

Equal Employment Opportunity

Section: Employment and General Policies
Date Approved: August 2005
Reviewed/Reaffirmed: May 2016
Effective Date:
Revised: December 18, 2012, July 1, 2010 September 1, 2007, October 21, 2019

I. Policy Prohibiting Harassment and Discrimination

The University is committed to providing a work environment that is free of unlawful discrimination and harassment. In keeping with this commitment, the University maintains a strict policy prohibiting all forms of unlawful harassment, including sexual harassment and harassment based on the basis of age, race, color, religion, gender (including pregnancy, childbirth, or related medical conditions), gender identity, national origin, ethnicity, physical or mental disability, legally-protected medical condition, military or veteran status, marital status, sexual orientation, genetic information, or any other characteristic protected by local, State or Federal law. The University also prohibits harassment based on the perception that a person has any of the above protected characteristics, or is associated with a person who has or who is perceived as having any of the above protected characteristics. This policy applies to all agents and employees of the University, including supervisors and non-supervisory employees. It also applies to applicants for employment with the University, vendors, independent contractors, Instructors, and other third parties doing business with the University. Furthermore, this policy prohibits unlawful harassment in any form, including verbal, physical and visual harassment. It also prohibits retaliation of any kind against individuals who file complaints in good faith or who assist in investigations.

II. Compliance Officers

The University has designated the following person(s) as the Coordinator in charge of compliance with Title VII, Title VI, Title IX, Section 504, ADEA and the University's non-discrimination policies generally:

Dr. Andrew Pollom
Dean of Student Affairs
Office of Student Affairs
(603) 899-4162

Dawn Broussard
Director of Human Resources (Interim)
(603) 899-4075

These persons are available to assist the University, its employees and students and the public with any inquiry or concern regarding the University's non-discrimination policies.

III. Complaint Procedure

A. Any *applicant for employment or employee* with any questions, concerns or complaints regarding the University's non-discrimination policy and/or its application should contact Dawn Broussard, Director of Human Resources (Interim), (603) 899-4075.

- B. Any *applicant for admissions or student* with any questions, concerns or complaints regarding the University's non-discrimination policy and/or its application should contact Dr. Andrew Pollom, Dean of Student Affairs, Office of Student Affairs, (603) 899-4162.

- C. Regarding discrimination in employment, you may also wish to contact:
United States Equal Employment Opportunity Commission
Boston Area Office
475 JFK Federal Bldg., Government Center
Boston, MA 02203-0506
Tel.: (617) 565-3200
Fax: (617) 565-3196

- D. Regarding discrimination in programs and activities, you may also wish to contact:
Assistant Secretary for Civil Rights – New Hampshire
Office For Civil Rights, Boston Office
U.S. Department of Education
J.W. McCormack Post Office and Courthouse
Room 701, 01-0061
Boston, MA 02109-4557
Tel.: (617) 223-9662
Fax: (617) 223-9669, TDD: (617) 223-9695

IV. Processing of Complaints/Resolution

- A. Upon receipt of a complaint of discrimination or other information which causes concern about possible discrimination, the University will promptly look into the situation and conduct an investigation as may be reasonable, and it will seek to address the matter promptly and take appropriate disciplinary and/or remedial action(s) if warranted. The University will conduct investigations discretely.

- B. Franklin Pierce University does not tolerate retaliation against persons who report incidents of discrimination or sexual or other unlawful harassment, or against those who participate in investigations of discrimination or harassment. Any person(s) who believe that they have been subject to retaliation should report the matter as outlined in the complaint procedure above.

In addition to the procedures described above, an employee may address issues under this policy through the Grievance Policy.

V. Definition of Unlawful Harassment

Harassment prohibited by this policy includes, but is not limited to verbal, physical, and/or visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Such conduct may constitute unlawful harassment when:

1. Submission to the conduct is made either an explicit or an implicit condition of employment;
2. Submission to or rejection of the conduct is used as the basis for an employment decision; and/or

3. The harassment is severe or pervasive and unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Examples of prohibited harassment include, but are not limited to, any of the following when based on a protected characteristic: making comments, slurs, innuendos or jokes; the display of cartoons, posters, or other materials; distributing pictures or words in written, pictorial or electronic form; touching, or other unwanted attention; threats, intimidation, or other abusive behavior.

Sexual harassment deserves particular mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex are not allowed. This includes such things as sexual innuendoes, suggestive comments, sexually oriented teasing or practical jokes, display of sexually suggestive pictures or other materials, suggestive or insulting sounds, looks, or gestures, and any unwanted physical contact. More severe forms of harassment, such as sexual assault, are also prohibited.

This policy applies at all University locations, University-sponsored social or other events, as well as all activities at which an employee represents the University.