

# NON-DISCRIMINATION POLICY

Office of Equal Opportunity

***Purpose:*** To establish uniform guidelines in order to promote a work and educational environment at Tufts University that is free of discrimination and harassment, and to affirm the University's commitment to equal opportunity and affirmative action.

Revised: March 2015

**Applicability:** This policy applies to faculty, staff, and applicants for employment, students, and third parties (including visitors and community members).

## I. POLICY STATEMENT

Tufts University is committed to the principle of equal opportunity in education and employment. Tufts prohibits discrimination against and harassment of any student, employee, applicant for employment, third party or community member because of race; color; national or ethnic origin; age; religion; disability; sex; sexual orientation; gender; gender identity and expression; including a transgender identity; genetics; veteran status; retaliation; and any other characteristic protected under applicable federal or state law, herein called “**protected categories.**” The University expects all Tufts employees, students, and community members to join with and uphold this commitment.

Tufts University also prohibits retaliation based on a protected activity, such as the filing of a complaint of discrimination or participation in the investigation of such a claim. Any witness, complainant or respondent involved in an investigation ought not to be retaliated against for their participation in the fact-finding process.

All Tufts personnel at the exempt level who are responsible for hiring, promoting, and managing employees and/or University programs are required to promptly escalate all potential violations of this policy to a manager or supervisor, a dean, any senior member of the University administration, directly to the Office of Equal Opportunity (OEO) at 617.627.3298 or to EthicsPoint at [tufts-oeo.ethicspoint.com](https://tufts-oeo.ethicspoint.com) or by using the hotline at 1.866.384.4277.

Tufts University’s OEO is also responsible for planning and implementing the University’s affirmative action program and monitoring affirmative action-related decisions and activities in accordance with state and federal law. Tufts University seeks to maintain an internal system of audit and reporting that shall facilitate the identification and removal of inequities and deficiencies in its employment and those policies and practices that could preclude the fair and equal treatment of minorities, women, individuals with disabilities, and all protected veterans.

## II. DEFINING AND RECOGNIZING DISCRIMINATION

Unlawful discrimination occurs when a person is harassed or treated arbitrarily or differently because of the person’s real or implied membership in a “**protected category**” such as race; color; national or ethnic origin; age; religion; disability; sex; sexual orientation; gender; gender identity and expression; including a transgender identity; veteran status; genetics; retaliation; and any other characteristic protected under applicable federal or state law.

For the purposes of this policy, protected veteran status includes (1) disabled veterans; (2) recently separated veterans; (3) active duty wartime or campaign badge veterans; and (4) Armed Forces service medal veterans. The classifications of protected veterans are defined as follows:

- A “disabled veteran” means: (1) a veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or (2) a person who was discharged or released from active duty because of a service-connected disability.
- A “recently separated veteran” means any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval or air service.

- An “active duty wartime or campaign badge veteran” means a veteran who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense. For additional information see: <http://www.opm.gov/staffingportal/vgmedal2.asp>.
- An “Armed Forces service medal veteran” means any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 FR 1209). For additional information see: <http://www.opm.gov/staffingportal/vgmedal2.asp>.

In the employment context, discrimination may begin with an adverse employment action, which is something an employer has done that is unfair to an employee (for example: terminating the employee or not selecting him or her for hire or a promotion, harassing the employee, denying the employee's request for a reasonable accommodation, etc.). If OEO determines, through fact-finding, that the employee or applicant's membership in a protected category was the reason for the adverse employment action, this may lead to a policy violation of the non-discrimination policy and/or any other policy herein.

Personality differences or conflicts, general mistreatment not based on the above protected categories, or a response to poor performance are usually employee relations issues, not discrimination matters. To contact your Human Resource Business Partner (HRBP) to discuss an employee relations matter, please call the Human Resources Department on your campus. HR can also help you determine what type of issue you may be experiencing and will refer you to the appropriate resources.

#### Tufts University Human Resources:

Medford: 617.627.3272  
 Boston: 617.636.6000  
 Grafton: 508.839.7975

Similarly, if a student or community member believes that s/he was treated differently in their education program or activity because of their real or implied membership in a protected category as defined above, the appropriate Dean's Office (or OEO, if asked) will conduct a fact-finding investigation to determine whether or not the Complainant's protected class was the reason for the different treatment and if that treatment violated the non-discrimination policy and/or any other policy herein.

Contact OEO immediately at 617.627.3298 or the EthicsPoint anonymous hotline at 1.866.384.4277 if you feel that you are being retaliated against for filing a complaint, participating in a complaint or speaking out against a potential discriminatory practice. Retaliation is prohibited by Tufts University policies and by state and federal anti-discrimination laws. Retaliation at Tuft University is also subject to disciplinary action up to and including termination from employment for employees or expulsion for students from Tufts.

### III. PROCESSES & PROCEDURES

#### A. OEO Complaint Procedures

If you have questions about the Processes and Procedures after filing a complaint, or if a complaint has been filed against you, please contact the Director of OEO, Jill Zellmer at 617.627.3298 or at [Jill.Zellmer@tufts.edu](mailto:Jill.Zellmer@tufts.edu).

If you are a student please review the University's Sexual Misconduct Adjudication Process.

If you are an employee or third party please review the Discrimination Complaint Resolution Guidelines.

Both of these procedures may be accessed at: [www.oeo.tufts.edu](http://www.oeo.tufts.edu)

*Where complaints involve students and/or employees and/or third parties, the complaint process which applies to the respondent will normally control.*

**Note:** Mediation will not be used as a means to address or resolve cases of sexual assault or other sex based violence and those who have reported/experienced sexual harassment will not be required to resolve the matter directly with the respondent or to confront respondent(s).

The Discrimination Complaint Guidelines can be found at: <http://oeo.tufts.edu/wp-content/uploads/Complaint-Resolution-Guidelines-050614.pdf>

### IV. RIGHTS & RESPONSIBILITIES

As a member of the Tufts community you have the right to work, learn, and live in an environment free from discrimination and harassment. You have the right to equal opportunity and equal access to all University programs and activities.

#### A. Duty to Report

Managers, supervisors, faculty and other “responsible employees” of the University are required by law to promptly report allegations of sexual harassment and other forms of sexual misconduct that they observe or learn about to OEO or other reporting officer. The University defines “responsible employees” to include managers, supervisors and officials with significant responsibility for student and campus activities including but not limited to student housing, discipline and campus security. Please contact us at 617.627.3298 or at <http://oeo.tufts.edu/> or please contact EthicsPoint at 1.866.384.4277 or at [tufts-oeo.ethicspoint.com](http://tufts-oeo.ethicspoint.com).

Failure to report a known or suspected incident of discrimination or harassment to OEO may result in disciplinary action.

#### B. Duty to Cooperate

Faculty, staff, and students must cooperate with University investigations concerning allegations of discrimination or harassment. Refusal to cooperate with an investigation may result in disciplinary action. Please contact us at 617.627.3298 or at <http://oeo.tufts.edu/> if you have any questions or concerns about your cooperation.

### **C. Freedom from Retaliation**

Any member of the University community has the right to raise concerns or make a complaint regarding discrimination or harassment under this policy without fear of retaliation. It is a violation of University policy to retaliate against an individual for filing a complaint of discrimination or harassment or for cooperating in an investigation of alleged discrimination or harassment. Any person at Tufts University found in violation of this policy is subject to disciplinary action up to and including termination of employment or expulsion from Tufts. If you have any questions or concerns about this, please contact the Director of OEO, Jill Zellmer at 617.627.3298 or at [Jill.Zellmer@tufts.edu](mailto:Jill.Zellmer@tufts.edu).

### **D. Confidentiality**

The University recognizes the importance of confidentiality and understands that some individuals filing complaints of harassment/discrimination or who are otherwise involved in an investigation may want their identity to remain anonymous and/or confidential. In all cases, issues of confidentiality must be balanced against the University's need to investigate and take appropriate action.

The University will respect the privacy and confidentiality of individuals involved in an investigation to the fullest extent possible. If you have concerns about this please call the Director of OEO, Jill Zellmer at 617.627.3298 or at [Jill.Zellmer@tufts.edu](mailto:Jill.Zellmer@tufts.edu).

## **V. REPORTING RESOURCES**

### **A. Where can I file a complaint if I am an employee?**

#### **I. The Office of Equal Opportunity (OEO) for Tufts University**

<http://o eo.tufts.edu/> or 617.627.3298

Tufts University prohibits discrimination based on race; color; national or ethnic origin; age; religion; disability; sex; sexual orientation; gender; gender identity and expression; including a transgender identity, veteran status; genetics; retaliation; or any other characteristic protected under applicable state and federal law.

There is no statute of limitations to file a complaint in OEO. However, please understand that our response to a complaint may be more limited in scope as a result of the length of time between the alleged incident and the report of the incident.

You may also contact us using the Tufts University anonymous hotline, EthicsPoint, at 1.866.384.4277 or at [tufts-o eo.ethicspoint.com](http://tufts-o eo.ethicspoint.com).

#### **2. Massachusetts Commission Against Discrimination (MCAD)**

John McCormack Building  
One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
617.994.6000

Worcester City Hall  
455 Main Street  
Room 101  
Worcester, MA 01608  
508.799.8010

The MCAD prohibits employment discrimination based on race, color, religion, national origin, ancestry, sex, gender, age, criminal record (applications only), disability, retaliation, sexual harassment, sexual orientation, a transgender identity, genetics, and military personnel. Any employee in a work environment with six or more employees can file a complaint with the MCAD. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

### **3. Equal Employment Opportunity Commission (EEOC)**

JFK Federal Building  
475 Government Center  
Boston, MA 02203  
800.669.4000

The EEOC prohibits employment discrimination based on race, color, religion, sex, age, disability, retaliation and national origin. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

#### ***B. Where can I file a complaint if I am a student?***

For student-on-student discrimination or harassment allegations, the appropriate dean of students or dean of college/school should be contacted (list is located on [page 44](#) of this manual). You could also contact your Title IX Liaison, located on [page 60](#) of this manual.

### **1. The Office of Equal Opportunity (OEO) for Tufts University**

<http://oio.tufts.edu/> or 617.627.3298

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There is no statute of limitations to file a complaint in OEO. However, please understand that our response to a complaint may be more limited in scope as a result of the length of time between the alleged incident and the report of the incident.

You can also choose to file a complaint through the Tufts University anonymous EthicsPoint hotline phone number or website at 1.866.384.4277 or [tufts-oio.ethicspoint.com](http://tufts-oio.ethicspoint.com)

### **2. U.S. Department of Education (DOE)**

Office for Civil Rights (OCR)  
5 Post Office Square  
Eighth Floor  
Boston, MA 02109-3921  
617.289.0111

The DOE and the OCR prohibit discrimination based on race, color, national origin, sex, disability, and age. While OCR complaints should generally be filed within 180 days of the last date of alleged discrimination, OCR may extend this filing deadline in a variety of circumstances

## **A. Where can I file a complaint if I am a third party or community member?**

### **I. The Office of Equal Opportunity (OEO) for Tufts University**

<http://oio.tufts.edu/> or 617.627.3298

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There is no statute of limitations to file a complaint in OEO. However, please understand that our response to a complaint may be more limited in scope as a result of the length of time between the alleged incident and the report of the incident.

You can also choose to file a complaint through the Tufts University anonymous EthicsPoint hotline phone number or website at 1.866.384.4277 or [tufts-oio.ethicspoint.com](http://tufts-oio.ethicspoint.com)

## **VI. FREQUENTLY ASKED QUESTIONS**

### **A. What is the goal of equal opportunity?**

The goal of equal opportunity is to ensure equal access in all phases of the employment and educational processes. Employment decisions are based solely on merit and qualifications related to the specific job. These employment decisions should not be made on the basis of someone's real or implied membership in a protected class (as defined on page 2). Similarly for students, educational program decisions are based solely on merit and qualifications related to the program and should not be made on the basis of someone's real or implied membership in a protected class. Equal opportunity is hiring the most qualified person for the job or selecting the most qualified student(s) for the educational program without regard for status in any protected category.

### **B. What is unlawful discrimination?**

Unlawful discrimination is the unfair or unequal treatment of an individual or group based on certain characteristics that are specifically protected by law or the University. Specifically, at Tufts, discrimination is prohibited based on race; color; national or ethnic origin; age; religion; disability; sex; sexual orientation; gender; gender identity and expression; including a transgender identity; genetics; veteran status; or any other characteristic protected under applicable federal or state law. In addition, Tufts prohibits retaliation against a person or group for reporting about discrimination or for participating in the investigation of such a complaint.

### **C. What is affirmative action?**

Affirmative action refers to programs that promote equal opportunity and the commitment to apply a good faith effort to eliminate the present effects of past discrimination or to prevent discrimination against minorities, women, individuals with disabilities, and all protected veterans. It is not a numerical quota system or program of preferential treatment.

***D. Where do I go if I have questions about this policy?***

Tufts University's Office of Equal Opportunity (OEO) is responsible for enforcing the University's non-discrimination policy. Please contact the Director of OEO, Jill Zellmer, at 617.627.3298 or visit <http://oeo.tufts.edu/>.