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## Equal Opportunity/Affirmative Action

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[View the WSC Affirmative Action Plan](#)

In 1838, Horace Mann founded Westfield State College as the first public higher education institution without barrier to race, gender or economic class. During the post-Civil war period, Westfield became known for educating freed African-Americans. Today we continue to honor our history by recruiting students, faculty and staff whose range of lifestyles, cultures, talents and global perspectives enrich Westfield's academic and community life. Westfield State College is committed to affording all students access to all of the educational opportunities available regardless of race, creed, color, gender, age, marital status, sexual orientation, national origin, religion, veteran status, and physical disability.

Westfield State College is committed to building a culturally diverse student body, faculty and staff and is dedicated to teaching and working in a multi-cultural environment. The College further prohibits acts of sexual harassment, and is committed to a living and learning environment that is free from all forms of sexually abusive, harassing, or coercive conduct.

Westfield State College and the Office of Multicultural Affairs/Affirmative Action/Equal Opportunity and Title IX Coordinator, is committed to affording all students access to all of the educational opportunities available regardless of race, creed, color, gender, age, marital status, sexual orientation, national origin, religion, veteran status, and physical disability.

The College further prohibits acts of sexual harassment, and is committed to a living and learning environment that is free from all forms of sexually abusive, harassing, or coercive conduct.

The College's policy of non-discrimination incorporates, by reference, the requirements of Federal Executive Orders 11246 and 11375 as amended; the Civil Rights Act of 1964 as amended; the Civil Rights Restoration Act of 1988; the Civil Rights Act of 1991; Title IX of the Education Act of 1972; Section 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974; and pertinent laws, regulations and executive directives of the Commonwealth of Massachusetts, including regulatory procedures set forth under Chapter 820 of the Acts of 1973, and other applicable state and federal statutes.

Students are encouraged to contact the Dean of Multicultural Affairs, an administrator, or faculty member with whom they feel comfortable to discuss issues of discrimination or harassment. Often, students are uncertain whether what they have witnessed or been subjected to is a violation of College policy or state/federal regulation. In these instances you are encouraged to seek counsel and advice from the Dean of

Multicultural Affairs. However, any member of the College community who feels that they have been harassed or discriminated against is strongly encouraged to notify the Dean of Multicultural Affairs who is also the Director of Equal Opportunity.

For complaints of discrimination or harassment or accessibility to facilities:

Dean, Multicultural Affairs, Director, Affirmative Action/Equal Opportunity/Title IX

**Dr. Carlton Pickron**

333 Western Avenue, Room 221

413-572-5272 E-mail: [cpickron@wsc.ma.edu](mailto:cpickron@wsc.ma.edu)

### **What Constitutes Discrimination**

Discrimination is the term used to describe actions that deny to any individual the opportunity to fully participate in all of the education, student services, or employment opportunities of the College. Policies exist which prohibit discrimination based on age, race, religion, national or ethnic origin, disability, gender, or sexual orientation. It includes any condition or force which impedes the fullest utilization of the human, intellectual, and facility resources available.

Below are the categories where policies exist and some examples of the types of discrimination that are commonly practiced.

#### **Discrimination Based on Age:**

- advising students of similar interests differently because of their age
- stereotyping, or causing others to stereotype, older persons
- singling out or ignoring a student or group of students because of their age

#### **Discrimination Based on Race, Religion, National or Ethnic Origin:**

- making disparaging remarks that insult or stigmatize a student's cultural background or race
- harassing or abusing, or encouraging others to harass or abuse, a person or group of persons because of race, ethnic origin or religion
- singling out or ignoring one group of students because of their race, ethnic background or religion

#### **Discrimination Based on Disability:**

- making insensitive remarks that reflect a student's disability
- unwillingness to reasonably accommodate a student's need

#### **Discrimination Based on Gender and Sexual Orientation**

- treating or causing others to treat persons of one gender or sexual orientation differently than others based on stereotypes of that particular gender or sexual orientation
- singling out or ignoring an individual or group of students because of their gender or sexual orientation
- diverting discussion from a student's work toward a discussion of his/her physical attributes

Copies of all campus procedures, further information, and advice may be obtained by contacting the **Dr. Carlton Pickron**, Dean, Multicultural Affairs, Director, Affirmative Action/Equal Opportunity and Title IX Coordinator, 333 Western Avenue, Room 221, 413-572-5272 E-mail: [cpickron@wsc.ma.edu](mailto:cpickron@wsc.ma.edu)

### **Sexual Harassment**

Sexual Harassment consists of unwelcome verbal, non-verbal and/or physical behavior of a sexual nature which interferes with an individual's status, or which creates a sexually intimidating, hostile or offensive environment.

It is possible that a single incident can be construed as sexual harassment, more common is a continual stream of behaviors that may include jokes, comments, unnecessary touching, suggestive comments, and pressure for sexual acts.

### **What You Can Do About Discriminating Actions**

#### **If you're not sure:**

Talk to either of the coordinators listed at the front of this section.

Tell your roommate, or best friend, but don't stop there. Talk to your RA, your RD, a member of the Counseling Center, a faculty member or staff person who you feel comfortable talking to.

Call the Action Hotline at x4025. The hotline is available 24 hours a day and your call will be returned by the next day.

**If you want to do something about it:**

The College's Complaint Procedure (Personnel Policy 2070) serves as the system of review and resolution of both formal and informal claims and complaints related to the policies outlined in this section. Students are encouraged to seek advice soon after the incident in question. The ability to correct behavior or investigate is directly correlated to the time between the incident and your reporting of it.

**What You Can Expect**

Whether you file a formal or informal complaint, you can expect the following:

A Better Working/Living Environment: A student's living and educational environment should be free from discrimination and harassment, and by filing a complaint you should no longer be subject to this type of behavior.

No Retaliation: Retaliatory behavior will not be tolerated. In every case, the accused is advised that retaliation is as serious a violation as proven discrimination and carries corrective and disciplinary consequences.

A Report of Findings: Most complaints are investigated and resolved within fifteen (15) working days. Students who file a complaint may expect to receive a response from the Coordinator within that time, or be informed of an extension in the investigation.

Ability to Appeal Decision: Either party, upon being notified of the recommended resolution may choose to appeal the decision. The process for appeal is outlined in the Complaint Procedure Policy (Personnel Policy 2070).

## **EQUAL OPPORTUNITY POLICIES**

### **1. DISCRIMINATION BASED ON GENDER AND SEXUAL ORIENTATION**

#### **PURPOSE**

It is the purpose of this document to present a policy against discrimination based on gender and sexual orientation.

#### **POLICY**

##### **A. INTRODUCTION**

1. Westfield State College is committed to providing a working, living and learning environment which utilizes the resources of all members of the College Community and develops the talents of all of its students without regard to gender or sexual orientation. Any condition which interferes with the development of talents by causing discrimination based on gender or sexual orientation constitutes a destructive force within the College Community.

2. Westfield State College prohibits all forms of discrimination on the basis of gender or sexual orientation. This policy proscribes all acts, including acts of omission, that have the effect of denying to any person equality of right, entitlement, benefit or opportunity by reason of such person's gender or sexual orientation including all forms of verbal harassment or abuse based on gender or sexual orientation, and all actions or omissions which deny or have the effect of denying any person her/his rights to equality, dignity or opportunity because of her/his gender or sexual orientation. This prohibition encompasses harassment by personal vilification.

3. Sexual orientation does not include any sexual orientation that involves minor children as the sex object.
4. Examples of discrimination on the basis of a person's gender or sexual orientation, all of which are prohibited by this policy include but are not limited to:
  - a. Differences in salaries (or other benefits) that are paid to one or more men and one or more women if the differences are not based on a bona fide occupational qualification.
  - b. Excluding members of one gender or sexual orientation from a category of positions or from a department or division.
  - c. Classifying a position or positions as being suitable only for persons of one gender or of one particular sexual orientation.
  - d. Restricting the number of persons of one gender or sexual orientation in a category of positions or in a department or division.
  - e. Waiving required position qualifications for one gender or sexual orientation but not for another.
  - f. Developing position descriptions or qualifications which, without lawful justification, are so specific as to have a disparate exclusionary impact on one gender or sexual orientation.
  - g. Using information on marital or parental status for employment decisions where the use of such information has a disparate impact on persons of one gender or sexual orientation.
  - h. Singling out or ignoring one group of students because of their gender or sexual orientation.
  - i. Advising students of similar interests and background differently because of their gender or sexual orientation.
  - j. Treating or causing others to treat persons of one gender or sexual orientation differently from persons of the other gender or another sexual orientation because of assumptions about or stereotypes of the intellectual ability, interests or aptitudes of persons of a particular gender or sexual orientation.
  - k. Diverting a discussion of a student's work toward a discussion of her/his physical attributes or appearance. (This will typically constitute sexual harassment, which is one kind of discrimination on the basis of gender.)
  - l. Harassing or abusing, or encouraging others to harass or abuse, a person or group of persons because of their gender or sexual orientation, whenever such harassment or abuse constitutes harassment by personal vilification.
5. In order to promote an atmosphere in which diversity is valued and the worth of individuals is recognized without regard to their gender or sexual orientation, and in order as well to combat discrimination on the basis of gender and sexual orientation, the College will take the following actions:
  - a. Distribute annually a policy statement on gender and sexual orientation discrimination to all segments of the College Community.
  - b. Conduct educational programs for the College Community on the causes and nature of such discrimination.

## **B. INSTITUTIONAL COMPLAINT PROCEDURES**

The College's Discrimination Complaint Procedures will serve as a system of review and resolution for both informal claims and formal complaints of gender and sexual orientation discrimination. Any member of the College Community who believes s/he has been a victim of gender or sexual orientation discrimination may initiate the informal claim or formal complaint procedures as outlined in the College's Discrimination Complaint Procedures. Further information or advice may be obtained by contacting the Dr. Carlton Pickron,

Dean, Multicultural Affairs, Director, Affirmative Action/Equal Opportunity/Title IX at 413-572-5272 or [cpickron@wsc.ma.edu](mailto:cpickron@wsc.ma.edu).

### **REVIEW**

This document will be reviewed annually by the Office of Multicultural Affairs, Affirmative Action/Equal Opportunity/Title IX.

## **2. SEXUAL HARASSMENT**

### **PURPOSE**

It is the purpose of this document to present a policy against sexual harassment.

### **POLICY**

#### **A. INTRODUCTION**

1. It is against the policy of Westfield State College for any member of the College community, male or female, to sexually harass another employee, student or other person having dealings with the institution. The College is committed to providing a working, living and learning environment that is free from all forms of sexually abusive, harassing or coercive conduct. This policy seeks to protect the rights of all members of the College community (faculty, librarians, administrators, staff and students) and other persons having dealings with the institution, to be treated with respect and dignity.

2. Sexual harassment is a form of behavior which fundamentally undermines the integrity of academic and employment relationships. It is of particular concern within educational institutions where all members of the community, but especially students, faculty, librarians, staff and administrators, are connected by strong bonds of intellectual interdependence and trust. Both the Federal Courts and the Equal Employment Opportunity Commission have ruled that sexual harassment constitutes sex discrimination as defined under Title VII of the Civil Rights Act of 1964. Sexual harassment has also been judged to be prohibited sex discrimination under Title IX of the Higher Education Amendments of 1972 as amended, and under Chapters 151B and 151C of the Massachusetts General Laws.

#### **B. DEFINITION**

1. The following definition which applies to any individual of either sex who participates in the College community as a student, faculty member, librarian, administrator, staff member or other person having dealings with the institution.

2. Sexual harassment consists of unwelcome verbal, non-verbal and/or physical behavior of a sexual nature which has the effect of interfering with student, employment, academic or other status, or of creating a sexually intimidating, hostile or offensive environment. Sexual harassment incidents can involve a male harasser and a female victim, a female harasser and a male victim, or same gender harassment.

3. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
- b. submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; or
- c. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating a sexually intimidating, hostile or offensive employment, educational or living environment.

4. Examples of sexual harassment may include, but are not limited to:

- a. verbal harassment, or abuse,

- b. subtle pressure for sexual activity,
- c. sexual remarks about an individual's or group's clothing, body or sexual activities,
- d. unnecessary touching, patting or pinching,
- e. demands for sexual favors accompanied by implied or overt threats or offers concerning one's job, grades, letter of recommendation, etc.,
- f. physical sexual assault.

### **C. CONSENSUAL RELATIONSHIPS**

1. Under this Policy, consenting romantic and/or sexual relationships between faculty and student, librarian and student, administrator and student, classified staff member and student or supervisor and employee are deemed unprofessional. Because such relationships interfere with or impair required professional responsibilities and relationships, they are looked upon with disfavor and are strongly discouraged under this Policy.
2. Codes of Ethics for most professional associations forbid professional/ client sexual relationships. In this context and for purposes of this Policy, the professor/student relationship is properly regarded as one of professional and client. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in giving praise or blame, grades, recommendations for further study and employment, and other benefits or opportunities diminish the student's actual freedom of choice such that relationships thought to be consensual may in fact be the product of implicit coercion. Many elements of the administrator/ student, librarian/student, classified staff member/student and the supervisor/employee relationship are similar to those of the professor/student relationship because of a similar imbalance of power and a similar need for trust. For purposes of this Policy, therefore, these relationships are also discouraged and looked upon with disfavor.
3. Faculty, librarians, administrators, classified staff members and supervisors are warned against the dangers of apparently consensual relationships. A faculty member, librarian, administrator, or classified staff member who enters into a romantic or sexual relationship with a student, or a supervisor who enters into such a relationship with an employee, where a power differential exists, must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to disprove the claim on the grounds of mutual consent. Because that is so, it should be understood that relationships of this kind pose serious professional risks to any who enter into them.

### **D. INSTITUTIONAL MEASURES TO CONFRONT SEXUAL HARASSMENT**

1. Whenever it has been properly determined that sexual harassment has occurred, the College will take prompt and corrective action including appropriate disciplinary action. In determining whether the alleged conduct constitutes sexual harassment, the College will look at the entire record and the circumstances, such as the nature of the sexual conduct and the context in which the alleged incidents occurred and will make a decision on a case-by-case basis. The College is committed to promoting, to the greatest degree possible, an environment free from sexual harassment. To this end, the College will take the following steps:
  - a. Distribute annually the policy statement against sexual harassment to all segments of the College community.
  - b. Conduct educational programs for the College community regarding the causes, character and consequences of sexual harassment as well as the steps available to stop such practices on the campus.

### **E. INSTITUTIONAL COMPLAINT PROCEDURES**

The College's Discrimination Complaint Procedures will serve as a system of review and resolution for both informal claims and formal complaints of sexual harassment. Any member of the College community or any applicant for employment who believes s/he has been a victim of sexual harassment may initiate the informal claim or formal complaint procedures as outlined in the College's Discrimination Complaint Procedures.

Further information or advice may be obtained by contacting the Dean Pickron, Office of Multicultural Affairs.

#### **F. RETALIATORY ACTION PROHIBITED**

The College prohibits retaliatory action against persons who file claims, complaints or charges under these procedures, under applicable local, state or federal non-discrimination statutes, who are suspected of having filed such claims, complaints or charges, who have assisted or participated in an investigation or resolution of such claims, complaints or charges, or who have protested practices alleged to be violative of the non-discrimination policy of the College, the Board of Higher Education, or local, state or federal nondiscrimination regulation or statute. Such retaliation is cognizable under these procedures as well as under state and federal law. Retaliation, even in the absence of provable discrimination in the original complaint, charge or allegation, constitutes a violation as serious as proved discrimination under the original claim, complaint, charge or allegation. Any person who believes s/he has been retaliated against in this manner is encouraged to immediately file a claim or complaint under these procedures.

#### **G. OTHER ADMINISTRATIVE OPTIONS**

It is the intent of the administration of the College to actively respond to all claims/ complaints of discrimination with the hope that it can fully, quickly and adequately resolve them internally. The College also recognizes the right of all complainants to file charges of unlawful discrimination with the appropriate federal, state or local agency with or without first pursuing a resolution of the claim/complaint through the Colleges' discrimination complaint procedures. These agencies include:

United State Office of Education/Office for Civil Rights McCormack Post Office and Court House Building Room 222 Boston, MA 02109

U.S. Equal Employment Opportunity Commission One Congress Street 10th Floor Boston, MA 02114

Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, MA 02108

Massachusetts Commission Against Discrimination 436 Dwight Street Springfield, MA 01103

#### **REVIEW**

This document will be reviewed annually by the Office of Multicultural Affairs, Affirmative Action/Equal Opportunity/Title IX.