

Prohibition against Discrimination, Discriminatory Harassment, and Retaliation

Policy Statement of Non-Discrimination and Diversity

Bridgewater State University is committed to a policy of non-discrimination, equal opportunity, diversity, and affirmative action. The university is dedicated to providing educational, working, and living environments that value the diverse backgrounds of all people.

The university does not unlawfully discriminate in admission or access to, or treatment or employment in, its educational programs and activities on the basis of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. The university prohibits unlawful discrimination or discriminatory harassment on all of those bases and retaliation. Such behaviors violate the university's Policy against Discrimination, Discriminatory Harassment, and Retaliation, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

It is also the policy of the University to provide each student, employee, and other person having dealings with the institutions an environment free from unlawful sexual violence and all forms of misconduct on the basis of gender. The University prohibits rape, statutory rape, sexual assault, sexual exploitation, incest, sexual harassment, gender-based harassment, domestic violence, dating violence and stalking, and retaliation. These behaviors violate the University's [Sexual Violence Policy](#), including Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence and Stalking ("Sexual Violence Policy"). Such behaviors will not be tolerated and may result in disciplinary action up to and including termination or expulsion.

The University's Discrimination, Discriminatory Harassment and Retaliation Policy and [Sexual Violence Policy](#) (both contained in the University's its [Equal Opportunity, Diversity and Affirmative Action Plan](#)) apply in all University programs and activities, including, but not limited to, athletics, instruction, grading, housing, and employment. They apply to all members of the campus communities, including, but not limited to, students, faculty, librarians, staff, visitors, contractors and applicants for employment or admission. They also apply to off-campus conduct that negatively affects a community member's experience in the University environment.

The University has appointed a Director of the Office of Equal Opportunity ("EO Director") to oversee its compliance with those policies. The EO Director handles discrimination, discriminatory harassment, and retaliation complaints from and about students, applicants, employees, faculty, staff, and visitors to campus. The EO Director also oversees the University's compliance with the state and federal non-discrimination and equal opportunity laws.

The EO Director is the University's Title IX coordinator and is responsible for the University's compliance with Title IX of the Education Amendments of 1972 and the administration of the University's Sexual Violence Policy. In addition, the EO Director is charged with the responsibility for the University's compliance with Title II of the Americans with Disabilities Act of 1990, as amended, and Section 504 of the Rehabilitation Act of 1973.

Anyone with questions, concerns or complaints regarding discrimination, discriminatory harassment or retaliation may contact the EO Director at:

Boyden Hall, Room 206
131 Summer Street
Bridgewater, MA 02325
(508) 531---2744
EO@bridgew.edu

Please also see the additional reporting options described in question 1 below.

To View, Print, or Obtain the University’s Full Discrimination, Discriminatory Harassment, and Retaliation Policies:

The university’s official Policy Against Discrimination, Discriminatory Harassment, and Retaliation, [Sexual Violence Policy](#) and complaint [Investigation and Resolution Procedures](#) are included in its [Equal Opportunity, Diversity and Affirmative Action Plan](#) (the “EO Plan”)¹. Each of these documents is also available upon request from the Equal Opportunity Office at (508) 531---2744.

The following section addresses frequently asked questions about these policies:

1. How Do I Make a Complaint about Discrimination, Discriminatory Harassment, or Retaliation?

As described above, the EO Director handles discrimination, discriminatory harassment, and retaliation complaints from and about students, applicants, employees, faculty, staff, and visitors to campus.

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The complaint form is available [here](#) or you may contact the EO Director. The EO Director is also the university’s Title IX coordinator.

Please do not wait to report conduct of concern until it becomes serious. The EO Director, designees, and other university officials can take proactive steps to prevent discrimination and harassment from continuing and perhaps escalating and to protect or otherwise assist the person harassed.

Additional Reporting Options. There are additional internal options for reporting complaints or concerns about discrimination, discriminatory harassment, and/or retaliation. Please note that the

¹ Please note that an amended Equal Opportunity, Diversity, and Affirmative Action Plan was adopted effective as of March 15, 2015. Complaints made or claims reported prior to March 15, 2015 will generally be reviewed under the prior Equal Opportunity Plan or prior Sexual Misconduct and Relationship Policy, as applicable, unless otherwise determined by the EO Director, in his/her sole discretion, with respect to continuing or ongoing violations or other pertinent circumstances.

following additional internal options will generally report the matter to the EO Director unless the complaint relates to the EO Director or the Equal Opportunity Office:

Residential Life and Housing (508) 531---1277	Police On---campus incidents: BSU Police: (508) 531---1212 or 911 in an emergency Off---campus incidents: Bridgewater (Town) Police Department: (508) 697---6118 or 911 in an emergency
Office of Human Resources Boyden Hall, Room 103 (508) 531---1324	Office for Student Affairs Boyden Hall, Room 106 (508) 531---1276
Disability Resources Office Ground Floor, Maxwell Library Phone: 508---531---2194 TTY: 508---531---6113	Office of Community Standards DiNardo Hall (508) 531---6177
<p>Certain employees are required, under nearly all circumstances, to report incidents to the EO Director/Title IX Coordinator. These employees are known as “Responsible Employees” or “REs”. The REs include persons holding the following positions:</p> <ul style="list-style-type: none"> ● Members of the Boards of Trustees; ● The President and Vice Presidents; ● Assist./Assoc. Vice Presidents; ● Title IX Coordinator/ EO Director; ● Campus Police; ● Institutional Security Officers; ● Director and Assist./Assoc. Director of Human Resources; ● Departmental Directors and Assist./Assoc. Directors (except those employees who are required by law to maintain confidentiality such as licensed mental health counselors); ● Residence Life and Housing Staff (including RDs and RAs); ● General Counsel · Athletic Coaches, Assistant Coaches and Athletics Administrators; · Studio Managers; · Lab Managers; · Deans and Assistant/Associate Deans · Academic Department Chairs; · Academic and Non---Academic Program Directors/ Coordinators; · Faculty/Staff Leading or Chaperoning Travel or Overnight Trips; · Faculty/Staff Advisors to Student Organizations; and · Employees working in the Equal Opportunity Office <p>The complete listing of the REs for the university, and additional information about RE duties, can be found here.</p>	

In addition, with respect to victims/survivors of sexual violence, dating or domestic violence or stalking, there are additional confidential and anonymous reporting options, on---campus and off---campus help, support and assistance options (please see the [Sexual Violence Policy](#) or the summary resource card [here](#) or contact the Title IX Coordinator).

Governmental Reporting Options. If one wishes to file a complaint of sexual violence, sexual harassment, gender---based harassment, domestic violence, dating violence, stalking or retaliation outside of the University or in addition to a complaint filed under the university’s complaint [Investigation and Resolution Procedures](#), the following governmental agencies may provide additional resources:

<p>The U.S. Department of Education Office for Civil Rights 33 Arch Street, 9th Floor Boston, MA 02119---1424 (617) 289---0111 Fax (617) 289---0150; TDD (877) 521---2172 OCR.Boston@ed.gov</p>	<p>Equal Employment Opportunity Commission John F. Kennedy Federal Building 475 Government Center Boston, MA 02203 (800) 669---4000, TTY (800) 669---6820</p>
<p>Massachusetts Commission Against Discrimination One Ashburton Place Sixth Floor, Room 601 Boston, MA 02108 (617) 727---3990 (x588 for TTY)</p>	<p>U.S. Department of Justice, Office on Violence Against Women http://www.ovw.usdoj.gov/ Office on Violence Against Women 145 N St., NE, Suite 10W.121 Washington, D.C. 20530 (202) 307---6026 Fax: (202) 305---2589 Email: ovw.info@usdoj.gov</p>

2. How Are Internal Complaints Resolved?

Complaints are resolved pursuant to the university’s complaint [Investigation and Resolution Procedures](#).

3. Can I Be Retaliated Against For Making a Complaint or Being a Witness?

The university prohibits retaliation against any person who (a) files a claim, complaint, or charge under the complaint Investigation and Resolution Procedures or applicable law (or who is suspected of having filed such claims, complaints or charges), (2) who assisted or participated in an investigation or resolution of such claim, complaint, or charge; or (3) has protested practices alleged to violate the non--- discrimination policies of the University or applicable laws. Retaliation is a serious violation of the university’s policies and may result in disciplinary action up to and including termination or expulsion. Retaliation, even in the absence of provable discrimination in the original complaint or charge, constitutes as serious a violation of the [EO Plan](#) as proved discrimination under the original claim, complaint or charge.

Prohibited retaliation includes, but is not limited to: threats; intimidation; reprisals; continued harassment or misconduct; other forms of harassment; slander and libel; and adverse actions related to employment or education. Retaliation can be committed by individuals or groups, including friends, relatives or other associates of the person against whom a complaint is filed.

Examples of retaliation, include, but are not limited to:

- Terminating or denying a promotion to an employee for complaining about alleged discrimination or harassment;

- Issuing an unjustified negative evaluation or poor grade to a person who complained or a witness cooperating in a discrimination or harassment investigation or proceeding;
- Refusing to admit an applicant for requesting a reasonable accommodation based on a disability;
- Refusing to hire an individual because of the individual’s discrimination or harassment charge against a former employer.

4. What Are Discrimination and Discriminatory Harassment?

Definitions and examples of those terms and other terms are included in the [EO Plan](#). Frequently requested definitions are located at the following locations:

Term	Page Number(s) references in the EO Plan:
Discrimination	See pages 5, 9-10as well as Sexual Violence, Dating and Domestic Violence and Stalking
Discriminatory Harassment	Pages 5-6, 10 as well as Sexual Violence, Dating and Domestic Violence and Stalking
Protected classes (including definitions of <ul style="list-style-type: none"> ● Race ● Color ● Religion ● National origin ● Age ● Disability ● Gender ● Gender identity ● Gender expression ● Sexual orientation ● Genetic information ● Marital/parental status ● Veteran status) 	Pages 4---5
Sexual Harassment	Pages 19-20; see also “sexual violence”
Gender Based Harassment	Pages 20-21
Hostile Environment	Page 20
Retaliation	Page 6, 10-11 and page 22
Sexual Violence, (including definitions of: <ul style="list-style-type: none"> ● Rape ● Sexual Assault ● Sexual Exploitation ● Incest ● Statutory Rape ● Aiding in the Commission of Sexual Violence) 	Page 17---19 For Massachusetts criminal definitions see pages 39---41.
Affirmative Consent (including definitions of force and coercion)	Pages 18-19
Dating and Domestic Violence	Pages 21-22

	For Massachusetts criminal definitions see pages 40---42.
Stalking	Page 22 For Massachusetts criminal definitions see pages 40---42.
Advisor	Page 8-9
Standard of Review	Page 8

5. Who is the University's Title IX Coordinator?

The EO Director is the university's Title IX Coordinator.

6. Where do I obtain information, options for reporting and assistance and other resources available for victims/survivors of sexual violence, domestic violence, dating violence and stalking?

You may find additional information at the Sexual Violence Advocacy and Support Center by clicking [here](#) or by visiting the [Title IX website](#). Additional information may be obtained from the EO Director/Title IX Coordinator.

7. I am survivor of sexual violence and am concerned about confidentiality. Where can I find information about how a report is handled?

Information regarding confidentiality and privacy for victims/survivors of sexual or gender---based harassment, sexual violence, domestic violence, dating violence and stalking is available in the [Sexual Violence Policy](#) (including, but not limited to, pages 16---24)

8. Who Oversees the University's Compliance with Title VI, Section 504, and the Americans with Disabilities Act?

The EO Director also oversees the university's compliance with Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

9. How Do I Obtain a Reasonable Accommodation?

Consistent with state and federal law, reasonable accommodations will be provided to individuals with disabilities. Employees with disabilities who desire reasonable accommodations should contact the EO Director and students and others with disabilities who desire reasonable accommodations should contact Disability Resources Office at (508) 531---1214 or TTY at (508) 531---6113 or by email. The Disability Resources Office is located in the Academic Achievement Center (located on the ground floor of the Maxwell Library).

For additional information, please see ["Resources for Individuals with Disabilities"](#) and Section IV of the [EO Plan](#).

10. Massachusetts Criminal Harassment Laws:

Massachusetts has several laws that specifically encompass acts of criminal harassment, including

Massachusetts General Laws, Chapter 265, sections 37 and 39. Section 39 describes the crime of assault or battery upon a person or damages the real or personal property of another for the purpose of intimidation because of said person's race, color, religion, national origin, sexual orientation, gender identity or disability.

In addition, a description of Massachusetts laws relating to sexual misconduct and relationship violence crimes can be found in the Sexual Misconduct and Relationship Violence Policy.

11. What Happens If Someone Files a False Charge?

Filing a false charge of discrimination, discriminatory harassment or retaliation is a serious offense. If an investigation reveals that a person knowingly filed false charges, the university may take appropriate actions and issue sanctions, up to and including termination or expulsion, pursuant to other applicable university policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under the [EO Plan](#).

12. I Have Questions About These Policies. Who Can Assist Me?

Please contact or visit the Equal Opportunity Office at:

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Bridgewater, MA 02325
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EO@bridgew.edu