

# SUNY College at Old Westbury

## Non-Discrimination and Anti-Harassment Policy

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The College at Old Westbury is committed to an educational and employment environment in which all individuals are treated with respect and dignity. Each individual has the right to work or study in a professional atmosphere that promotes equal treatment and prohibits discriminatory practices, including harassment. Therefore, the College expects that all relationships among persons at the College will be professional and free of bias, prejudice and harassment.

It is the policy of the College to ensure equal treatment without discrimination or harassment on the basis of race, color, national origin, religion, sex, age, disability, citizenship, marital status, sexual orientation or any other characteristic protected by law. The College prohibits and will not tolerate any such discrimination or harassment.

### Definitions of Harassment

**1. Sexual harassment** constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic treatment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or study performance or creating an intimidating, hostile or offensive working or learning environment. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation on the campus of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

**2. Harassment on the basis of any other protected characteristic** is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, national origin, age, disability, citizenship, sexual orientation, marital status or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work or study environment; (2) has the purpose or effect of unreasonably interfering with an individual's work or study performance; or (3) otherwise adversely affects an individual's employment or learning opportunities. Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation on the campus of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

### Individuals and Conduct Covered

These policies apply to all applicants, employees and students, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, supervisors or managers, faculty members or students or by someone not directly connected to the College (e.g., an outside vendor, consultant or customer). Conduct prohibited by these policies is unacceptable in the workplace/classroom and in any college-related setting outside the workplace/classroom, such as during business (university) trips, business (university) meetings and business (university)-related social events.

### Retaliation is Prohibited

The College prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be the subject of disciplinary action.

### Complaint Procedure

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

The College strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the College's policy or who have concerns about such matters should file their complaints with the College's Affirmative Action Officer,

Assistant to the President for Administration or the College President or any member of supervision or faculty member the individual feels comfortable with who is then obligated to report the complaint to the Affirmative Action Officer, Assistant to the President for Administration, or the College President. Individuals should not feel obligated to file their complaints with their immediate supervisor — or a member of supervision — before bringing the matter to the attention of one of the other of the College's designated representatives above.

Individuals who have experienced conduct they believe is contrary to this policy have a legal obligation to take advantage of this complaint procedure. An individual's failure to fulfill this obligation could affect his or her right to pursue legal action. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment or discrimination. Therefore, while no fixed reporting period has been established, the College strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

#### ***The Investigation***

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved

and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

***Responsive Action***

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the College believes appropriate under the circumstances. If an individual making a complaint does not agree with its resolution, the individual may appeal to the College's Affirmative Action Grievance Committee or the College President.

Individuals who have questions or concerns about these policies should talk with the College's Affirmative Action Officer or the Assistant to the President for Administration.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business, academic or work- related social activities or discussions in order to avoid allegations of harassment. The law and the policies of the College prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment/ education. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

***Contact Information:***

<u>Department</u>	<u>Telephone #</u>	<u>Location</u>
Office of the President	(516) 876-3160	Campus Center, Rm. H400
Office of Affirmative Action	(516) 876-3160	Campus Center, Rm. H400
Office of Human Resources	(516) 876-3179	Campus Center, Rm. I211

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