

## **Non-Discrimination/Anti-Harassment Policies & Procedures**

### **Policy Statement:**

SUNY New Paltz is committed to a working and learning environment in which all individuals are treated with respect and dignity. Every member of our campus community is entitled to work and learn in an environment free from the damaging effects of illegal discrimination, in accordance with this policy and federal and state laws. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, SUNY New Paltz expects that all decisions and relationships among employees will be free of unlawful bias, prejudice and harassment.

Illegal discrimination includes any type of action or behavior based on a person's sex, sexual orientation, predisposing genetic characteristics, race, color, national origin, age, religion, creed, marital status, military status, or disability, including pregnancy, or is otherwise a violation of any provisions of the Civil Rights Act of 1964, including Title VII and Title IX of the Educational Amendments of 1972; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990; and the New York State Division of Human Rights Laws.

### **Applicability:**

This policy applies to all members of the campus community, individuals doing business with the campus, any person utilizing campus facilities. This will include SUNY New Paltz's campus, any off-site facilities, and work-related travel.

Responsibility:

The Affirmative Action Officer or Title IX Coordinator are responsible for assuring institutional compliance with this policy and with any applicable federal and state laws with respect to claims of illegal discrimination and harassment.

### **The College's Response:**

The College will actively work to prevent and eliminate discrimination and harassment on campus and will respond promptly, positively, and aggressively to deal with any incidents. This response may include, but is not limited to: training, referral to counseling and/or disciplinary action in accordance with SUNY Discrimination Complaint Procedure and the provisions of the appropriate bargaining unit agreements. Law enforcement agencies will be notified when necessary.

### **Examples of Prohibited Conduct**

- Discrimination in the provision of employment opportunities, benefits or privileges or in any education program or activity.
- The creation of a hostile work or learning environment or the use of discriminatory evaluative standards in employment or academic evaluation.
- Verbal or physical conduct designed to threaten, intimidate, or coerce. This may include verbal taunting (including racial and ethnic slurs or negative stereotyping) or physical actions which impairs the employee's ability to perform his or her job or interferes with the employee's or student's work or academic performance.
- Distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of protected status.

## Sexual Harassment:

1. **“Quid pro quo”** harassment, where submission to harassment is used as a basis for employment decisions or academic advancement. [Whereas promotions, raises, better working hours, grades, special accommodations, etc., are linked to compliance with sexual advances.] Therefore, only someone in a supervisory capacity or authority to grant such benefits can engage in “quid pro quo” harassment.
2. **“Hostile work or learning environment,”** where the harassment creates offensive and unpleasant working or learning environment, inclusive of anyone affected by the offensive conduct.

## Examples of Sexual Harassment are:

- Vulgar or lewd comments or jokes
- Unwanted and unwelcome touching or fondling
- Unwelcome, repeated demands or requests for dates
- Physical contacts such as patting, pinching, or repeated brushing against another’s body
- Subtle or overt pressure for sexual activity
- Promise or provision of promotions, raises, better working hours, better grades, or special accommodations based on compliance with sexual advances or harassment.

The law and this policy prohibit men harassing women, women harassing men, women harassing women, and men harassing men. The harasser can be the victim’s supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee. Unlawful sexual harassment may occur without economic injury to or discharge of the victim. The harasser’s conduct will be considered unwelcome by a reasonable standard.

## Employer Guidelines

Supervisors play a critical role in prevention and correction. Supervisors must respond to inappropriate and/or offensive behaviors that they observe or otherwise become aware of; even if an employee does not file a complaint. All formal or informal complaints of harassment or discrimination must be reported to the Affirmative Action Officer or Title IX Coordinator. The obligation applies even if:

- The employee asks that the complaint be kept confidential
- The employee does not use the words “harassment” or “discrimination”
- The complaint appears to lack merit

All supervisory personnel (administrators, deans, directors, department chairs, supervisors, and resident directors) are responsible for:

- Properly responding to discrimination and harassment complaints
- Promptly reporting all such complaints to the Affirmative Action Officer or Title IX Coordinator.
- Obtaining education and training in the area of discrimination and harassment prevention
- Discouraging discrimination and harassment in their responsibility areas
- Ensuring compliance with this policy in their responsibility areas

## Employee Guidelines

- Each employee of the College should report all incidents of discrimination and harassment to their supervisor. If, however, an employee feels they are in immediate danger, University Police should be contacted at 257-2222.
- Each employee of the College who believes he/she is being discriminated against or harassed should consider taking one or more of the following actions:
  - » **Say No!** Say it firmly, without smiling or apologizing. Do not ignore the situation.
  - » Keep a record of what occurred. Include direct quotes, witnesses, and patterns to the harassing behavior. Save any relevant cards, letters, or e-mail messages sent, however harmless

they may seem.

- » Talk to the person involved if you feel you can. You might explain why you were offended by what occurred. Sometimes a clearing of the air is all that is necessary.
- » Take action. Discuss the situation with your supervisor and/or the Affirmative Action Officer or Title IX Coordinator. You can talk to any of these people as your first step or after you have tried to resolve the issue yourself. Anyone you speak to will maintain your confidence to the extent possible.

## **Reporting an Incident of Harassment, Discrimination or Retaliation**

### **Filing A Complaint:**

Complaints made by employees regarding harassment on the part of an employee should be directed to the Affirmative Action Officer or Title IX Coordinator within 90 days of the incident.

The Affirmative Action Officer or Title IX Coordinator will assist the complainant in defining the charge and provide information about both internal and external mechanisms through which the complaint may be filed.

Complaints handled on campus may be filed pursuant to the SUNY Discrimination Complaint Procedure, and resolution of the complaint may be pursued through the informal and formal process outlined therein.

### **Informal Resolution:**

According to the SUNY Discrimination Complaint Procedure, the Affirmative Action Officer or Title IX Coordinator first seeks to resolve complaints through an informal process. The informal process varies depending on the circumstances and the severity of the situation. In most cases, when pursuing an informal resolution, the Affirmative Action Officer or Title IX Coordinator or a designee meets with the complainant and the accused, either together or separately, and seeks to reach an agreement that is satisfactory to both parties. Under the SUNY Discrimination Complaint Procedure, the Affirmative Action Officer or Title IX Coordinator has 24 days within which to assign and complete an investigation and reach a resolution.

If a resolution is reached through this informal process, the case is closed. The resolution includes a written communication to the complainant and the respondent.

### **Formal Resolution:**

If the Affirmative Action Officer or Title IX Coordinator are unable to resolve the complaint to the mutual satisfaction of the complainant and the respondent within 24 days, the complainant may choose to proceed through the next step outlined in the SUNY Discrimination Complaint Procedure, which is to request a tri-partite committee hearing. The tri-partite committee comprises of staff members who have been pre-selected and trained in the grievance investigation process.

The findings of the tri-partite committee are forwarded to the campus President who will determine appropriate action, which may include, but is not limited to, discipline pursuant to Article 19, Discipline of the UUP Agreement, and appropriate sections of the CSEA, PEF, NYSCOBAs (SSU) and PBANYS (ALES) Agreements, respectively.

**Right to File with External Agencies:** Persons who choose to file a complaint with the College will not lose their right to file with an external enforcement agency such as the Equal Employment Opportunity Commission, the State Division of Human Rights, or The United States Department of Education's Office for Civil Rights (OCR). Internal processes may terminate without conclusion once an external agency is requested. The Affirmative Action Officer or Title IX Coordinator will provide information to employees about internal processes and external agencies. Any questions concerning this policy or allegations of non-compliance should be directed to:

**Director of Human Resources/AAO**  
**Human Resources HAB 203**  
**1 Hawk Drive**  
**New Paltz, New York 12561**  
**(845) 257-3171**

**Title IX Coordinator**  
**HAB 205**  
**1 Hawk Drive**  
**New Paltz, New York 12561**  
**(845) 257-3171**

**Insufficient Evidence:** In some cases, the evidence may be inconclusive because it consists of statements by only the complainant and the alleged harasser. This decision does not conclude that the harassment never occurred, but only that, before taking any serious action more evidence is needed. The investigation ends unless additional evidence comes to light. The accused is neither exonerated nor found guilty. Any further complaints will be investigated fully.

**Confidentiality:** All inquiries, complaints, and investigations are treated with sensitivity, seriousness, and maximum confidentiality. Only when required by law, or when personal safety is at risk, will confidential information be shared with appropriate individuals, or be acted upon or disclosed to others without a complainant's knowledge.

**Retaliation:** No faculty member, administrator, staff member, student, member of the public or applicant for employment may be subject to reprisal or retaliation of any kind. Any person who feels he or she has been subjected to such adverse actions should report this to the Affirmative Action Officer or Title IX Coordinator. However, allegations proven to be made falsely and with malicious intent are violations of this policy, and will be treated as a serious matter.

EEOC: <http://www.eeoc.gov>

NYS Division of Human Rights: <http://www.dhr.state.ny.us>

The United States Department of Education's Office for Civil Rights (OCR): <http://www.ed.gov/about/offices/list/ocr/index.html>