



## **Anti-Harassment and Discrimination Policy for Employees of Phillips Exeter Academy**

### *It's a Matter of Respect*

#### **A. Commitment and Expectations**

Phillips Exeter Academy is committed to providing a place where people can thrive. The Academy thinks it is in the best interest of each individual and the Academy that we dedicate ourselves to creating an educational and working environment that promotes respect, dignity and equality and that is free from all forms of harassment, exploitation, intimidation, illegal discrimination and retaliation. These behaviors are demeaning to all persons involved. They are unacceptable conduct and will not be tolerated.

The Academy expects all employees, students and members of the school community to conduct themselves in an appropriate and professional manner, with respect for the personal dignity of fellow employees, students, and visitors. It is the responsibility of each member of our school community to demonstrate a basic generosity of spirit devoid of any expression of bigotry. Employees, students and visitors come to Phillips Exeter Academy from many different backgrounds and cultures including different races, religions, sexual orientations, and ethnic ancestries. The Academy encourages its members to seek to understand the differences and similarities among us and to appreciate the richness which such diversity provides to an educational community. Respect and understanding of the differences among people are important dimensions of education that continue throughout a lifetime.

Harassment of any member of the school community by any other member of the school community or by vendors or visitors will not be tolerated. The Academy will not tolerate unlawful discrimination, harassment of any kind, or retaliation, whether intended or not.

Any employee with a concern about harassment, discrimination or retaliation should follow the procedures set forth below under Section C.

#### **B. Definitions**

***Unlawful discrimination*** refers to the denial of equal employment or educational opportunities based upon an individual's actual or perceived age, sex, race, color, physical or mental disability, religion, national origin, marital status, sexual orientation, genetic information or veteran status. The Academy is also committed to providing reasonable accommodations requested based on any physical or mental disability and as required under the Americans with Disabilities Act.

***Legally protected status*** refers to certain categories of people which have been set forth under federal and state laws as legally entitled to protection from harassment and discrimination. These generally include the status of race, color, religion, age, gender, national origin, marital status, sexual orientation, genetic information, veteran status, or disability.

**Harassment** refers to unwelcome conduct or behavior which is personally offensive or threatening and which has the effect of impairing morale, interfering with an employee's work performance, or creating an intimidating, hostile or offensive working environment. Examples of harassment include, but are not limited to: conduct or comments that threaten physical violence; offensive, unsolicited remarks; unwelcome gestures or physical contact; display or circulation of written materials, items or pictures degrading to any person's gender, race, ethnicity, religion, age, disability or other legally protected status; and verbal abuse or insults about or directed to any student, employee or other individual, or group of students, employees or other individuals.

**Sexual Harassment** includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational opportunity; (2) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance by creating an intimidating, hostile, humiliating or sexually offensive work or educational environment.

Sexual harassment can include any unwelcome verbal, written, or physical conduct that is directed at or related to a person's gender and which interferes with a person's educational or working environment. Examples include but are not limited to:

- ❑ sexual gossip or personal comments of a sexual nature,
- ❑ sexually suggestive or foul language,
- ❑ sexual jokes,
- ❑ whistling or cat-calling,
- ❑ spreading rumors or lies of a sexual nature about someone,
- ❑ demanding sexual favors,
- ❑ forcing sexual activity by threat of punishment or offer of employment or educational reward,
- ❑ obscene or sexually suggestive graffiti,
- ❑ displaying, storing or sending of pornographic pictures or objects,
- ❑ offensive touching, pinching, grabbing, kissing or hugging, or
- ❑ restraining someone's movement in a sexual way.

The Academy considers it a violation of this policy for any member of the faculty, administration or staff to make sexual advances or engage in sexual conduct with a student. Each employee must exercise his or her good judgment to avoid engaging in conduct that may reasonably be perceived by others as harassment.

**Racial, Color, and National Origin Harassment:** Harassment on the basis of a person's actual or perceived race, color, or national origin includes but is not limited to the use of nicknames emphasizing racial stereotypes, racial slurs, and derogatory comments or conduct directed at an individual's manner of speaking, national customs, surname, ethnic characteristics, or language.

***Religious Harassment:*** Harassment on the basis of a person's actual or perceived religion or creed includes but is not limited to the use of nicknames emphasizing religious stereotypes, religious slurs, and derogatory comments or conduct directed at an individual's religion, religious traditions, religious symbols, or religious clothing.

***Sexual Orientation Harassment:*** Harassment on the basis of a person's actual or perceived sexual orientation includes but is not limited to name calling, using nicknames emphasizing sexual stereotypes, and imitating physical characteristics or mannerisms associated with a person's sexual orientation.

***Disability Harassment:*** Harassment based on a person's actual or perceived physical and/or mental disability includes but is not limited to name calling, making derogatory references to the disabling condition, imitating manners of speech and/or movement associated with the disability, or interfering with access to or use of necessary adaptive equipment or aides.

**C. Options for responding if you believe you have been harassed, discriminated against, or the object of retaliation.**

Phillips Exeter Academy seeks to achieve, through education, communication, and mediation, a welcoming and respectful work and school environment free of hostility, intimidation, harassment, sexual harassment, and discrimination. An employee who has concerns should follow the guidelines described below.

*Direct Communication*

- If you feel that you (or someone you know) has been the target of harassment or discrimination, or that someone is acting or speaking inappropriately and is making you (or someone you know) feel uncomfortable and/or angry, it may be possible for you to approach the individual, expressing your concerns as honestly and directly as you can, and request an end to the conduct. In situations involving supervisors or perceived threats to circumstances of employment, it may be advisable to seek advice before engaging in direct communication.

*Seeking Advice*

- If you do not wish to communicate directly with the person whose behavior troubles you, or if direct communication does not work:
  - ◆ You may consult your supervisor or any member of the Anti-Harassment Council for advice on next steps. Members of the Anti-Harassment Council include:
    - Ron Kim, Dean of Faculty
    - Chris Wejchert, Chief Financial Officer
    - Kate Anatone, Director of Human Resources
    - Dan Morrissey, Dean of Students
    - Melissa Mischke, Associate Dean of Students

### *Mediating a Resolution*

- If you think an intermediary may assist you in resolving the problem:
  - ◆ You may ask your supervisor or any member of the Anti-Harassment Council to seek a mediated resolution to the situation. In most cases, the process will consist of written communication or a mediated conversation between you and the person you feel may have harassed or discriminated against you. Mediation of a matter involving administrators or staff will be handled primarily by the director of human resources or chief financial officer. Mediation of faculty concerns will be handled primarily by the dean of faculty. The dean of students may help to address issues involving students. However, you may seek advice from any member of the Anti-Harassment Council

### *A Formal Complaint*

- If direct communication or the assistance of a mediator does not resolve the problem or was not pursued, you may also initiate a formal complaint about the incident. Employees should report a complaint, preferably in writing, to their supervisor or a member of the Anti-Harassment Council. You may also file a complaint online with EthicsPoint, as outlined in the Academy Ethics and Whistleblower Policy.

### *EthicsPoint Report*

- PEA has contracted with EthicsPoint to act as an independent intermediary for the reporting of concerns. If an employee is uncomfortable discussing a complaint with a supervisor, HR or a member of the Anti-Harassment Council, he or she should feel free to use EthicsPoint to report concerns. Such complaints can be reported either by phone at 888-572-8028 or on the web at [http://www.exeter.edu/contact\\_us.aspx](http://www.exeter.edu/contact_us.aspx). EthicsPoint will take anonymous reports and will also ensure that the information is reviewed by administrators other than those, if any, against whom allegations have been made.

## **D. What the Academy will do if it learns of possible harassment or discrimination**

In the event that the Academy receives a complaint of harassment or discrimination, or otherwise has reason to believe that harassment or discrimination may have occurred, it will take steps to ensure that the matter is promptly investigated and addressed. The Academy is committed, and required by law, to take action if it learns of potential harassment or discrimination, even if the aggrieved employee does not wish to formally file a complaint. Care will be taken to protect the identity of the person with the complaint and of the accused party or parties except as may be reasonably necessary to successfully complete the investigation and take appropriate responsive action.

If harassment or discrimination is found to have occurred, the Academy will take appropriate disciplinary and corrective action. The Academy also retains the authority to discipline or take corrective action for inappropriate conduct even if it does not meet the definition of unlawful discrimination or harassment.

## **E. Protection against retaliation or misuse of power**

Retaliation is also a very serious violation of this policy and should be reported immediately – in the case of students, to the dean of students or the student's adviser, and in the case of employees,

to the director of human resources or the dean of faculty. Retaliation against any individual for reporting violations of this policy, for participating in the investigation, or for supporting a complaint will not be tolerated and will be subject to disciplinary action.

#### **F. Discipline and Penalties**

Any individual who violates this policy by engaging in the prohibited conduct – harassment, discrimination or retaliation – will be subject to appropriate disciplinary action. This may include, but is not necessarily limited to, the following:

- ❑ Employees: Discipline may range from a warning up to and including termination of employment.
- ❑ Volunteers: Penalties may range from a warning up to loss of volunteer assignment or privilege.
- ❑ Vendors: Penalties may range from a warning up to and including loss of school business.
- ❑ Other Individuals: Penalties may range from a warning up to and including a denial of future access to school property.

The Academy also reserves the right to impose additional responsive actions as may be appropriate to the circumstances.

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