

## Statement On Non-Discrimination, Equal Employment Opportunity And Related Laws

Claremont McKenna College does not discriminate on any illegal basis in the administration of its admission, educational, or employment policies and practices, nor in the recruitment, training, promotion, financial support, or compensation of its faculty, students, or staff. The College's specific policies dealing with discrimination and harassment, and its policies as an equal-opportunity employer, may be obtained from the Dean of Admission, the Dean of Students, the Dean of the Faculty, or the Human Resources Director. Those policies are set forth in the College's Guide to Student Life, its Faculty Handbook, and its Staff Handbook. The College complies with all applicable state and federal laws, including, but not limited to:

The College complies with the requirements of Title IX of the Higher Education Amendments of 1972. Inquiries concerning the application of Title IX to this institution should be referred to the Dean of Students or the Director of Human Resources.

The College complies with the requirements of Title VII of the Civil Rights Act of 1964. Inquiries concerning the application of Title VII to this institution should be referred to the Director of Human Resources.

The College complies with the requirements of the California Fair Employment and Housing Act ("FEHA"). Inquiries concerning the application of FEHA to this institution should be referred to the Director of Human Resources.

The College complies with the California Unruh Civil Rights Act. Inquiries concerning the application of the Unruh Act to this institution should be referred to the Dean of Students.

The College complies with the Family Educational Rights and Privacy Act of 1974. Inquiries concerning the application of the Family Educational Rights and Privacy Act to this institution should be referred to the Registrar's office.

The College complies with Section 504 of the Rehabilitation Act of 1973. Inquiries concerning the application of Section 504 to this institution should be referred to the Director of Human Resources.

The College complies with the Americans with Disabilities Act (the "ADA"). Inquiries concerning the application of the ADA to this institution should be referred to the Dean of Students or to the Director of Human Resources.

The College complies with the Age Discrimination in Employment Act of 1967, as amended by the Older Worker's Benefit Protection Act ("ADEA"). Inquiries concerning the application of the ADEA to the institution should be referred to the Director of Human Resources.

The College complies with any other applicable federal, state, or local law addressing non-discrimination and/or equal employment opportunity.

## Statement on Harassment, Free Speech, and Academic Freedom

While it is the policy of the College to maintain an environment free of unlawful harassment, the College is also an institution of higher learning with a profound commitment to the free expression and testing of ideas—whether or not those ideas are controversial or unpopular—for such freedoms are essential to the search for truth, the central purpose of any institution of higher learning. The College's commitment to freedom of speech generally, and to the particular ideals associated with academic freedom, requires that the advocacy of ideas in instruction, by both faculty and students, be protected, and requires the College to protect the rights of its faculty and students to pursue controversial, provocative, and unpopular topics and ideas in their teaching, learning, and research. Moreover, rights of free speech and expression are not only at the core of the College's mission, they are also protected by state and federal law, which limit when offensive speech or expressive conduct may be punished.

Nevertheless, it must be recognized that some forms of expression are not legally protected and do not play any meaningful role in the exchange of ideas. Such forms of expression may, indeed, inhibit that exchange, thereby denying some individuals full participation in the life of the academic community. Speech or other expressive activity can and will be grounds for discipline when it (1) materially or substantially disrupts class work or involves substantial disorder to College activities, (2) invades the legal rights of

others, (3) amounts to “fighting words,” (4) is likely to provoke imminent lawless action, (5) constitutes defamation or obscenity, or (6) rises to the level of unlawful harassment. Labeling such improper activity as “speech” does not make it permissible, either under the policies of the College or under the law.

## Equal Employment Opportunity

In addition to its commitment to a harassment-free educational and working environment, the College is an equal opportunity employer. The College is committed to a policy of equal employment opportunities for all applicants and employees and complies with all applicable state and federal laws on the matter. The College does not unlawfully discriminate on the basis of race, color, religion, sex (including pregnancy, childbirth or related medical conditions), national origin, ancestry, age, physical disability, mental disability, medical condition, family care status, veteran status, marital status, or sexual orientation. The College also prohibits the harassment of any employee on any of these bases. The College also makes reasonable accommodations for disabled employees. These policies apply to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social and recreational programs.

It is the responsibility of every manager and employee to follow this policy conscientiously. Employees with questions regarding these policies should discuss them with the Director of Human Resources or their supervisor.

## CMC Policy Concerning Harassment

### I. Policy Statement

It is the policy of Claremont McKenna College to maintain an environment for students, faculty, and staff that is free of sexual, racial and other unlawful harassment. All members of the college community should be aware that the College is concerned about such harassment, and is prepared to take prompt remedial action to prevent and correct such behavior. Individuals who engage in sexual harassment (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), as well as other unlawful harassment based on such factors as race, color, religion, national origin, sexual orientation, family care leave status, or veteran status, will be subject to discipline, up to and including expulsion or termination. Retaliation against a person who properly reports, complains about, or participates in the investigation of such harassment is likewise prohibited.

### II. Unlawful Harassment Defined

#### *Unlawful Harassment in General*

Unlawful harassment is conduct that creates an intimidating, offensive, or hostile working or academic environment, or that interferes with work or academic performance based on a person’s protected status, including race, color, national origin, ancestry, sex (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), sexual orientation, gender, gender identification, age, religious creed, physical and/or mental disability, medical condition, marital status, or other status protected by anti-discrimination and anti-harassment statutes, such as Titles VII or IX of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the California Fair Employment and Housing Act. Such harassment can be physical, verbal, or visual. Harassment can be committed by employers, co-workers, fellow students, and third parties. Generally, statements and/or conduct legitimately and reasonably related to the College’s mission of education do not constitute harassment.

#### *Sexual Harassment*

One form of unlawful harassment is sexual harassment. Sexual harassment may be either “quid pro quo” harassment, that is sexual advances or requests for sexual favors where submission is made an explicit or implicit term or condition of an individual’s employment or education or where submission or rejection is used as the basis for making employment or educational decisions affecting an individual; or “environmental” harassment, where the individual is subjected to a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere with an individual’s work or education, or to affect adversely an individual’s living conditions. Occasional compliments that are generally accepted as not offensive or other generally accepted social behavior, on the other hand, do not constitute sexual harassment.

Examples of sexual harassment may include such conduct as:

1. Physical assault or other unwelcome touching;
2. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendations;
3. Direct propositions of a sexual nature;
4. Subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic purpose;
5. A pattern of conduct that would discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (1) unnecessary touching, patting, hugging, or brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (3) remarks about sexual activity or speculations about previous sexual experience; or (4) other comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes;
6. Visual displays of suggestive, erotic or degrading sexually-oriented images;
7. Letters, notes or electronic mail containing comments, words or images as described in (5) above.

***Other Conduct Prohibited by this Policy***

*Retaliation against Complainants.* It is a violation of this Policy to retaliate against a complainant for filing a charge of harassment. A complaint of retaliation may be pursued using the steps followed for a complaint of harassment.

*False Reports.* To file a knowingly false or malicious complaint of harassment or of retaliation is also a violation of this policy. A complaint against such conduct may be pursued using the steps followed for a complaint of harassment. A complaint under this provision shall not constitute prohibited retaliation.

**Reporting Unlawful Discrimination Or Harassment**

Individuals who believe they are victims of, or witnesses to, unlawful discrimination or harassment (collectively “Unlawful Discrimination”) are urged to report such incidents as soon as possible to their supervisor, academic instructors, or one of the College officials designated at the end of this Section. CMC emphasizes that under no circumstances is an individual required to report Unlawful Discrimination to a supervisor or academic instructor who is accused of committing the Unlawful Discrimination. Any employee (including any faculty member) who receives a complaint of Unlawful Discrimination, is a witness to Unlawful Discrimination, or who otherwise learns of an occurrence of Unlawful Discrimination from a reliable source has the responsibility to report that occurrence immediately to any of the individuals listed below, even if the victim declines to report it.

The College will investigate every reported complaint of Unlawful Discrimination and will take appropriate action, based on the circumstances of the case, consistent with its policies and procedures then in force. Throughout the complaint and investigation process, the College will attempt to maintain confidentiality to the extent reasonably possible. Disciplinary sanctions for Unlawful Discrimination may include any of the following: required counseling, a verbal or written reprimand, a verbal or written warning, immediate suspension or termination of a third party contract/agreement, or immediate suspension or termination of employment/enrollment.

For more information or to report a suspected incident of Unlawful Discrimination you may contact any of the individuals listed below:

*Jefferson Huang, Vice President for Student Affairs, Heggblade Center, (909) 621-8114.*

*Gregory Hess, Vice President and Dean of the Faculty, Bauer Center, (909) 621-8117.*

*Andrea Gale, Director of Human Resources, Claremont Boulevard, (909) 621-8490.*

*Robin Aspinall, Vice President for Business and Administration and Treasurer and Affirmative Action Officer, Bauer Center, (909) 621-8116.*