



Workplace Discrimination, Harassment and Bullying Policy

Respect and community are two key values at Bentley. Bentley strives to maintain a supportive, civil workplace, one in which employees treat each other with respect and dignity. In keeping with its values, Bentley prohibits and does not tolerate workplace discrimination, harassment or bullying against or by anyone in our community - faculty, staff, students, or anyone else who is working on campus or visiting. Workplace discrimination, harassment and bullying are prohibited on campus and at any Bentley-sponsored event whether on- or off-campus. If Bentley determines that discrimination, harassment or bullying has occurred, the person found to have engaged such conduct may be subject to discipline up to and including termination.

Bentley University is committed to principles of free speech and upholding the principles of academic freedom. This policy is not intended to restrict reaching methods or freedom of expression, nor will it be permitted to do so. Harassment or discrimination prohibited by this policy is not a proper exercise of academic freedom.

What is workplace discrimination or harassment?

Workplace discrimination occurs when someone in a **legally protected class** is treated adversely with respect to their **participation in the workplace**. Workplace harassment is conduct that relates to an individual's membership in a **legally protected class** and that is so offensive, severe or pervasive that it interferes with an individual's **participation in the workplace**. Such conduct is illegal under federal and state laws, and violates this policy.

Sexual harassment is a type of illegal workplace discrimination and harassment and is addressed in a separate [Sexual Harassment Policy](#).

There are some important terms in the definition of workplace discrimination and harassment, which are important to understand -

- A **protected class** means a personal characteristic that is protected by law. This includes race, color, national origin, religion, creed, sex, sexual orientation, gender identity and/or expression, marital status, age, citizenship status, disability, genetics, military or veteran status, choice of health insurance, or any other characteristic protected by law.
- **Participation in the workplace** includes all aspects of being an employee at Bentley. This includes recruitment, hiring, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, educational assistance, layoff and recall, participation in social and recreational programs, termination, and/or retirement.

Examples of conduct that might be considered workplace harassment include ethnic slurs, racist comments or jokes, displays of offensive pictures, or any other verbal, visual or physical conduct based on one of those protected characteristics. These are only a few examples of workplace harassment;

other behavior that relates to an individual's membership in a protected class may also be considered workplace harassment.

What is bullying? Bullying also violates Bentley's values of respect and community and is also prohibited. Like workplace harassment, bullying is conduct that is so offensive, severe or pervasive that it interferes with an individual's participation in the workplace. However, bullying can occur to anyone and is not based on someone's membership in a legally protected class. Examples of bullying include verbal abuse, use of denigrating language, or physical intimidation. Bullying can occur face-to-face, in a group setting, through social media or email, or through gossip.

What to do if workplace discrimination, harassment or bullying occurs to you. If you believe that you have been subjected to workplace discrimination, harassment or bullying, let someone know! If someone at Bentley in a position to help is not aware of the problem, we can't make sure the behavior stops and does not recur. There are several ways discrimination, harassment and bullying can be addressed –

- **Talk to someone**, such as your supervisor, division head, HR Business Partner or the University Ombudsman. These individuals can provide guidance and coaching on how to approach the person engaging in the unwanted behavior, or they can counsel you on how to proceed in other ways. These people may have additional information and may be a source of support.
- **Talk to the person engaging in the behavior**, *only* if you are comfortable doing so. Explain that their behavior makes you uncomfortable or is offensive and that you want it to stop. In some cases, the person is not aware that their behavior is inappropriate or causing offense. However, not everyone is comfortable having such conversations, so don't worry if you would prefer not to go this route.
- **File a report** of discrimination, harassment or bullying by following the procedure set forth in [How to Report Sexual Harassment or Workplace Discrimination, Harassment, or Bullying](#). When you file a report, you can either request informal assistance or a formal investigation, as explained in that document. Reports of bullying will be addressed by Human Resources.
- **File an external complaint (for unlawful workplace discrimination or harassment)**. While employees are encouraged to report and resolve workplace discrimination and harassment complaints internally, employees may file a formal complaint with either or both of the government agencies listed below within their mandated timeframes.

Mass. Commission Against Discrimination One Ashburton Place, Room 601 Boston, MA 02108 617-994-6000 TTY: 617-994-6196	Equal Employment Opportunity Commission John F. Kennedy Federal Building 475 Government Center Boston, MA 02203 1-800-669-4000 TTY: 1-800-669-6820
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See something, say something - don't be a bystander! If you believe that another employee has been subjected to conduct that violates this policy, report the conduct immediately to your supervisor or division head, your HR Business Partner, or the University Ombudsman. If employees do not report discriminatory or harassing conduct or bullying, Bentley may not become aware that such conduct exists and may not be able to ensure that the behavior stops.

What will happen if someone is found to have engaged in workplace discrimination, harassment or bullying?

At times, employees are reluctant to report such conduct because they think that “nothing will be done” or they “don’t want anyone to lose their job.” Bentley takes these issues seriously. If a claim of workplace discrimination, harassment or bullying is brought to the attention of Human Resources or the Ombudsman, they will work with you to determine how to proceed.

Any time an employee may be subject to discipline, the consequence should be proportionate to the offense. Counseling may be appropriate in some cases, while termination may be appropriate in other cases. If an employee is determined to have engaged in workplace discrimination, harassment or bullying, Bentley will consider factors such as the nature and severity of the offense, whether there is a history of prior offenses, and what consequence will be effective in making sure the behavior stops and does not recur.

Protection from Retaliation. No retaliation will be taken against anyone who reports discrimination, harassment or bullying, files internal or external complaints, opposes prohibited practices, or participates in the investigation of such complaints.

Duty of Good Faith. While employees are encouraged to raise issues regarding workplace discrimination, harassment or bullying, employees may not knowingly or recklessly make a false complaint of workplace discrimination, harassment or bullying. Any such action may lead to disciplinary action, up to and including termination of employment.

Approved: March 2018