## POLICY PROHIBITING HARASSMENT

Any form of harassment or abusive treatment toward employees, guests, customers, or applicants for employment in any form will not be tolerated by Nichols College. All employees are responsible for assuring that the workplace is free from harassment of any type. Due to the College’s strong disapproval of offensive or inappropriate behavior at work, all employees must avoid any action, conduct, or behavior, which could be viewed as inappropriate by normal considerations.

All employees have the right to be treated with respect and dignity. The College supports an employee’s right to work in an environment free from sexual harassment. It is the College’s policy that no employee may harass another. In addition to sexual harassment, harassment is also illegal when harassment is based on age, color, disability, gender, gender identity/expression, national origin, race, religion, ancestry, sexual orientation, veteran or marital status, physical appearance, or any other basis applicable under federal or state law.

Harassment training will be required of all current and newly hired employees during the new hire orientation period. Instructions for completing the online workplace safety education program will be sent under separate cover.

## Policy Statement

It is the goal of Nichols College to promote a professional workplace, one that treats all employees with dignity and respect. Sexual harassment is unlawful and will not be tolerated by the College. 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.

Because the College takes all allegations of sexual harassment or harassing behavior very seriously, we will respond promptly to complaints of sexual harassment or harassing behavior and, where it is demonstrated to the College’s satisfaction that such harassment or behavior has occurred, we will act promptly to eliminate the harassment or behavior and impose such corrective action as necessary, including disciplinary action up to termination, as appropriate.

This policy applies to all terms, conditions, and privileges of employment, including but not limited to recruitment, hiring, performance reviews, training, development, promotion, transfer, compensation, benefits, educational assistance, layoff and recall, social and recreational programs, associate facilities, termination, and/or retirement.

Sexual harassment is behavior directed towards either male or female employee(s) on the basis of gender, and can include sexual advances, requests for sexual favors, or verbal and physical conduct of a sexual nature when:

* + Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
	+ Submission to or rejection of such conduct is used as the basis for making employment decisions; or
	+ Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are examples of conduct which, if unwelcome, may constitute harassment depending on the circumstances:

* + Sexual advances - whether they involve physical touching or not;
	+ Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits or continued employment;
	+ Use of sexual epithets, written or oral references to sexual conduct, gossip regarding one’s sex life, comments on an individual’s body, comments about an individual’s sexual activity, deficiencies, or prowess;
	+ Displaying or distributing sexually suggestive objects, pictures (including inappropriate computer screensavers and emails), or cartoons;
	+ Dissemination of sexually explicit voicemail, email, graphics, downloaded material or websites;
	+ Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
	+ Inquiries into one’s sexual experiences;
	+ Discussion of one’s sexual activities; and
	+ Assault or coerced sexual acts.

Due to the nature of business, it is possible that any employee may, in the normal course of work, be assigned to look at information, published online on the Internet or elsewhere, which is beyond the control of the College. If any employee is asked to look at any such information which he/she finds personally offensive, it is that employee’s duty to promptly consult his/her manager or Human Resources. When this happens, the manager shall make best efforts to reassign the workload.

If an employee has any questions about what constitutes harassing behavior he/she should ask his/her manager or Human Resources.

Harassment of Nichols College employees in connection with their work by non- employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee or who observes harassment of an employee by a non- employee shall report such harassment to his/her manager or Human Resources. Harassment of Nichols College’s customers, clients, or students by employees is also strictly prohibited.

If any employee of Nichols College believes that he/she has been subjected to sexual harassment, the employee is strongly encouraged either to inform his/her manager or Human Resources.

Any reported incident will be promptly and thoroughly investigated. While each investigation will proceed as the particular circumstances warrant, an investigation will at a minimum involve an interview with the employee making the complaint and interviews with persons identified as witnesses or having knowledge of the incident or conduct. Nichols will conduct such investigations in a confidential manner to the extent permitted by law. Also, any form of retaliation directed towards an individual who makes a complaint or who participates or cooperates in an investigation is unlawful and will not be tolerated by Nichols College.

If, as a result of the investigation, it is determined that any individual engaged in conduct that either constitutes harassment or otherwise violates the College’s policies, appropriate remedial or disciplinary action will be taken. Such actions could include (among others) eliminating contact between the employees involved in the incident, mandated training and/or counseling, demotion or immediate termination.

Nichols College will also meet with the employees involved to make certain that any improper conduct has stopped, and that there has been no discrimination or retaliatory action against the complaining employee.

Employees should be aware that while this policy sets forth our goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment or other forms of illegal harassment.

The importance of this policy cannot be emphasized enough. An environment free of sexual harassment is not only the law, it is fundamental to the culture of Nichols College. While the College hopes that any employee who believes that he/she has been sexually harassed will immediately bring the matter to the attention of his/her manager and/or the employees designated above, employees also have the right to contact the state and/or federal employment discrimination agencies which enforce the law against sexual harassment and discrimination:

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| 1. | The United States Equal Employment Opportunity Commission (“EEOC”)475 J.F.K. Federal Building Government Center Boston, MA 02203-0506(617)-565-3200 |
| 2. | The Massachusetts Commission Against Discrimination (“MCAD”) |
|  | Boston Office:One Ashburton Place – RM 601 Boston, MA 02108(617)-727-3990 | Springfield Office:436 Dwight St., Suite 220Springfield, MA 01103(617)-739-2145 |
|  | New Bedford Office:800 Purchase Street, Room 501 New Bedford, MA 02740(508)-990-2390 |  |

To be automatically connected to the nearest EEOC Field Office in other locations, employees should call 1-800-669-4000. Each of the agencies has a short time period for filing a claim (EEOC – 180 days (the 180 calendar day filing deadline is extended to 300 calendar days if a state or local agency enforces a law that prohibits employment discrimination on the same basis); MCAD - 300 days).

## EMPLOYEES MUST NOT ASSUME THAT NICHOLS COLLEGE KNOWS ABOUT AN EMPLOYEE’S SITUATION. EMPLOYEES SHOULD REPORT ALL INCIDENTS OF HARASSMENT TO THEIR SUPERVISOR, MANAGER, HUMAN RESOURCES , OR ANY OTHER MEMBER OF THE MANAGEMENT TEAM.

***The above sets forth the general guidelines and principles regarding sexual harassment and other forms of harassment at Nichols College. Employees must be aware that Nichols College has a separate Nichols College Sexual Misconduct Policy and Nichols College Policy Against Discrimination, Harassment, and Retaliation. Those policies trump this handbook to the extent there are any conflicts.***