

URGE

Unlearning Racism in Geoscience

This is what was found by the MBL-Ecosystems Center Pod at the Marine Biological Laboratory on policies for handling complaints, the reporting process, resources, and possible outcomes.

What is harassment?

“The definition of unlawful discriminatory harassment is any verbal or physical conduct which has the intent or effect of unreasonably interfering with an individual’s work or academic performance or which creates an intimidating, hostile, or offensive work or educational environment, when such conduct is based upon race, color, religion, national origin, ancestry, gender/sex, age, disability, sexual orientation, genetics, military status, or participation in discrimination complaint-related activities. Prohibited behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one’s membership in a protected group.”

What do I report?

- Any latent dynamics of discrimination which serve to undermine an individual based on their identity
- Any blatant and unjust treatment toward an individual
- A single instance of “hostile environment” sexual harassment
- Pervasive and repeated sexually suggestive conversations and “hostile environment” sexual harassment behaviors
- Unwelcome touching, kissing, hugging, or massaging
- Dating violence, domestic violence, stalking, sexual assault

- **Information on the link(s) to the reporting policy at our organization:**
 - MBL’s ‘Unlawful Harassment Policy’ is currently available to employees on the MBL intranet, which is password protected; however a pdf copy is appended to this document.
 - Information extracted from the formal policy is publicly available on-line within other documents, such as the [MBL Handbook](#)(see page 10) or under [Harassment-Free Workplace](#).

- **What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism?**
 - The individual (or a representative) can directly report to Human Resources, the EEO Coordinator, the individual’s supervisor, or any person in management with whom the individual feels comfortable:
 - Ann Egan – Director of Human Resources: (508) 289-7622
 - Ann Sweck – EEO Coordinator: (508) 289-7378
 - It should be noted that HR as well as anyone acting in the individual’s supervisory role are considered obligate reporters and are legally required to bring these issues forward to Human Resources.



Unlearning Racism in Geoscience

- MBL Security officers or Police can be involved (if requested or safety is involved) or contacted directly:
 - MBL Security (for emergencies): (508) 289-7911
 - Falmouth Police (for emergencies): 911
 - Reports may also be filed at an individual's home institution, if that is not MBL
 - At the beginning of the reporting process, it is explained to a Complainant that they may have an advocate; however this is not currently stated in the formal policy.
 - There is currently no mechanism for anonymous reporting; our pod plans to recommend that MBL add this option.
- **What are the outcomes or consequences for reported individuals?**
 - A harassment complaint is typically brought to the Director of Human Resources at MBL. An investigation ensues, involving the Chief Operating Officer of the MBL, the Complainant, Respondent, and witnesses, with the intent of keeping the process/information as private and confidential as possible. Depending on the severity of the complaint, as determined by the initial investigation, a formal investigation involving the Title IX Coordinator at the U. of Chicago may follow.
 - If it is determined that inappropriate conduct has occurred, MBL will act promptly to eliminate the offending conduct and, when appropriate, will impose disciplinary actions. Disciplinary action may include counseling, warnings, and/or dismissal from the MBL community.
 - Following a report, the individual whom the report was filed against is flagged and tracked by Human Resources.
 - Retaliation against anyone reporting harassment is unlawful and will be met with disciplinary actions.
 - **What resources are available for individuals reporting?**
 - Counseling is available to employees through the Employee Assistance Program although this does not apply to students or contractors (for instance, fellows with external funding not considered formal MBL employees)
 - Accommodations for continuing work/courses and assessment are made on a case-by-case basis in coordination with the individual's supervisor
 - **What resources are available to groups raising or proposing changes?**
 - The Diversity, Equity, and Inclusion working group currently has the power to propose changes to policy.
 - Jen Morgan – Committee Chair: (508) 289-7409
 - MBL has regularly scheduled town hall meetings, although there is no formal mechanism for suggestions during these meetings.



A.2.1 Unlawful Harassment Policy

Marine Biological Laboratory
EEO Policy No. A.2.1

Initiated by: Equal Employment Opportunity Coordinator
Approved by: Director/CEO Date: July, 1987
Revision: #6, April 16, 2018
Distribution: The MBL Community

1.0 Policy Statement

It is the goal of MBL to promote a working and learning environment free of unlawful discrimination, harassment, and intimidation for every member of its scientific community (employees, visiting researchers and scholars, course participants, library users, etc.) and for anyone else who has a relationship to the community (Trustees, Corporation members, contractors, vendors, etc.). Harassment, whether discriminatory or sexual, is unlawful under both federal and state law and, as such, will not be tolerated by MBL. Further, any retaliation against an individual who has complained about harassment, or retaliation against an individual who has cooperated in an investigation of harassment, is also unlawful and will not be tolerated. MBL takes allegations of harassment seriously and will respond promptly to any complaint. Where it is determined that inappropriate conduct has occurred, MBL will take the necessary action to eliminate the conduct and impose corrective measures, including disciplinary action.

2.0 This policy applies to all work/program-related settings and activities, whether inside or outside the MBL, and includes off-site research laboratories, field trips, business trips, and other business-related social events. MBL property (telephones, copy machines, facsimile machines, computers, computer applications such as e-mail and Internet, etc.) may not be used to engage in conduct that violates this policy.

3.0 While this policy sets forth goals for promoting an environment free of harassment, it is not designed or intended to limit MBL's authority to discipline or take remedial action for conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment. It is expected that all members of the MBL community will conduct themselves in a manner that fosters mutual respect for one another and maintains an atmosphere of professionalism.

4.0 MBL requires each of its supervisors and managers to be responsible for the prevention and elimination of all forms of harassment within their respective departments. Supervisors and managers, new employees, and any employee who has not been recently trained will be given training in ways to prevent unlawful harassment in the workplace.

5.0 Definitions

5.1 The definition of unlawful discriminatory harassment is any verbal or physical conduct which has the intent or effect of unreasonably interfering with an individual's work or academic performance or which creates an intimidating, hostile, or offensive work or educational environment, when such conduct is based upon race, color, religion, national origin, ancestry, gender/sex, age, disability,



sexual orientation, genetics, military status, or participation in discrimination complaint-related activities. Prohibited behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

5.2 The definition of unlawful sexual harassment is any sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions (called quid pro quo) or (b) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment (called hostile environment)

5.2.1 Quid pro quo sexual harassment occurs when a supervisor takes an adverse job action against an employee (such as discharge, demotion, or undesirable reassignment) because the employee refuses the supervisor's sexual advances.

5.2.2 Hostile environment sexual harassment includes, but is not limited to, unwelcome sexual advances, whether or not they involve physical touching; sexual epithets, jokes, written or oral references to sexual conduct; gossip regarding one's sex life; comments on an individual's body or sexual activity; displaying sexually suggestive objects, pictures, cartoons; unwelcome leering, whistling, brushing against someone's body; sexual gestures; suggestive or insulting comments; discussing one's own or inquiring into another's sexual activities.

6.0 Complaints

Any person who believes that he or she has been unlawfully or sexually harassed should bring his or her concerns to the attention of management immediately. This can be done in writing or orally. You may report such conduct to any one of the following: your immediate supervisor, your supervisor's manager, the EEO Coordinator (Homestead 109, x7378, eeo@mbi.edu), the Human Resources Director (x7422), or to any member of management with whom you feel comfortable. These people are available to discuss any concerns you may have and to provide information to you about this policy and the complaint process.

7.0 Investigation

When a complaint is received, MBL will investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with any witnesses. The person alleged to have committed the harassment will also be interviewed. When the investigation is complete, MBL will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation.

8.0 Disciplinary Action

If it is determined that inappropriate conduct has occurred, MBL will act promptly to eliminate the offending conduct and, where it is appropriate, will impose disciplinary action. Resolution through



informal means is encouraged and, in most instances, will be satisfactory. If more formal action is necessary this may include counseling, warnings, transfers, suspensions, reductions in pay or duties, termination of employment, and/or dismissal from the MBL community. Since retaliation is also unlawful, any such conduct will warrant disciplinary action as well.

9.0 State and Federal Remedies

MBL strongly encourages anyone who believes they have been harassed to bring the matter to MBL's attention. Inquiries or concerns may also be directed to the governmental agencies responsible for the enforcement of employment discrimination laws within 300 days of an incident:

Massachusetts Commission Against Discrimination, One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108, 617-994-6000

United States Equal Employment Opportunity Commission, JFK Federal Building, 475 Government Center, Boston, MA 02203, 800-669-4000

10.0 All members of the MBL community are expected to be aware of this policy and of the types of conduct that constitute unlawful harassment, as well as the avenues of assistance provided by MBL for addressing complaints. Compliance with this policy is a condition of each employee's employment and of each participant's status in a program.

11.0 Policy clarification and updates are available from the EEO Coordinator, 508 289-7378 or eeo@mbledu