



A.2.1 Unlawful Harassment Policy

Marine Biological Laboratory
EEO Policy No. A.2.1

Initiated by: Equal Employment Opportunity Coordinator
Approved by: Director/CEO Date: July, 1987
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Distribution: The MBL Community

1.0 Policy Statement

It is the goal of MBL to promote a working and learning environment free of unlawful discrimination, harassment, and intimidation for every member of its scientific community (employees, visiting researchers and scholars, course participants, library users, etc.) and for anyone else who has a relationship to the community (Trustees, Corporation members, contractors, vendors, etc.). Harassment, whether discriminatory or sexual, is unlawful under both federal and state law and, as such, will not be tolerated by MBL. Further, any retaliation against an individual who has complained about harassment, or retaliation against an individual who has cooperated in an investigation of harassment, is also unlawful and will not be tolerated. MBL takes allegations of harassment seriously and will respond promptly to any complaint. Where it is determined that inappropriate conduct has occurred, MBL will take the necessary action to eliminate the conduct and impose corrective measures, including disciplinary action.

2.0 This policy applies to all work/program-related settings and activities, whether inside or outside the MBL, and includes off-site research laboratories, field trips, business trips, and other business-related social events. MBL property (telephones, copy machines, facsimile machines, computers, computer applications such as e-mail and Internet, etc.) may not be used to engage in conduct that violates this policy.

3.0 While this policy sets forth goals for promoting an environment free of harassment, it is not designed or intended to limit MBL's authority to discipline or take remedial action for conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment. It is expected that all members of the MBL community will conduct themselves in a manner that fosters mutual respect for one another and maintains an atmosphere of professionalism.

4.0 MBL requires each of its supervisors and managers to be responsible for the prevention and elimination of all forms of harassment within their respective departments. Supervisors and managers, new employees, and any employee who has not been recently trained will be given training in ways to prevent unlawful harassment in the workplace.

5.0 Definitions

5.1 The definition of unlawful discriminatory harassment is any verbal or physical conduct which has the intent or effect of unreasonably interfering with an individual's work or academic performance or which creates an intimidating, hostile, or offensive work or educational environment, when such conduct is based upon race, color, religion, national origin, ancestry, gender/sex, age, disability,



sexual orientation, genetics, military status, or participation in discrimination complaint-related activities. Prohibited behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

5.2 The definition of unlawful sexual harassment is any sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions (called quid pro quo) or (b) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment (called hostile environment)

5.2.1 Quid pro quo sexual harassment occurs when a supervisor takes an adverse job action against an employee (such as discharge, demotion, or undesirable reassignment) because the employee refuses the supervisor's sexual advances.

5.2.2 Hostile environment sexual harassment includes, but is not limited to, unwelcome sexual advances, whether or not they involve physical touching; sexual epithets, jokes, written or oral references to sexual conduct; gossip regarding one's sex life; comments on an individual's body or sexual activity; displaying sexually suggestive objects, pictures, cartoons; unwelcome leering, whistling, brushing against someone's body; sexual gestures; suggestive or insulting comments; discussing one's own or inquiring into another's sexual activities.

6.0 Complaints

Any person who believes that he or she has been unlawfully or sexually harassed should bring his or her concerns to the attention of management immediately. This can be done in writing or orally. You may report such conduct to any one of the following: your immediate supervisor, your supervisor's manager, the EEO Coordinator (Homestead 109, x7378, eeo@mbi.edu), the Human Resources Director (x7422), or to any member of management with whom you feel comfortable. These people are available to discuss any concerns you may have and to provide information to you about this policy and the complaint process.

7.0 Investigation

When a complaint is received, MBL will investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with any witnesses. The person alleged to have committed the harassment will also be interviewed. When the investigation is complete, MBL will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation.

8.0 Disciplinary Action

If it is determined that inappropriate conduct has occurred, MBL will act promptly to eliminate the offending conduct and, where it is appropriate, will impose disciplinary action. Resolution through



informal means is encouraged and, in most instances, will be satisfactory. If more formal action is necessary this may include counseling, warnings, transfers, suspensions, reductions in pay or duties, termination of employment, and/or dismissal from the MBL community. Since retaliation is also unlawful, any such conduct will warrant disciplinary action as well.

9.0 State and Federal Remedies

MBL strongly encourages anyone who believes they have been harassed to bring the matter to MBL's attention. Inquiries or concerns may also be directed to the governmental agencies responsible for the enforcement of employment discrimination laws within 300 days of an incident:

Massachusetts Commission Against Discrimination, One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108, 617-994-6000

United States Equal Employment Opportunity Commission, JFK Federal Building, 475 Government Center, Boston, MA 02203, 800-669-4000

10.0 All members of the MBL community are expected to be aware of this policy and of the types of conduct that constitute unlawful harassment, as well as the avenues of assistance provided by MBL for addressing complaints. Compliance with this policy is a condition of each employee's employment and of each participant's status in a program.

11.0 Policy clarification and updates are available from the EEO Coordinator, 508 289-7378 or eeo@mbledu