

Sexual Harassment Policy of Berklee College of Music

I. Introduction

It is the goal of Berklee College of Music to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against- an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve the goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and the College provides a procedure by which inappropriate conduct will be dealt with if encountered by employees.

Berklee College of Music takes allegations of sexual harassment seriously and will respond promptly to complaints of sexual harassment. Where it is determined that such inappropriate conduct has occurred, the College will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth the goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the authority of the College to discipline or take remedial action for workplace conduct deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is as follows:

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

(a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or

(b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work 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 upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

III. Complaints of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint within Berklee College of Music, you may do so by contacting the Assistant Vice President for Administration/Human Resources, Room 2S, 1140 Boylston Street, ext. 2375; the Employee Relations Manager, Room 2S, 1140 Boylston Street, ext. 2375; or the Vice President for Academic Affairs/Provost, Associate Vice President for Academic Affairs/Associate Provost, or Assistant Vice President for Academic Affairs, Room 6Y, 1140 Boylston Street, ext. 2150. These individuals are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

IV. Sexual Harassment Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action.

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each agency has a short time period for filing a claim (EEOC - 180 days; MCAD - 6 months).

United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
Government Center
Cambridge Street, Room 475
Boston, MA 02203
617/565-3200

Massachusetts Commission Against Discrimination (MCAD)

Boston Office:
One Ashburton Place - Room 601
Boston, MA 02108
617/994-6000

Springfield Office:
436 Dwight Street - Room 220
Springfield, MA 01103
413/739-2145