



SUNYADIRONDACK

Policy Title: Sexual Harassment Response and Prevention
Document #: 3303
Effective Date: 3/1/19
Category: Human Resources
Responsible Office: Human Resources

This policy applies to: Employees, Affiliated Entity Employees, Students, Interns

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Summary:

While all SUNY campuses have long maintained programs which apply evidence-based approaches to preventing and responding to sexual harassment and other forms of sex-based discrimination, such best practices should be uniformly applied at all SUNY campuses, allowing SUNY to leverage its power as the most comprehensive system of higher education in the country to speak with one voice in combating all forms of sexual harassment.

The State College of New York Board of Trustees Resolution 18- , adopted October 9, 2018, requires all State-operated campuses and community colleges to adopt the uniform Sexual Harassment Policy Statement.

Policy:

The College will notify their respective community members of SUNY's no tolerance policy for behavior that violates the sexual harassment policy. The College must ensure that appropriate investigation is made into complaints of sexual harassment and that discipline is imposed for such behavior in accordance with policies and processes. The College will coordinate with SUNY and the State to present annual, mandatory training for employees and annual training for students, on preventing and addressing sexual harassment and sex discrimination, including knowledge of whom to contact with questions regarding this policy and how to report violations of this policy. In addition, The College will maintain records to ensure compliance with annual training, reporting and alternative supervision requirements.



SUNY Sexual Harassment Response and Prevention Policy Statement

Sexual harassment is a form of sex discrimination which is unlawful in the workplace under Title VII of the Civil Rights Act of 1964, as amended, and the New York State Human Rights Law. Under Title IX of the Educational Amendments of 1972, sexual harassment also is prohibited in the provision of educational services and protects students and employees from sexual harassment.

Sexual harassment is prohibited and will not be tolerated at SUNY Adirondack. The College has implemented measures to address and prevent sexual harassment and is taking additional affirmative steps to increase awareness of, and sensitivity to, all forms of sexual harassment in order to maintain a workplace and learning environment free of its harmful effects.

Sexual harassment is a form of workplace discrimination and employee misconduct, as well as a form of discrimination in the academic setting, and all employees and students are entitled to work and learn in a campus environment that prevents sexual harassment. All employees and students have a legal right to a workplace and a campus free from sexual harassment, and employees and students can enforce this right by filing a complaint internally with the College, or with a government agency, or in court under federal or state anti-discrimination laws, as detailed in policy # 3004 Discrimination and Sexual Harassment Complaints [in development].

In accordance with applicable law, sexual harassment is generally described as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic benefit; or
- Submission to or rejection of the conduct is used as the basis for an employment or academic decision affecting the person rejecting or submitting to the conduct; or
- The conduct has the purpose or effect of unreasonably interfering with an affected person's work or academic performance, or creating an intimidating, hostile or offensive work or learning environment.

Sexual harassment can include physical touching, verbal comments, non-verbal conduct such as leering or inappropriate written or electronic communications, or a combination of these things. Examples of sexual harassment may include, but are not limited to:

- Seeking sexual favors or a sexual relationship in return for the promise of a favorable grade or academic opportunity;
- Conditioning an employment-related action (such as hiring, promotion, salary increase, or performance appraisal) on a sexual favor or relationship; or
- Intentional and undesired physical contact, sexually explicit language or writing, lewd pictures or notes, and other forms of sexually offensive conduct by individuals in positions of authority, co-workers or student peers, that unreasonably interferes



with the ability of a person to perform their employment or academic responsibilities.

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against, or poking another person's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning a target's job performance evaluation, a promotion or other job benefits or detriments, or an education benefit or detriment;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on computers or cell phones and sharing such displays while in the workplace or classroom.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the employment or academic duties;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Such behavior can constitute sexual harassment regardless of the sex, gender, sexual orientation, self-identified or perceived sex, gender expression, status of being transgender, or gender identity of any of the persons involved. Sexual harassment is considered a form of employee and student misconduct which may lead to disciplinary action. Further, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Employees and students who believe they have been subjected to sexual harassment should reference policy # 3004



Discrimination and Sexual Harassment Complaints [in development] for details on how to have their allegations reviewed, including a link to a complaint form.

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure, is unlawful, is strictly prohibited and may result in disciplinary action. Retaliation is an adverse action taken against an individual as a result of complaining about or provides information regarding unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Adverse action includes being discharged, disciplined, discriminated against, or otherwise subject to adverse action because the individual reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Participants who experience retaliation should contact the campus Affirmative Action Officer [the Associate Vice President of Human Resources], and may file a complaint.

The College shall take the necessary steps to ensure that this Sexual Harassment Response and Prevention Policy Statement is distributed, implemented, and enforced in accordance with respective policies.

Definitions:

Affiliated Entity. Per the Board of Trustees Policy Manual Section 9.1 - 9.3, the purpose, relationship, responsibility and agreements between the SUNY Adirondack Foundation, Faculty-Student Association and the Adirondack Housing Association, are outlined.

College. Use of this term explicitly refers to Adirondack Community College and/or the College's acceptable short name, SUNY Adirondack.

Other Related Information:

Board of Trustees Policy Manual Section 7 Human Resources – 7.03B Workplace Environment – Sex Discrimination and Sexual Harassment Procedures

<N:\Policies, Processes, Procedures and Guidelines\Board of Trustees\Board of Trustees Policy Manual 2015-12-17>

Board of Trustees Policy Manual Section 2 Board of Trustees – 2.03 Responsibilities, Powers and Duties

<N:\Policies, Processes, Procedures and Guidelines\Board of Trustees\Board of Trustees Policy Manual 2015-12-17>

Student Handbook

https://www.sunyacc.edu/sites/default/files/2018%20Custom%20Book%205.5x8.5_0.pdf

Discrimination and Sexual Harassment Complaints

[N Drive: Policies, Procedures, Processes and Guidelines\Legal and Compliance\Discrimination and Sexual Harassment Complaints #3004 \[in development\]](N Drive: Policies, Procedures, Processes and Guidelines\Legal and Compliance\Discrimination and Sexual Harassment Complaints #3004 [in development])

[Equal Employment Opportunity Commission](#)

[SUNY Policy Doc. No. 6502, Equal Opportunity: Access, Employment and Fair Treatment in the State College of New York](#)



Processes and Procedures:

Notification

At the beginning of each semester, the Vice President for Enrollment and Student Affairs will notify all students of the College's no tolerance policy for behavior that violates the sexual harassment policy via email, noting the location of the policy in the online Student Handbook. At each new employee orientation, Human Resources staff will notify staff of this policy.

Training

The Associate Vice President of Human Resources will coordinate with SUNY and the State to present annual, mandatory training for employees on preventing and addressing sexual harassment and sex discrimination, including knowledge of whom to contact with questions regarding this policy, the extra requirement for those in managerial/supervisory roles and how to report violations of this policy. New employees are required to complete training as soon as possible after their start date.

The Title IX Coordinator will conduct annual training with the same content for students in coordination with the Office of Student Affairs.

The Office of the President will coordinate an annual training with the same content for the Board of Trustees.

Complaint Investigations

The Associate Vice President of Human Resources and the Title IX Coordinator will ensure that appropriate investigations are made into complaints of sexual harassment and that discipline is imposed for such behavior in accordance with policies, procedures and processes as detailed in # 3004 Discrimination and Sexual Harassment Complaints [in development]

Recordkeeping

Staff responsible for conducting trainings for employees and students will maintain records [in accordance with the NYS Education Department requirements for community colleges] to ensure compliance with annual training requirements. Human Resource staff and the Title IX Coordinator will maintain records of sexual harassment complaints and actions taken. The Associate Vice President of Human Resources will maintain records on alternative supervision arrangements.

Forms:

There are no related forms relevant to this policy.

Authority:

Authority to Approve: Vice President for Administrative Affairs and Treasurer
Responsible for Oversight: Associate Vice President of Human Resources

History:

This statement was adopted pursuant to Labor Law §201-g, which requires every employer in the State of New York to adopt a sexual harassment prevention policy that meets or exceeds



enumerated minimum standards in order to prevent and combat sexual harassment in the workplace. This policy was approved by the President on 2/27/19.

Review:

Annually in November.

Appendices:

None.