there was a disciplinary action, describe the action and why you believe the action was unwarranted.)
7. What you would like to happen as a result of this grievance. (State the resolution that you are seeking.)



**Office of Institutional Diversity  
Office of Equal Opportunity**

Office of Institutional Diversity/OEO  
One The Green  
Ballou Hall, 1st Floor  
Medford, MA 02155

Tel. 617.627.3298  
Fax. 617.627.3150  
[www.tufts.edu/oeo](http://www.tufts.edu/oeo)