Discrimination and Workplace Harassment (20.072)

Introduction
Brown University affirms its commitment to:

- Create a working environment that is free from unlawful discrimination and harassment, including sexual harassment
- Comply with applicable federal and state laws prohibiting unlawful discrimination and harassment

Policy Statement
Brown University is committed to creating a work environment for its staff and other members of the University community (including students, faculty, postdocs, and visitors) free from unlawful discrimination and harassment, including sexual harassment. The University:

- Prohibits unlawful discrimination or harassment by or toward employees or other members of the Brown community.
- Prohibits unlawful discrimination or workplace harassment by or towards visitors to the Brown community.
- Prohibits retaliation against employees and others who report instances of discrimination or workplace harassment.

The University is committed to providing prompt and equitable resolution of employee complaints alleging unlawful discrimination and workplace harassment. Staff and other members of the University Community who have relevant information are required to cooperate with the University’s investigation of allegations of discrimination and harassment.

Unlawful discrimination and workplace harassment need not be intentional. The intent of the person who is alleged to have behaved improperly is not relevant to determining whether a violation of this policy has occurred. The relevant determination is whether a reasonable person could have interpreted the alleged behavior to be discrimination or workplace harassment. Failure to comply with this policy may lead to disciplinary action up to and including termination.

The University will comply fully with applicable federal and/or state law in the administration of all provisions of this policy. In view of the complexity and detail in laws and regulations governing this subject, it is impractical to express the entire body of relevant information in this policy statement. In situations where this policy does not contain a specific obligation or right, the University will follow applicable federal and/or state requirements.

Definitions

Unlawful discrimination: Unlawful discrimination under federal and/or state law includes unfavorable or unfair treatment of a person or class of persons because of their race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, and gender expression.

Unlawful workplace harassment: Unlawful harassment under federal and/or state law includes conduct that is sufficiently serious that it interferes with an employee’s ability to perform her/his job or denies him/her the benefits of their employment.

Unlawful workplace harassment may occur when:
• The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, and/or
• The work environment is intimidating, hostile, or offensive.

Factors to be considered in determining to what extent a hostile work environment has been created include, but are not limited to:

Frequency of the conduct
Severity of the conduct
Pervasiveness of the conduct
Physically threatening conduct
Degree to which the conduct interfered with the staff member’s work performance
Degree to which the conduct interfered with the staff members full participation in the University community
Relationship between the alleged harasser and person or persons subjected to harassment
Perception of the conduct as welcomed or unwelcomed

Responsibilities
The following individual is responsible for accepting and coordinating complaints of unlawful discrimination or harassment of or by staff:

Wendy McRae-Owoeye
Director of Diversity and Inclusion
401-863-1787

Employees: Employees are required to report complaints of unlawful discrimination or workplace harassment to the Director listed above or to their supervisor or to the Department of Public Safety (401-863-4111) if the complaint arises during a situation that occurs after normal business hours. The Department of Public Safety must report the complaint to the Director listed above no later than the next business day.

Supervisors: Supervisors are responsible to take and report complaints from employees who feel they have been subjected to unlawful discrimination or workplace harassment. Supervisors must report the complaint to the Director listed above no later than the next business day.

Procedures

A staff member who believes that s/he has experienced sexual harassment, discrimination or violence is strongly encouraged to submit a formal complaint. The form should be sent to Wendy McRae-Owoeye who serves as the Director of Diversity and Inclusion. The purpose of the complaint form is to assist the complainant in formulating a concise statement of her/his allegations.

* Staff always have the option of filing a complaint with an external resource. Please see the “Related Information” section of the policy for detailed information on external resource options.

The Director will review the complaint form with the complainant and will provide guidance and counseling to the complainant regarding options for proceeding with an investigation and other services
and resources that may be helpful to the complainant. This includes informing the complainant of the right to file a complaint with Brown’s Department of Public Safety and/or city and state law enforcement agencies.

If the Director decides that an investigation is warranted, she will inform the complainant of her decision and will develop a plan for the investigation. [Note: The Director may delegate her role in responding to a complaint to others in University Human Resources or the Office of Institutional Diversity if she is unavailable for any reason or if her involvement would constitute a conflict of interest. In this case, the delegate will oversee all aspects of the investigation, including deciding whether or not Brown’s policy was violated and communication of his/her findings to the appropriate parties as described below).

Typically, the first step in the investigation is for the Director to meet with the respondent to let him/her know of the complaint and to ask a preliminary set of questions regarding the allegations in the complaint.

After initial meetings with the complainant and the respondent, the Director will decide whether or not to interview others who may have witnessed the alleged harassment, discrimination or violence or who may have other information helpful to the Director in determining whether or not a violation of policy occurred.

The Director will be as flexible as possible with regard to scheduling meetings with the complainant, respondent, and others regarding a complaint. She will also consider requests from the complainant and/or respondent to bring an advisor to a meeting(s).

For most cases in which the Director determines that a violation of Brown’s policy has occurred, the Director will prepare a written report of her findings and will make every attempt to issue her written report within 60 days of receiving the original complaint. She will send copies of the final report to the Vice President for Institutional Diversity, Vice President for Human Resources, and other confidential parties as appropriate.

The Director will also send letters to the complainant and respondent to inform them of her conclusion regarding whether or not Brown’s policy regarding sexual harassment, discrimination, and violence was violated.

If the Director determines that Brown’s policy was not violated, she will document the findings of fact supporting the conclusion and close the case.

If the Director determines that Brown’s policy was violated, she will refer the case to the Director of Labor and Employee Relations who will determine the appropriate disciplinary action and/or other remedy in consultation with the Vice President for Human Resources.

If disciplinary action is determined to be required, the staff member(s) who violated Brown’s policy will be so notified in writing, and discipline will be imposed. The complainant will be informed that appropriate action has been taken, but the details regarding the specific discipline imposed will not be shared with the complainant.

A copy of any written notification regarding discipline will be kept in the appropriate employee’s file in University Human Resources.

Forms/Instructions

Staff - Sexual Harassment, Workplace Harassment, and Discrimination Complaint Form

Related Policies

Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy
Non-Retaliation

Related Information

THE FOLLOWING EXTERNAL RESOURCES ARE ALSO AVAILABLE:

R.I. Commission of Human Rights (Title VII)
Phone: 401-222-2661
Website: http://www.richr.state.ri.us/

Equal Employment Opportunity Commission Boston Office (Title VII)
Phone: 617-565-3200

Office of Civil Rights Region I, U.S. Department of Education
Phone: 617-223-9662

Providence Police Department
Phone: 401-272-1111

Attorney General of R.I.
Phone: 401-274-4400

Timelines for filing grievances with state and federal authorities:

- **R.I. Commission for Human Rights:** within one (1) year from the date of alleged harm.
- **Equal Employment Opportunity Commission:** within one hundred eighty (180) days of the last alleged occurrence.
- **Office of Civil Rights:** within one hundred eighty (180) days from the last date of the alleged discrimination.