

Harassment and Sexual Harassment Policy and Grievance Procedures for SUNY Employees and Students

Harassment and Sexual Harassment Policy

It is the policy of the State University of New York College at Oneonta, to provide an environment where employees and students are free from harassment, including sexual harassment. No member or group of the College community shall harass another member or group. Additionally, sexual harassment is an unlawful offense as defined by Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and the New York State Executive Law.

Within our College, a state of civility, trust, respect, and openness among members of the campus community is indispensable to full pursuit of the mission of the institution. Harassment, including sexual harassment, breaks the bonds of civility, trust, respect, and openness.

Harassment creates a hostile environment. Harassment can be created by verbal, written, graphic, or physical conduct that is severe, persistent and/or pervasive and interferes or limits the ability(ies) of a person or persons to work or learn.

Sexual harassment is usually defined as repeated unwelcome and unwanted sexual advances, or sexual allusions, unwarranted references to sexuality or sexual activities, requests for sexual favors, and other speech or conduct of a sexual nature. Sexual harassment can occur among peers, supervisors and supervisees, faculty/staff and students.

Research Foundation, Sodexo, O.A.S. and employees of College contractors should follow the policies and procedures established by their respective employers in compliance with Federal and State Laws. Please contact your Human Resources Office for assistance.

Types of Sexual Harassment

1. **Quid pro quo** – “this for that” – submission to sexual conduct is made a condition of employment or educational benefits.

This applies when a person in a position of power, for example, a supervisor or faculty member, makes decisions that affect an employee’s work or student’s grades/performance based on whether the employee or student complies with his or her sexual demands.

- 2. Hostile Environment** – unwelcome, pervasive, or continuous harassment, including sexual harassment, which creates an intimidating, hostile, or offensive environment where one works or learns.

This applies when harassing behavior by anyone causes the work or classroom environment to become hostile, intimidating or offensive and unreasonably interferes with an employee's work or student's education.

Harassment, including sexual harassment, is in the "eye of the beholder"—the person perceiving harassment—regardless of the intent of the harasser. When an individual is told that his or her behavior is unwelcome or it is perceived as harassment, the behavior must stop.

The Sexual Harassment Policy is not intended to inhibit or prohibit professional judgment on the content and presentation of academic material.

Harassment, including sexual harassment, can be experienced or caused by anyone regardless of gender.

(For definitions, examples of prohibited acts & behaviors, please scroll down.)

Procedures for Grievance of harassment/Sexual Harassment

The College encourages a person(s) who perceives harassment/sexual harassment (Complainant) by a member(s) of the campus community (Respondent) to notify the College promptly.

The College uses the SUNY Discrimination Complaint Procedure, which also applies to harassment and sexual harassment. Please refer to the SUNY website at http://www.SUNY.edu/SUNYpp/documents.cfm?doc_id=451

Procedures to address harassment/sexual harassment between students are detailed in the Student Code of Conduct. For more information, please contact the Office of Judicial Affairs (607) 436-3353. Harassment/sexual harassment between students and College employees is addressed by the SUNY Discrimination Complaint Procedure.

Concerns that are brought to the attention of an administrator, faculty member, manager or supervisor concerning acts of harassment, including sexual harassment, shall be immediately referred to the Affirmative Action Officer. Claims and Complaints must be made directly to the Affirmative Action Officer.

The College will maintain confidentiality throughout the process as appropriate and to the fullest extent allowed by law. All individuals involved are informed about the confidentiality and the consequences of retaliation, defamation or false accusation.

To file a written harassment/sexual harassment complaint, the Complainant has 90 calendar days following the alleged harassment act(s), or after a final grade is received, if that date is later.

The harassment/sexual harassment complaint or claim shall be resolved through a) Informal Resolution Procedure, or b) Formal Complaint Procedure.

a) Informal Resolution Procedure

The Affirmative Action Officer shall assess the harassment/sexual harassment claim, and if informal resolution is possible, the Officer will work with the parties involved to resolve it. If a satisfactory resolution is reached within 24 calendar days from the filing of the complaint, through voluntary informal resolution, the case shall be closed and written notices will be sent to the Complainant and the Respondent. If the Informal Resolution Procedure cannot resolve the harassment claim within the 24 calendar days from the filing of the complaint, the Affirmative Action Officer will notify the Complainant and advise the person of his or her right to proceed with the Formal Complaint Procedure.

b) Formal Complaint Procedure

This process begins by filing a complaint form (available from the Office of Equity and Inclusion, 133 Netzer Administration Building). The complaint is forwarded to the Affirmative Action Advisory Convener (the Affirmative Action Officer), who then notifies the Complainant, the Respondent, and the College President, that the investigation of the complaint shall be conducted by a Tripartite Panel. The selection of the Tripartite Panel shall be completed within 10 calendar days from the date in which the Complainant, Respondent, and the College President were notified.

This Panel shall be composed of three persons selected from a standing Tripartite Committee: one member is selected by the Complainant, one is selected by the Respondent, and the third member is chosen by two selected members of the Affirmative Action Advisory Committee. The three-member Panel will choose one of its members to act as the Chair of the Tripartite Panel.

The Tripartite Panel shall review all relevant information, interview witnesses, and hear testimony from the Complainant and Respondent. Within 48 calendar days from the selection of the Panel, the Tripartite Chairperson shall submit a report which includes the findings and recommendations for resolution to the College President, the Complainant, and the Affirmative Action Officer.

Within 24 calendar days of the submission of the Panel's report, the College President will issue a written statement indicating the action he or she proposes to take. The action taken by the College President is final.

In the case that the College President is the Respondent, then the Chancellor will decide the action to be taken to address the sexual harassment claim.

If the complainant is dissatisfied with the College President's or Chancellor's decision, the Complainant may choose to file a complaint with New York Human Rights Commission or a federal agency. The Complainant may choose to file with an outside agency at any time. If an internal procedure has begun, this process will stop when a complaint is filed with an outside agency.

Affirmative Action Advisory Committee (AAAC)

Individuals are free to contact any member of the Affirmative Action Advisory Committee for informal consultation and referral. The members' names and contact information can be obtained at www.oneonta.edu/admin/oei or by calling at (607) 436-2830.

The College's Affirmative Action Officer is also a resource person for informal consultation. Additionally, all harassment/sexual harassment complaints or claims must be filed with the Affirmative Action Officer.

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Prevention of A Hostile Work Environment Including Sexual Harassment

The Office of Equity and Inclusion offers monthly workshops on the Prevention of Hostile Work Environment Including Sexual Harassment. For more information, please call (607) 436-2830.

Definitions, Prohibited Acts and Behaviors

Sexual Harassment defined by the Equal Employment Opportunity Commission

Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature constitute sexual harassment when any of the following occurs:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic status, promotion, or other condition of employment.
- Submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting an employee or job applicant.
- Such conduct is intended to interfere, or results in interference, with a person's work or academic performance or creates an intimidating, hostile or offensive work environment.

Sexual Harassment in the Educational Setting

Unwelcome conduct of a sexual nature. Sexual Harassment can include unwelcome sexual advances, request for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of sex, the student's ability to participate in or receive benefits, services or opportunities in the educational institution's programs and activities.

Hostile Environment

It is an unwelcome environment created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive. A hostile environment interferes or limits the ability of a person(s) to perform his or her duties or to participate in or benefit from programs and activities.

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