

Discriminatory or Harassing Behavior

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Please treat this transmission as the University of Massachusetts Boston's hereinafter Respondent, response to Stephanie S. Smiths, hereinafter Complainant rebuttal statement dated April 22, 2011 to Respondent's position statement dated March 29, 2011.

The Respondent denies the allegations of [discrimination](#) by the Complainant and asserts that the Complainant chose to forego the University's internal complaint process in favor of filing a union grievance relating to discrimination and prior to completing the process resigned from her position with the Respondent.

The complainant raises the following issues regarding her employment with the Respondent that she contends rise to the level of unlawful "sexual harassment" and retaliation.

Complainant's allegations of inappropriate comments by her Supervisor Arthur Eisenkraft and a department subordinate Christian DeTorres.

The Complainant contends that she was subjected to inappropriate comments from her Supervisor (Arthur Eisenkraft) and a subordinate to the Complainant (Christian De Torres)

within the department that she was employed. She further contends that she discussed these issues with Kim Howard, Director of HR Services on March 29, 2010. She further contends that based on the discussion Ms. Howard advised her that she would speak with the Complainant's supervisor and follow-up with the Complainant after the discussion.

Ms. Howard met with the Complainant's supervisor and discussed the issues relating to the alleged inappropriate comments which included a discussion about the University's policy against sexual harassment.

Ms. Howard followed up with the Complainant on May 4, 2010 requesting a meeting with the Complainant to further discuss her allegations...

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...tant to note that the Complainant failed to provide Ms. Pinkham with her resume.

On August 9, prior to the hearing with the Provost, the complainant voluntarily terminated her employment with the Respondent.

It is important to note that the Complainant never advised Ms. Pinkham that she was considering or had decided to resign due to her supervisor's alleged retaliatory behavior.

Conclusion

The Respondent exercised reasonable care to prevent and promptly correct any [discriminatory] harassing behavior. The Complainant failed to take advantage of the preventive or corrective opportunities provided by the Respondent when the Complainant chose to consciously resign from her position.

Therefore, complainant has failed to establish a prima facie complaint of discrimination based on sexual and/or other forms of unlawful harassment and/or retaliation.

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