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# Human Resources, Affirmative Action & Payroll

## Sexual Harassment Policy

### SEXUAL HARASSMENT: WHAT IS IT?

Sexual harassment has been defined by the Equal Employment Opportunity Commission (EEOC). Harassment on the basis of sex is a violation of §703 of Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education (quid pro quo).
2. A submission to or rejection of such conduct is used as the basis for employment or educational decisions or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment is viewed through the eye of the person claiming harassment. It is defined as unwelcome and unwanted sexual advances. The advances may be explicit and/or implicit, verbal and nonverbal, and include physical touching, gestures or exposure to sexually explicit materials.

The harassment can include, but is not limited to, derogatory comments that are offensive to the recipient, and that in turn can interfere with the individual's ability to perform his or her job or academics. In many cases, the harasser has more power/authority than the individual being harassed.

**Quid Pro Quo** conduct is usually easy to recognize. It occurs when specific academic or employment benefits are withheld as a means of coercing sexual favors. The person in authority uses his or her actual or apparent power, or otherwise uses threats to obtain sexual favors.

**Hostile Environment** exists when a person either creates or condones a work or academic environment in which sexual harassment is present.

### WHAT BEHAVIORS ARE TYPICAL OF SEXUAL HARASSMENT?

Persons who wish to check their own behavior for potentially harassing remarks and behaviors should be reminded that asking for sexual favors, telling sexual jokes, making lewd remarks or displaying sexually explicit pictures/posters/calendars may harass others. Sexual harassment is usually in the eye of the beholder. When a person states that something is harassing, the behavior should stop.

Typical harassing behaviors are:

1. Promising or withholding something of value in return for sexual behaviors.
2. Displaying sexually explicit materials.
3. Telling sexually explicit jokes or making sexual comments.

Sexual harassment is not limited to supervisors, although it usually arises out of a power position. Co-workers can be sexually harassing if their actions create a hostile, intimidating environment. Women can be harassers, and men can be harassed.

Sexual harassment will be dealt with under the relevant disciplinary code. The College's liability for a supervisor's quid pro quo harassment of an employee is virtually absolute. Therefore, those cases will be dealt with strongly.

In the academic area, the harassment must be persistent, pervasive and not germane to the subject matter. The academic setting is different from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

The State University of New York, College at Oneonta, will not tolerate sexual harassment of students or employees. The College will:

1. Respond to every complaint of sexual harassment,
2. Take action to provide remedies,
3. Impose appropriate sanctions on a case by case basis,
4. Protect the privacy of all those involved in a sexual harassment complaint.

## FILING A COMPLAINT

The State University of New York at Oneonta will not tolerate sexual harassment of students or employees. The College has both formal and informal procedures in place to handle allegations of sexual harassment. In general, the College will try to reach an informal resolution first.

One of the most effective means of dealing with harassment is to speak with the harasser and explain why the behavior is bothersome. If you do not feel comfortable with that method, you can talk with the individual's supervisor or your supervisor. If the informal methods are not practicable or have not worked, the College offers a procedure for filing complaints. The Affirmative Action Office is responsible for the investigation and resolution of complaints.

1. The grievance must be submitted in writing on forms provided by the State University of New York.
2. Employees must file a grievance within 90 days after the alleged discriminatory act, or the date on which the grievant first knew or should have known of such act, if that date is later.
3. Students must file a grievance within 90 days following the alleged discriminatory act, or 90 days after a final grade is received for the semester during which the discriminatory acts occurred, if that date is later.

If the complainant is dissatisfied with the institution's response to the alleged discrimination or chooses not to file with the institution, they may file a formal complaint with the appropriate state or federal agency.

#### **Affirmative Action Advisory Committee Members**

Eva Vega, Chair	436-2665
Edward Alvarez	436-3132
Lynda Bassette	436-2407
Dale Capristo	436-2469
Craig Levins	436-2137
Hanfu Mi	436-3000
Melissa Nicosia	436-2081
Jerry Sawyer	436-2119
Gretchen Sorin	547-2586
Lorraine Hall, ex-officio	436-2581

Individuals are free to go to any member of the Affirmative Action Advisory Committee to discuss their concerns. Official complaints must be filed with Lorraine Hall, Acting Affirmative Action Officer.

Lorraine Hall, Acting Affirmative Action Officer  
211B Netzer Administration Building  
(607) 436-2581  
**[halllp@oneonta.edu](mailto:halllp@oneonta.edu)**

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