APPENDIX 3:

Clark’s Equal Opportunity and Affirmative Action Policy Statement

Clark University is firmly committed to the practice of equal employment opportunity, equal educational opportunity and nondiscrimination in the provision of educational and other services. The University will administer its personnel policies and conduct its employment practices in a manner, which treats each employee and applicant for employment on the basis of merit, experience, and other work-related criteria without regard to race, color, religion, sex, national origin, age, sexual orientation, disability, or any other protected class under relevant state and federal laws. The University is further committed to the practice of affirmative action in accordance with the law to assure the most representative applicant pool and workforce. Clark strives to increase the presence and participation of under-represented groups by its aggressive recruitment procedures to attract and hire the best-qualified applicants, and has a strong commitment to diversity among its faculty, staff and students.

Affirmative action procedures have been established that outline our good faith efforts in practicing equal employment opportunity and affirmative action. Clark is committed to undertake affirmative steps to ensure that all recruitment, hiring, promotion and other employment and educational practices are free from discrimination.

*It is the policy of Clark University that each individual regardless of race, color, sex, sexual orientation, religion, national origin, age as defined by law, disability, or veteran status, shall have equal opportunity in education, employment, or services of Clark University.*

Equal opportunity is the fabric of all personnel decisions at Clark, and personnel at every level share in the responsibility for promoting both affirmative action and equal opportunity.

Clark’s Harassment & Discrimination Prevention Policy – Summary

It is the policy of Clark University that any practice or behavior by a member of the Clark community that constitutes harassment (including but not limited to sexual harassment or sexual assault) or discrimination on the basis of sex, race, religion, national origin, age, color, disability or other legally protected status, or any other inappropriate interference with a person’s academic or work performance, will not be tolerated. In particular, sexual harassment and sexual assault are illegal and are prohibited by both state and Federal statutes and are treated as a form of sexual discrimination by Title IX of the Education Amendments of 1972. It is also unlawful to retaliate against a person who is filing a complaint of harassment or discrimination or is cooperating in an investigation of a complaint.

Because of differences in community members’ values and backgrounds, some individuals may find it difficult to recognize their own behavior as harassment or discrimination, and other individuals may find it difficult to recognize their own feelings as being overly sensitive or unduly intolerant to what may be unintentionally offensive behavior on the part of others.
Unlawful harassment and discrimination are defined as either an act or communication that interferes with an individual’s ability to participate fully in the Clark University community; or is unwelcome and unsolicited speech or conduct based on race, sex, religion, national origin, age, color, disability or other legally protected status that creates a hostile work or academic environment. Prohibited acts that constitute unlawful harassment or discrimination may take a variety of forms. The following are examples of conduct that may constitute inappropriate behavior, or harassment or discrimination when unwelcome and are repeated or create a pattern include, but are not limited to:

A. Unwelcome sexual propositions, invitations and solicitations, including sexual assault, sexual violence or rape.
B. Threats or insinuations that a person’s employment, wages, academic grade, promotional opportunities, classroom or work assignments or other conditions of employment or academic life may be adversely affected by their age, race, color, national origin, religion, gender, sexual orientation, marital status, handicap and veteran status.
C. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person’s body, dress, appearance, or sexual activities.
D. The unwelcome use of degrading language, jokes or innuendos about a person’s age, race, color, national origin, religion, gender, sexual orientation, marital status, handicap and veteran status.
E. Unwelcome suggestive or insulting sounds or whistles; obscene phone calls.
F. If not removed when requested, sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or study area that embarrass or offend individuals. Such material if used in an educational setting should be related to educational purposes.
G. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
H. Consensual relationships where such relationships lead to favoritism of a student or subordinate employee with whom the teacher or superior is romantically involved and where such demonstrated favoritism adversely affects other students and/or employees.
I. Stalking - any pattern of behavior composed of two or more acts over a period of time, however short, directed at a specific person that would cause a reasonable person to feel fear.

These actions in and of themselves are not always considered harassment or discrimination, but when performed repeatedly, or in a manner designed to humiliate or intimidate another, can be found to meet the definition.

Since some members of the community hold positions of authority that may involve the legitimate exercise of such authority over others, it is their responsibility to avoid actions that are abusive or unprofessional. Faculty, in particular, should be aware that amorous or sexual relationships between faculty and students are inimical to the education process and are strongly discouraged by the University. Faculty involved with students may find it increasingly difficult to exercise rigorous intellectual judgement when evaluating/grading students and the treatment of such students may be perceived as unequal. It is also possible that faculty members or teaching assistants involved in such relationships may be more vulnerable to allegations of sexual harassment, including third-party sexual harassment charges.
Any member of the Clark community who believes s/he has been the object of illegal harassment or discrimination is encouraged to promptly report this to one of the following: Lynn Olson, Director of Human Resources/Affirmative Action; Jacqueline Capomacchio, Associate Director of Human Resources/Affirmative Action; Davis Baird, Provost (faculty); Andrea Michaels, Vice President for Budget and Planning (admin/staff); Denise Darrigrand, Vice President for Student Affairs and Dean of Students (undergraduate students); or Priscilla Elsass, Associate Provost and Dean of Graduate Studies (graduate students).

The University is in the process of updating its current harassment and discrimination policy and procedures, which will be finalized by the Spring 2012 semester. In the meantime, please refer to the 2004 version of the policy available on line at: http://www.clarku.edu/offices/hr/policies/pdfs/HarassmentandGrievanceManual.pdf or in the Human Resources/ Affirmative Action Office (20 Downing St. ext. 7294).

The Massachusetts Commission Against Discrimination ("MCAD"), located at One Ashburton Place, Boston, and 436 Dwight Street, Springfield, is responsible for enforcing the Massachusetts sexual harassment law, and the U.S. Equal Employment Opportunity Commission ("EEOC") is responsible for enforcing the federal law prohibiting sexual harassment. The EEOC is located at One Congress Street, Room 1001, Boston. A complaint to the MCAD must be filed within 300 days. A complaint under the federal law should be filed within 180 days, but under certain circumstances, a federal complaint may be filed within 300 days.