

# MCPHS University

## PROTECTION FROM DISCRIMINATION AND HARASSMENT POLICY

### I. POLICY STATEMENT

Massachusetts College of Pharmacy and Health Sciences (“MCPHS” or the “University”) does not discriminate in admission, treatment, or access to its programs or activities or in employment in its programs or activities on the basis of race, color, national origin, sex, pregnancy, age, physical or mental disability, creed, religion, sexual orientation, gender identity, gender expression, ancestry, genetic information, military service, marital status, familial status, or veteran status and actively complies with the requirements of Federal Executive Orders 11246 and 11375 as amended; the Civil Rights Act of 1964 as amended; Title IX of the Education Amendments of 1972 as amended; Sections 503 and 504 of the Rehabilitation Act of 1973; Section 402, Vietnam Era Veterans Readjustment Assistance Act of 1974; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990 (as amended by the ADA Amendments Act of 2008); and all other applicable federal, state, and local laws, regulations, and executive directives.

The University will not tolerate acts of discrimination or harassment based upon Protected Classes, or related retaliation against any individual for complaining of or participating in an investigation or proceeding relating to a complaint of discrimination or harassment based upon a Protected Class. For purposes of this policy, "Protected Classes" refers to race, color, national origin, sex, pregnancy, age, physical or mental disability, creed, religion, ethnicity, sexual orientation, gender, gender identity, gender expression, ancestry, genetic information, military service, marital status, familial status, veteran status and any other characteristic protected by law.

**Discrimination:** Treating individuals or groups less favorably because of their Protected Class.

**Harassment:** Unwelcome and/or offensive behavior, based on one or more of the Protected Classes, that subjects an individual to inferior terms, conditions or privileges of education or employment. Harassing conduct rises above the level of what a similarly situated reasonable person would consider petty slights or trivial inconveniences. Harassment can take many forms, such as words, visual images, gestures, or other verbal or physical conduct by any means. Harassment may include, but is not limited to:

- Epithets, slurs, or negative stereotyping;
- Threatening, intimidating, or hostile acts; and
- The circulation or display of written or graphic material that belittles or shows hostility or aversion toward an individual or group including through e-mail and other electronic media.

**Retaliation:** Retaliation is taking or threatening any adverse action against an individual (or group of individuals) because of their participation in any manner in an investigation or proceeding under this Policy, including individuals who file a report, are interviewed, or otherwise provide evidence in the investigation. Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy.

The process outlined in this policy applies to all complaints of unlawful discrimination or harassment, except those alleging any form of Sexual Harassment. Any person alleging Sexual Harassment, including sexual assault, domestic violence, dating violence and stalking, on the part of any University student, faculty or staff

member, affiliate (e.g. visitor, vendor, etc.) or non-affiliate, should refer to the University's Protection from Sexual Harassment (Title IX) Policy. Allegations of Sexual Harassment must be evaluated by the Title IX Coordinator to determine whether the conduct falls within the definition of Title IX. Allegations that do not fall within the jurisdiction of the Title IX policy, as determined by the Title IX Coordinator, may be referred for investigation and adjudication pursuant to the procedures set forth below.

Inquiries regarding the University's compliance with Equal Opportunity and Affirmative Action laws may be directed to the Chief Human Resources Officer, Kevin Dolan, at Kevin.Dolan@mcphs.edu or 617.732.2144.

## II. REPORTING

In order to take appropriate corrective action, the University must be aware of discrimination, harassment, and related retaliation that occurs in University employment, educational programs, and activities. MCPHS strongly encourages anyone who believes that they have experienced or witnessed discrimination, harassment, or related retaliation to report such behavior immediately.

**Where to Report.** Allegations or complaints may be directed to the Chief Human Resources Officer and/or the Dean of Students (in either case, the individual receiving the complaint is referred to herein as the "Designated Officer"). In cases involving complaints or allegations against either the Chief Human Resources Officer or the Dean of Students, complaints or allegations should be directed to the President. Any complaint regarding the President should be directed to the Chair of the Board of Trustees.

Concerns and complaints may also be registered online here: <https://www.lighthouse-services.com/MCPHS>.

**When to Report.** All reports or complaints should be made as promptly as possible after the occurrence.

**Mandated Reporters:** Although all community members are strongly encouraged to report any conduct that violates this policy, the following individuals have a duty to notify the Chief Human Resources Officer (Kevin.Dolan@mcphs.edu) or the Dean of Students (Jacinda.FelixHaro@mcphs.edu) promptly upon witnessing, receiving notification of, or otherwise learning of an incident of that may constitute discrimination, harassment, or related retaliation that occurred in the course of University employment, educational programs, or activities.

- All University Officers (i.e., President, Chief Executive Officer, Vice President(s), Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer);
- All Deans, Department Heads/Chairs, and Program Directors;
- The Title IX Coordinator;
- All employees with managerial or supervisory authority;
- All employees in Human Resources; and
- All employees in Public Safety.

The failure of a mandated reporter hereunder to report a potential violation promptly to the Chief Human Resources Officer or Dean of Students is, itself, a violation of this Policy, except in the case of an individual whose profession and University responsibilities requires them to keep certain communications confidential (e.g., a professional counselor). Such an individual is not required to report confidential communications received while performing those privileged responsibilities.

**Right to file Criminal Complaint.** A complainant has the right to file a criminal complaint regarding any conduct that may constitute a crime at any time before, during or after the University's investigation.

**Amnesty Policy.** The University encourages the reporting of all potential violations of this policy. Sometimes individuals are hesitant to report because they fear being charged with other policy violations. Because the University has a paramount interest in protecting the well-being of its community and remedying Discrimination and Harassment, other policy violations will be considered, if necessary, separately from allegations under the Policy and the circumstances under which the other policy violations became known will be considered as a mitigating factor.

**Confidentiality.** The University will maintain the privacy of the complaint, and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by law. It is important to understand that while the University will treat information it has received with appropriate sensitivity, nonetheless there may be a need to share certain information within the University for the purposes of investigating, stopping, or preventing Discrimination and Harassment.

**Zero-Tolerance for Retaliation.** The University will not tolerate retaliation against any employee or student based upon such individual's filing of a complaint of discrimination or harassment or participation in the investigation or adjudication of such a complaint. Retaliation is a serious violation of this policy, as well as of federal, state, and local law. Anyone who believes they are a victim of retaliation should report the matter immediately according to the same procedure provided in this policy for making complaints of discrimination or harassment.

### **III. INTERIM MEASURES**

The Designated Officer, at their discretion, may impose interim measures or provide supportive accommodations while the complaint is pending, which may include, but are not limited to: no contact orders, adjustments to class or work schedules, temporary reassignment, restricting access to certain buildings, temporary suspension, etc.

### **IV. INFORMAL RESOLUTION**

In certain circumstances, it may be possible for a concern to be resolved through an informal resolution procedure. When the Designated Officer deems appropriate, MCPHS will offer an informal resolution option to the parties, in which the Designated Officer will appoint a neutral third party, who may facilitate a dialogue between the parties or suggest a resolution to the parties, which they may accept or reject. Participation in the informal resolution process is entirely voluntary, and parties may choose to withdraw from the process at any time. If either party elects to withdraw from the informal resolution process, the concern or complaint will be addressed through the formal resolution process. However, once both parties have agreed to a resolution, that resolution will be considered final.

## V. FORMAL RESOLUTION

### A. Investigation Procedures

- 1. Initiating the Investigation.** The Designated Officer will review the allegations and determine whether the alleged conduct could constitute a violation of this policy. If so, the Designated Officer will assign a trained investigator to conduct a prompt, thorough, and impartial investigation. The investigator will contact the complainant (the person bringing the complaint) and the respondent (the person who is accused of misconduct) to arrange interviews at the appropriate time.

If the Designated Officer determines that the alleged conduct is not prohibited by this policy, the Designated Officer may dismiss the complaint or may take steps to address the complaint under a different policy or means.

- 2. Collecting Information.** The investigator will conduct prompt, thorough, and impartial interviews of the complainant, the respondent, and any witnesses. The investigator will review evidence and consider information relevant to the complaint. Throughout the investigation both parties will have an equal opportunity to identify witnesses and provide other information, but the investigator has discretion to determine whether to interview a witness and what evidence is relevant.
- 3. Standard of Proof.** The “preponderance of the evidence” standard is applied to the investigator’s findings to determine whether the respondent is responsible. The standard requires a finding that it is more likely than not that discrimination or harassment occurred in order to assign responsibility to the respondent.
- 4. Investigation Report.** At the conclusion of the investigation, the investigator shall prepare a written report that shall include a statement of factual findings and a recommendation as to whether the evidence supports a finding of a policy violation.
- 5. Withdrawing a Complaint.** Prior to the conclusion of a discrimination or harassment investigation, the complainant may withdraw their complaint. Withdrawal of the complaint may end the investigation and resolution process. However, the University reserves the right to proceed with the complaint, even after the complainant withdraws it, to protect the interests and safety of the University community, as necessary.
- 6. Time Frame.** An investigation will be concluded within reasonable time frames and a determination finalized within sixty (60) business days after the commencement of the investigation, absent extenuating circumstances.

### B. ADJUDICATION PROCEDURES

- 1. Procedures for Student Respondents<sup>1</sup>:** In cases in which the Respondent is a student, the investigation report will be transmitted to the Dean of Students or their designee. The complaint will be adjudicated, including any appeals, in accordance with the Community Standards System as

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<sup>1</sup> Some individuals are both students and employees of MCPHS. The University will determine, at its sole discretion, whether the employee or student procedures should be utilized in a given circumstance.

set forth in the Student Code of Conduct and Community Standards System, which can be found in the MCPHS University Student Handbook. In the case of a student respondent(s), records will be retained according to policies administered by the Office of the Dean of Students.

- 2. Procedures for Employee Respondents:** In cases in which the Respondent is an employee (faculty or staff), the investigation report will be transmitted to the Chief Human Resources Officer or their designee, who may accept the recommendation of the investigator in whole or in part or determine that additional information is needed and consult with the investigator and/or the parties or request that the same, or another investigator, do further investigation. Once the Chief Human Resources Officer or their designee is satisfied that the investigation is complete, the Chief Human Resources Officer or designee will make a finding as to whether the policy was violated and, in consultation with MCPHS Legal Affairs and/or the Respondent's supervisor or program or department head, determine the appropriate remedies. The Chief Human Resources Officer or their designee will then notify the Complainant and Respondent of the finding to the extent permitted by law. The Complainant will not be notified as to any discipline imposed unless it has a direct impact on the complainant, e.g., a no-contact order.
- 3. Vendor or Visitor Respondents:** When the Respondent is a vendor or contractor, the investigation report will be provided to the MCPHS employee responsible for managing the vendor relationship who will take appropriate action in accordance with the vendor contract. When the Respondent is a visitor, the investigation report will be provided to the appropriate MCPHS office depending on the identity of the visitor and the nature of the visit.

### **C. DOCUMENT RETENTION**

In all cases, the Designated Officer shall retain records relating to the complaint for a minimum of three (3) years or for such longer period as (a) the complainant and/or respondent remains employed at MCPHS or (b) any administrative or legal action, arising out of the complaint is pending. All records of discrimination and harassment and related retaliation reports and investigations shall be considered private and shall not be disclosed publicly except to the extent required by law.

## **VI. COMPLAINTS BY AND AGAINST UNIVERSITY EMPLOYEES AND STUDENTS ARISING IN AN AFFILIATED ENTITY.**

University employees and students sometimes work or study at the worksite or program of another organization affiliated with MCPHS. When a student or employee involved in an off-site program is alleged to have been subjected to or engaged in conduct that violates this Policy, the conduct should be reported in accordance with the complaint procedures set forth above. The University will investigate and address the alleged violation in coordination with affiliated entity to the extent possible. In circumstances in which the Respondent is a University employee or student, the complaint will be addressed in accordance with the procedures set forth above. The affiliated entity may also choose to address the alleged violation through its own procedures.

## **VII. ACCOMMODATION**

The University is committed to fostering an inclusive and accessible community. To that end, and in accordance with federal, state and local law, the University provides reasonable accommodations to qualified students and employees on the basis of: disability; pregnancy, childbirth and related conditions; and religion.

Students who require reasonable accommodations based on disability should contact the Office of Student Access and Accommodations for assistance. <https://www.mcphs.edu/academics/academic-support-and-resources/office-of-student-access-and-accommodations>

Students who require reasonable accommodation based upon religion, pregnancy, childbirth or related conditions (including lactation) should contact the Dean of Students.

Employees who require reasonable accommodations based on disability, pregnancy, childbirth and related conditions (including lactation) or religion should contact the Office of Human Resources at [HR@mcphs.edu](mailto:HR@mcphs.edu).

## **VIII. EDUCATION**

MCPHS will broadly disseminate this policy, distribute a list of resources available to respond to concerns of Protected Class discrimination, harassment, and related retaliation and develop and present appropriate educational programs for students and employees.

## **IX. STATE AND FEDERAL REMEDIES**

MCPHS encourages community members to bring any concerns to the University's attention, so that appropriate steps can be taken promptly to address them. However, using the University's complaint process does not prohibit a student or employee from filing a complaint with federal or state agencies.

Home | U.S. Equal Employment Opportunity Commission ([eoc.gov](http://eoc.gov))  
Office for Civil Rights | U.S. Department of Education  
Massachusetts Commission Against Discrimination | [Mass.gov](http://Mass.gov)  
New Hampshire Commission for Human Rights ([nh.gov](http://nh.gov))

## **X. RELATED POLICIES**

MCPHS University Protection from Sexual Harassment (Title IX) Policy prohibits sexual harassment and sets forth the complaint, investigation, and adjudication procedures for addressing alleged violations of the policy.

MCPHS University Professional Conduct in the Workplace Policy Statement provides that the University expects its employees to respect the dignity of others and show the same respect and concern for all community members.

MCPHS University Student Conduct Policies and Procedures addresses student conduct that occurs on or as it relates to university property, or at official functions and university-sponsored programs conducted away from the campus. For related complaint, grievance or disciplinary processes see the Student Code of Conduct and Community Standards System.