



POLICIES AND PROCEDURES MANUAL

	UNLAWFUL HARASSMENT AND OTHER DISCRIMINATION	
	POLICY NUMBER: 26-2	ISSUING AUTHORITY 
	EFFECTIVE DATE: October 28, 2018	Michael A. Davis Chief of Police

I. GENERAL CONSIDERATIONS AND GUIDELINES

Northeastern University is committed to providing equal opportunity to its students and employees and to eliminating discrimination when it occurs. This Policy applies to all members of the University community, including students, faculty, staff, affiliates, and volunteers when acting on behalf of the University, whether on or off campus, as well as to contractors, parents, and visitors when they are on University property. The Police Department recognizes an employee’s right to work in a non- hostile environment free from any form of discrimination including sexual harassment and inappropriate or disrespectful conduct that creates an intimidating, hostile, humiliating, or sexually offensive workplace. Any form of unlawful harassment or discrimination by a department employee is strictly prohibited and subject to appropriate sanctions.

II. DEFINITIONS

- A. *Harassment*: Repeated, persistent and troubling annoyance on the basis of race, color, religion, national origin, ancestry, sex, gender identification, age, disability, participation in discrimination-complaint-related activities, sexual orientation, genetics, or active military or veteran status. [26.1.3]
- B. *Sexual Harassment*: (Reference MGL ch. 151B §3a) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is sexual harassment when:
 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education, benefits, housing, or participation in a University activity;
 2. submission to or rejection of such conduct by an individual is considered or used as the basis in decisions affecting that individual’s employment, education, benefits, housing, or participation in a University activity;

3. such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational performance by creating an intimidating, hostile or offensive environment for that individual's employment, education, benefits, housing, or participation in a University activity.
- C. *Sexual harassment* (cont'd): In addition to the above examples other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances. This list is not intended to be exhaustive.
- a. Unwelcome sexual advances – whether they involve physical touching or not.
 - b. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life.
 - c. Comment on an individual's body, sexual activity, deficiencies or prowess.
 - d. Communicating by any electronic means or displaying sexually suggestive objects, statements, pictures, cartoons.
 - e. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- D. *Discrimination*: Whenever the word *discrimination* is used in this policy it is intended to include not only complaints of discrimination, but also complaints of harassment, including sexual harassment, and complaints of retaliatory behavior of any kind.

III. POLICY

- A. Northeastern University, to include the University Police Department, strictly prohibits all forms of unlawful harassment and other discrimination including and in particular sexual harassment. Every member of the Northeastern University community, including students, faculty, staff, contractors, alumni, parents, and visitors have:
1. the right to bring a complaint of sexual harassment;
 2. the duty to refrain from engaging in sexual harassment;
 3. the responsibility to report harassing behavior which may come to his or her attention;
 4. the obligation to cooperate fully in the investigation of such complaints; and
 5. the duty to keep information confidential.
- B. The University reserves the right to address any behavior that it considers inappropriate or inconsistent with University expectations, standards or values, even though such behavior may

not rise to the level of discrimination pursuant to this policy or under state or federal law. Nothing in this policy is intended to limit the authority of Northeastern University to take appropriate action against any individual who violates University rules or policies, whether or not the conduct constitutes a violation of this policy or the University's Equal Opportunity Policy. The University may assume the role of a Complainant and pursue a report or complaint of discrimination or harassment either informally or formally.

- C. A determination of whether conduct is considered discriminatory or harassing in violation of the University's policies is dependent upon the totality of the circumstances, including the pervasiveness and severity of the conduct.
- D. Any student found responsible for sexual harassment is subject to disciplinary action up to and including expulsion from the University. An employee found to have committed sexual harassment in violation of this policy is subject to disciplinary action up to and including termination.
- E. Retaliation: It is unlawful to take adverse actions against any member of the Northeastern community for filing a complaint of harassment or discrimination, or for cooperating in an investigation of such a complaint. Retaliation against a member of the Northeastern community who, in good faith, reports alleged harassment or who participates in an investigation is a violation of our policy and is subject to appropriate discipline. Retaliation may have an adverse impact in the following areas: hiring, firing, promotions, demotions, compensation, benefits, grading, pressure to withdraw from class, ignoring, refusing requests for assistance. This list is not exhaustive.

IV. PROCEDURES

- A. Reporting a Complaint
 - 1. Anyone who has observed questionable or inappropriate behavior of a sexual nature or hostile work environment has the right and responsibility to report such behavior to a supervisor.
 - 2. A supervisor who observes such behavior is obligated to report it to a superior officer.
- B. Filing a Complaint
 - 1. Any employee who believes that he or she has been the subject of unlawful discrimination or harassment has the right to file a complaint with any supervisor or Unit Commander, the Deputy Chief of Police, the Chief of Police, the Office of Human Resources, or the Office of University Equity and Compliance.
 - 2. If a complaint is filed within the department:
 - a. The Chief of Police or designee shall assign a superior officer not involved in the allegation to investigate and report the findings in a timely manner.

- b. The Chief of Police or designee shall review the results of the investigation and notify the reporting employee of the findings and any corrective action, if any, to be taken by the department.
3. An employee may choose to contact the Office of Human Resources to file a complaint:
360 Huntington Avenue
250 Columbus Place
Boston, MA 02115
617-373-2230
4. Or can contact the Office of University Equity and Compliance or fill out their confidential online form to file a complaint:
360 Huntington Avenue
125 Richards Hall
Boston, MA 02115
Phone: 617-373-4644

Online form: <https://www.northeastern.edu/titleix/file-a-complaint/>
5. In addition to the above, anyone who believes he or she has been subjected to unlawful harassment or discrimination may file a formal complaint with either or both of the government agencies set forth below. Using the internal complaint process does not prohibit a complainant from filing a complaint with these agencies. Each of the agencies has a time limit for filing a claim: EEOC 300 days; MCAD 300 days.
 - a. The Regional Director, Office for Civil Rights, United States Department of Education, J.W. McCormack Building,
 - b. The Regional Director, Office for Civil Rights, United States Department of Education, U.S. Department of Education 5 Post Office Square, 8th Floor, Boston, MA 02109; (617) 289-0111; www.ed.gov/ocr.
 - c. Massachusetts Commission Against Discrimination (MCAD), One Ashburton Place, Boston, Massachusetts 02108-1518; (617) 994-6000; www.mass.gov/mcad.
 - d. Equal Employment Opportunity Commission, One Congress Street, 10th Floor, Room 1001, Boston, Massachusetts 02114. (800) 669-4000, www.eeoc.gov/boston.
 - e. Inquiries regarding the University's nondiscrimination and harassment policies may be directed to:

Office of Institutional Diversity and Inclusion
360 Huntington Avenue, 125 Richards Hall Boston, MA 02115
Phone: (617) 373-2133 Fax: (617) 373-4146
John Armendariz, Vice Provost for Diversity and Inclusion
j.armendariz@neu.edu
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