



## **Endicott College Harassment and Discrimination Policy**

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### **I. Philosophy and Scope**

Endicott College is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in protected activity. Endicott College values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, the College has developed policies and procedures that provide for prompt, fair, and impartial resolution of allegations of protected characteristic-based discrimination, harassment or related allegations of retaliation.

This policy prohibits unlawful harassment and discrimination (as defined below) against students, employees and third parties who are involved in College programs and activities and that does not involve alleged misconduct that falls within the scope of the College's Sexual and Interpersonal Misconduct Policy ("SIM Policy" which can be found by going to [www.endicott.edu/title-ix](http://www.endicott.edu/title-ix)). This policy applies to statements and/or conduct of all administrators, faculty, staff, students, members of the Board of Trustees, agents of the College, and volunteers involved in College-related activities. Unionized employees are also subject to the terms of their collective bargaining agreements to the extent those agreements do not conflict with federal or state compliance obligations or this policy.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Endicott College community or other covered person whose acts deny, deprive, unreasonably interfere with or limit the education or employment, and/or social access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived protected characteristic(s), is in violation of this policy.

Endicott College will strive to promptly and effectively address any such discrimination or harassment of which it has knowledge using the resolution process

in the Harassment and Nondiscrimination Procedures stated below.

## **II. Protected Characteristics**

Endicott College does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of actual or perceived:

- Age (40 years and over in the employment context)
- Citizenship status
- Color
- Creed
- Disability (physical or mental)
- Domestic violence victim status
- Ethnicity
- Family responsibilities
- Gender expression
- Gender identity
- Genetic information (including family medical history)
- Height
- Marital status
- National origin (including ancestry)
- Pregnancy or related conditions
- Race
- Religion
- Residence
- Sex
- Sexual orientation
- Shared ancestry or ethnic characteristics
- Veteran or military status (including disabled veteran, recently separated veteran, active-duty, wartime, or campaign badge veteran, and Armed Forces Service Medal veteran)
- Or any other characteristic protected under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the College, with the Equal Employment Opportunity Commission, and/or other human/civil rights agency.

## **III. Definitions**

**Discrimination** in violation of this policy means treating an individual differently and negatively by taking an injurious action because of an individual's actual or perceived protected characteristic or characteristics. An injurious action is any: 1) act or omission that results in a negative effect (that is, some harm) on the terms, conditions, and/or privileges of employment or enrollment; or 2) conduct that interferes with a student's ability to participate in or benefit from the University's

educational programs or activities. Injurious actions could include, but are not limited to: denial or limitation of access to programs or services; the provision of lesser services; differential application of policies; loss of money; hiring, firing, promotion, or demotion; reduction in pay or benefits; and/or reassignment, transfer, or a change in duties.

**Harassment** in violation of this policy constitutes a form of discrimination and is defined as verbal or physical conduct or communications directed at, or made because of, an individual's actual or perceived protected characteristic or characteristics, that has the purpose or effect of substantially interfering with a covered individual's participation in College-related activities, or creating what a reasonable person would perceive to be an intimidating, hostile or offensive environment.

Harassment includes such conduct specifically directed at covered individuals based on stereotyped notions or beliefs, because of a person's identification with a particular group, or because of an individual's family member's protected characteristics or membership in a protected group. Harassment may also include but is not limited to – slurs or taunts in the guise of a joke, offensive graffiti, demeaning email and other electronic messages, disparaging references to members of a protected group, threats or acts of physical harm, and intimidation, that meets the thresholds specified above.

The College will not tolerate unlawful harassment, and it will not engage in or tolerate unlawful discrimination (i.e., injurious actions as defined above) against covered individuals.

Endicott College recognizes that the protection of free and open speech and the open exchange of ideas are essential to any academic community. The protection of free and open speech is, therefore, an important element in the "reasonable person standard" to be used in judging whether harassment has occurred. This harassment policy statement is meant neither to proscribe nor to inhibit discussion, in or out of the classroom, of complex, controversial or sensitive matters, when in the judgment of a reasonable person, these discussions arise appropriately and with respect for the dignity of others.

**Retaliation** is also prohibited by this policy. The College strictly prohibits retaliation (directly by the person responding to the complaint, indirectly by the person's associates, or by others) against individuals who make complaints or raise concerns about issues covered by this policy, and/or who serve as witnesses or otherwise cooperate with investigations, regardless of whether the College ultimately determines that the alleged conduct constituted unlawful discrimination or harassment.

#### **IV. Reporting and Confidential Support**

##### **A. Reporting**

In general, covered individuals who believe they may have been subjected to harassment

or discrimination as defined above are encouraged to report their concerns through or to:

- The College's online reporting form, or
  - For discrimination and harassment allegations [not based on sex or disability] that involve Endicott College employees:  
  
Policy Administrator:  
Federico Chiavazza  
Director of Human Resources  
College Hall  
[fchiavaz@endicott.edu](mailto:fchiavaz@endicott.edu)  
(978) 232 2051
  - For discrimination and harassment allegations [not based on sex or disability] where both parties are Endicott Students:  
  
Policy Administrator:  
AJ Andreucci  
Associate Dean of Students  
Callahan Center, 1<sup>st</sup> Floor  
[aandreucci@endicott.edu](mailto:aandreucci@endicott.edu)  
(978) 232 2121
  - For all sex-based harassment allegations as well as for disability-based discrimination allegations:  
  
Policy Administrator:  
Christy Galatis  
Senior Director of Title IX and ADA Appellate Officer  
Callahan Center, 1<sup>st</sup> Floor  
[cgalatis@endicott.edu](mailto:cgalatis@endicott.edu)  
(978) 998 7746

College faculty and employees (including student-employees), other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, and/or retaliation to one of the individuals identified above immediately, although there are some limited exceptions. Failure of a Mandated Reporter to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of Endicott College Policy and can be subject to disciplinary action.

If a concern involves perceived harassment, discrimination or retaliation by an individual designated to receive complaints, a report regarding that concern should be directed to another designated recipient. If a concern involves such behavior by a member of the Board of Trustees, the report should be made through the College's online reporting form, to one of the individuals identified above, to the Office of the President, or to the Chair of the Board of Trustees via the secretary to the Board of Trustees and the President of the College.

Supportive measures may be offered as the result of such disclosures without the College's initiation of a formal or informal process under the procedures outlined below.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged policy violations, and these employees will immediately provide relevant information about the allegations to the appropriate administrator ("Responsible Administrator") (and/or police, if desired by the Complainant), who will act when an incident is reported to them.

## **B. Confidential Support**

Endicott College has designated specific employees as Confidential Resources. Those designated by Endicott College as Confidential Resources are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the parties. They will, however, provide the Complainant with a Responsible Administrator's contact information and offer options and resources without any obligation to inform an Endicott College official unless a Complainant has requested the information be shared.

These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability as required by Massachusetts law, or when required to disclose by other applicable law or court order.

If a Complainant would like to seek support but would like the details of an incident to be kept confidential, the Complainant may contact:

- Endicott College Wellness Center Staff 978-232-2104 (for appointments)
- Director of Belonging and Spiritual Life Gail Cantor  
978-232-2163  
[gcantor@endicott.edu](mailto:gcantor@endicott.edu)

Employees who have confidentiality as described above, and who receive information within the scope of their confidential roles about conduct that could constitute a crime that falls within the scope of the College's Clery Act obligations (e.g., a hate crime) will timely submit anonymous statistical information for Clery Act purposes.

In addition, Complainants may speak with individuals in the following categories who are unaffiliated with Endicott College without concern that this policy will require such individuals to disclose information to the College without the Complainant's permission:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

## **V. Resolution Procedures**

Complaints that an Endicott student was inappropriately denied disability-related accommodations will be addressed by the Dean of the ECTL via the department's [Accommodation Appeal Form](#).

All other formal harassment, discrimination or retaliation complaints (including disability related employment complaints), will be handled by a Responsible Administrator or designee under the following procedures:

- While the College will address complaints when they are raised, to best facilitate timely resolution of discrimination, harassment, retaliation and denial of employee disability-related accommodation complaints, such complaints should be reported within 30 days of the date on which the person filing the complaint becomes aware of the alleged discriminatory action.
- If the complaint in question involves a Responsible Administrator or other individual identified to receive complaints, the complaint may be submitted to another such individual, who will themselves review the complaint and supervise the resolution process, or identify another person who can appropriately do so.
- Complaints must be submitted in writing (either before or after the individual meets with the Responsible Administrator or designee), should generally contain the name and address of the person submitting it, and should describe the problem or action alleged to be discriminatory, and the remedy or relief sought. Responsible Administrators will acknowledge written complaints within 48 to 72 business hours, absent extenuating circumstances.
- The Responsible Administrator, or their designee, will conduct an investigation or will oversee an investigation by an internal or external investigator designated by the Responsible Administrator. Investigations will be thorough, adequate, reliable and impartial. The investigation will ordinarily be completed within 21 business days, unless extenuating circumstances (e.g., party and witness availability, College breaks) requires a longer investigation period. Parties will be informed of any delay and the reasons for the delay.
  - The Responsible Administrator will consider the results of the investigation and will typically issue a written decision regarding the complaint no later

than 28 business days after its filing unless extenuating circumstances (e.g., witness availability, College breaks) requires a nominal extension. Parties will receive a written decision regarding the outcome of a complaint and the basis for the decision. Also included in the written decision will be the Responsible Administrator's decision regarding sanctions if they determine themselves and/or in consultation with other appropriate College Administrators, that sanctions are warranted.

#### **A. Student Sanctions**

The following are the common sanctions that may be imposed upon students singly or in combination:

- **Warning:** An official written reprimand for violation of specified regulations.
- **Probation:** A period of time in which a student is expected to demonstrate positive behavioral change. Violations of the terms of student conduct probation, or any other violation of this Code during the period of probation, may result in further sanctions, including eviction from residence, suspension, or expulsion from the College.
- **Denial of Access to Specific Areas:** Ban from areas on-campus for a specified length of time.
- **Relocation or Removal from Residence:** Suspension or termination of the residence hall agreement and exclusion from visiting within certain or all residential facilities, as set forth in the notice of relocation or removal, for a specified period of time. A student who is removed from his or her residence arrangement is not entitled to a refund of room fees.
- **Revocation of Privileges:** Restrictions placed on activities and/or use of College services and facilities for a specified period of time.
- **Suspension:** Exclusion from classes and other privileges or activities, including access to College premises or College-sponsored activities off-campus, as set forth in the notice of suspension. A student who is suspended is not entitled to any tuition or fee refund and is banned from College premises for the duration of the suspension.
- **Dismissal or Expulsion:** Termination of student status, and exclusion from College premises, privileges, and activities. A student who is dismissed or expelled shall not be entitled to any tuition or fee refund. In the case of expulsion, the student will be banned from College premises permanently.
- **Discretionary Sanctions:** Other sanctions may be imposed instead of or in addition to those specified above. Discretionary sanctions include, but are not limited to service hours, fines, educational reflection assignments, participation in alcohol or drug awareness programs, and training, counseling, and education.
- **No trespass notices and/or orders.**

#### **B. Employee/Non-Student Respondent Sanctions and Responsive/Corrective Actions**

Responsive actions for an employee or other non-student who has engaged in harassment, discrimination, and/or retaliation include but are not limited to:

- Verbal or Written Warning
  - Performance Improvement Plan/Management Process
  - Enhanced Supervision, Observation, or Review
  - Required Training or Education
  - Denial of Pay Increase/Pay Grade
  - Loss of Oversight or Supervisory Responsibility
  - Demotion
  - Transfer
  - Shift or schedule adjustments
  - Reassignment
  - Assignment to New Supervisor
  - Suspension/Administrative Leave with Pay
  - Suspension/Administrative Leave without Pay
  - Termination
  - No trespass notices and/or orders.
  - Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.
- The person filing the complaint or the accused person(s) may appeal the decision of the Responsible Administrator or designee by writing to the Vice President of Human Resources or their designee ("Appellate Officer"), within 15 calendar days of receiving the Responsible Administrator's decision. The Appellate Officer will issue a written decision in response to the appeal no later than 30 business days after its filing. Appeals can be filed based on new evidence or information, not available at the time of the original review, or errors of fact.
- The availability and use of this complaint procedure does not prevent a person from filing a complaint of discrimination with the U.S. Department of Education, Office for Civil Rights, or other government agency with jurisdiction.
- The College will make appropriate arrangements to ensure that individuals with disabilities receive accommodations, if needed, to participate in a complaint process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped recordings of material for the blind, or assuring a barrier-free location for any related meetings. The College's Section 504 Coordinator will be responsible for making such arrangements.

If the written decision contains a finding that discrimination or harassment occurred or that disability-related accommodations were inappropriately denied to an employee, the College will take steps to stop the discrimination or harassment, prevent recurrence,



and/or remedy discriminatory effects on the complainant and others, as necessary and appropriate, and/or arrange for the provision of appropriate accommodations.

## **APPENDIX A: ACADEMIC FREEDOM**

It is the policy of the College to maintain and encourage full freedom, within the law, of inquiry, teaching, scholarship, and service. (Scholarship and service are defined in Article XIV, Comprehensive Faculty Evaluation.) In the exercise of this freedom the faculty member may, without limitation, discuss their own subject in the classroom. While the faculty member may not claim as a right the privilege of discussing controversial matter which has no relation to the subject, it is recognized by the College in the normal course of student-faculty exchange, on rare occasions, it may be of value to discuss controversial matter that has no relation to the subject. In their role as citizen and in their role as employee of the College, every faculty member has the same personal freedom as other citizens. However, in their extramural utterances the faculty member has an obligation to indicate that they are not an institutional spokesperson. It is understood that faculty members shall have the right to participate in organizations of their choice off campus and the right to participate in such organizations on campus provided such participation does not interfere with the performance of their duties

## **APPENDIX B: NON-FRATERNIZATION POLICY**

The College is committed to a policy of non-fraternization between students and employees, as well as between managers and employees. This policy is not intended to reduce or hinder social contact between students and employees, or between managers and employees, that arises as part of acceptable professional relationships or events on or off campus. This policy is aimed at individual, personal relationships. The College believes that a non-working relationship between a student and staff or between a manager and employee may be a detriment to the student's opportunity to learn or the employee's professional environment, whether direct or implied.

This policy is in effect for all employees of the College as well as all contract employees and volunteers. The College does not prohibit consensual social relationships between employees, including managers and their subordinates, so long as the parties mutually and voluntarily consent to the relationship and the relationship does not affect the performance of their duties or negatively impact the College. Behavior in the workplace must be professional

## **APPENDIX C: PREGNANCY, RELATED CONDITIONS, AND PARENTING POLICY**

### **1. Non-Discrimination Statement**

Endicott College does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by Title IX of the Education Amendments of 1972 (Title IX). Endicott College prohibits all community members from adopting or implementing any policy, practice, or procedure which treats an applicant for admission, student, applicant for employment, or employee differently on the basis of current, potential, or past parental, or family status. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

### **2. Definitions**

- *Familial Status*. The configuration of one's family or one's role in a family
- *Marital Status*. The state of being married or unmarried
- *Parental Status*. The status of a person who is a biological, adoptive, foster, or stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person
- *Pregnancy and Related Conditions*. The full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, termination of pregnancy, or lactation; related medical conditions; and recovery therefrom.[1]
- *Reasonable Modifications*. Individualized modifications to Endicott College's policies, practices, or procedures that do not fundamentally alter Endicott College's education program or activity.

### **3. Information Sharing Requirements**

Any Endicott College employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinator's contact information and communicate that the Title IX Coordinator can help take specific actions to prevent discrimination and ensure equal access to Endicott College's education program and activity. If the employee has a reasonable belief that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Title IX Coordinator's contact information.

Upon notification of a student's pregnancy or related condition, the Title IX Coordinator will contact the student and inform the student of Endicott College's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a Resolution Process for alleged discrimination.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Title IX Coordinator will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation, as applicable.

#### 4. Reasonable Modifications for Students

Students who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to Endicott College's education program and activity. Any student seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as promptly as possible, although retroactive modifications may be available in some circumstances. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

- Intermittent absences to attend medical appointments
- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
- Access to online or homebound education
- Changes in schedule or course sequence
- Time extensions for coursework and rescheduling of tests and examinations
- Allowing a student to sit or stand, or carry or keep water nearby
- Counseling
- Changes in physical space or supplies (for example, access to a larger desk or a footrest)
- Elevator access
- A larger uniform or other required clothing or equipment

- Other changes to policies, practices, or procedures determined by the Title IX Coordinator

In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members and Endicott College's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access.

Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator will consult with The Center for Accessibility Services to ensure the student receives reasonable accommodations for their disability as required by law.

## 5. Certification to Participate

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

The certified level of physical ability or health is necessary for participation;

The institution requires such certification of all students participating; and

The information obtained is not used as a basis for pregnancy-related discrimination.

## 6. Lactation Space Access

Endicott College provides students and employees with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others.

Employees should contact their manager for information pertaining to accessing lactation spaces on campus.

Students should work with the Title IX Coordinator for information pertaining to accessing lactation spaces on campus.

## 7. Leaves of Absence

### A. Students

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their healthcare provider because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity. [Students who elect to take leave under this policy may register under an “on leave/inactive” status to continue their eligibility for certain benefits.] While registered under that status, students who choose to take a leave of absence under this policy can elect to keep their health insurance coverage and continue residing in Recipient housing, subject to the payment of applicable fees.

To the extent possible, Endicott College will take reasonable steps to ensure that students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same or an equivalent course catalog that was in place when the leave began.

Continuation of students’ scholarships, fellowships, or similar Recipient-sponsored funding during the leave term will depend on student registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar Recipient-supported funding by exercising their rights under this policy.

The Endicott College Financial Aid Office can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

In order to initiate a leave of absence, the student must contact the Title IX Coordinator at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The Title IX Coordinator will assist the student in completing any necessary paperwork.

### B. Employees

Information on employment leave can be found in the Endicott College’s Employee Handbook.

If an employee is not eligible for leave under the aforementioned leave policy because they either (1) do not have enough leave time available under that policy, or (2) have not been employed long enough to qualify for leave under that policy, they are eligible to qualify for pregnancy or related condition leave under Title IX. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time.

Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.

#### 8. Recipient Housing

A pregnant student's Recipient housing status will not be altered based on pregnancy status unless requested by the student.

#### 9. Policy Dissemination and Training

A link to this policy will be made available to all students, faculty, and staff in the college's annual Title IX attestation email distributed no later than August 31 of each academic year.

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[1] "[T]he Department of Education interprets 'termination of pregnancy' to mean the end of pregnancy in any manner, including, miscarriage, stillbirth, or abortion." Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89

F.R. 33474, April 29, 2024, codified at 34 C.F.R. 106.