

qualified under the ADA, a disabled person must be able to perform the essential functions of a job or meet the essential eligibility requirements of the program or benefits, with or without an accommodation to his or her condition.

Any person who has a question about their rights under ADA should contact the Executive Director of Compliance Programs and Legal Affairs, (718) 262-2140, Room AC-2H05.

G. Title IX

York College of The City University of New York is also committed to Title IX of the Education Amendments of 1972, Public Law 92-318 which prohibits sex discrimination in federally assisted education programs. This law directly addresses the issue of sexual discrimination. It states in part:

"No person in the United States shall, on the basis of sex, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any educational program of activity receiving federal financial assistance"

GRIEVANCES

Title IX grievance procedures have been established by York College to provide for the resolution of student and employees complaints in relation to Title IX regulations. These procedures are provided in addition to other, more formal union, college committee and governmental grievance mechanisms available to faculty, staff and students. Grievants are not required by Federal regulations to use internal grievance procedures. Utilization of York College grievance procedures is not a prerequisite for federal action through the Office of Civil Rights.

Student and Employee Complaint Filed under Title IX of the Higher Education Amendments of 1972

A student or employee who has reason to believe that the College has failed to act in accordance with the provisions of Title IX may file an informal complaint. This complaint may be submitted in writing or presented orally to the College Coordinator, Prof. Gloria Waldman. The Title IX Coordinator will then make suitable effort to resolve the issue. The Coordinator shall be responsible for keeping a record of all complaints filed and all materials used in the report preparation for a minimum of three (3) years and for its dispositions thereof.

Formal Procedure for Handling Grievance

1. Complaints of sex discrimination are to be submitted in writing to the Coordinator of Title IX within thirty (30) working days after the employee or student became aware of the action complained of, or within thirty (30) working days of a failure to resolve the complaint at the informal level. The grievance must set forth the nature of the complaint, the evidence on which it is based and the redress being sought. Within ten (10) working days an interview will be held with the aggrieved and the Title IX Coordinator.
2. Written reports of the complaint, and interviews will be submitted by the Title IX Coordinator to the Affirmative Action

Officer and the President.

3. A fact-finding review will be conducted by Title IX committee member. Such review may involve additional interviews with parties involved, review of materials, and consultation with human resources who might provide additional information.
4. A Title IX committee report, with recommendation for resolution, will be submitted to the aggrieved, the Affirmative Action Officer and to the President.

The Title IX Coordinator shall be responsible for keeping a record of all complaints filed and all materials used in the report preparation for a minimum of three (3) years and for its dispositions thereof.

SUBMISSION OF ASSURANCES

As required by law, York College has submitted assurance of compliance with the Title IX of the Civil Rights Acts of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1982 and the Age Discrimination Act of 1975.

Any person who has a question about their rights under Title IX should contact Olga Dais, Esq., Office of Compliance and Legal Affairs, Room 2H05 262-2140.

H. Policy Against Sexual Harassment

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POLICY STATEMENT

It is the policy of The City University of New York to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University policy of equal employment and academic opportunity without regard to age, sex, sexual orientation, alienage or citizenship, religion, race, color, national or ethnic origin, handicap, and veteran or marital status. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within the University.

The University, through its colleges, will disseminate this policy and take other steps to educate the University community about sexual harassment. The University will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the University community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

A. Prohibited Conduct

It is a violation of University policy for any member of the

University community to engage in sexual harassment or to retaliate against any member of the University community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

B. Definition of Sexual Harassment

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
2. submission to or rejection of such conduct by an individual is used as a 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 academic performance or creating an intimidating, hostile or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between faculty/staff member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

C. Examples of Sexual Harassment

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment (known as *quid pro quo* harassment) include, but are not limited to, the following:

- requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations);
- submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target does find, and a reasonable person would find, that an intimidating, hostile or abusive work or academic environment has been created.

Examples of this kind of sexual harassment (known as hostile environment harassment) include, but are not limited to, the following:

- sexual comments, teasing, or jokes;

- sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;
- graphic or sexually suggestive comments about an individual's attire or body;
- inquiries or discussions about sexual activities;
- pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- sexually suggestive letters or other written materials;
- sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;
- coerced sexual intercourse or sexual assault.

D. Consensual Relationships

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the University community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the University community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this section, an individual has professional responsibility for another individual at the University if he or she performs functions including, but not limited to, teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer benefits such as promotions, financial aid or awards or other remuneration, or that may impact upon other academic or employment opportunities.

E. Academic Freedom

This policy shall not be interpreted so as to constitute interference with academic freedom.

F. False and Malicious Accusations

Members of the University community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

G. Procedures

The University shall develop procedures to implement this policy. The President of each constituent college of the University, the Deputy Chancellor at the Central Office, and the Dean of the Law School shall have ultimate responsibility for overseeing compliance with this policy at his or her respective unit of the University. In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility shall be required to report any complaint of sexual harassment to an individual or individuals to be designated in the procedures. All members of the University community are required to cooperate in any investigation of a sexual harassment complaint.

H. Enforcement

There is a range of corrective actions and penalties available to the University for violations of this policy. Students, faculty, or staff who are found, following applicable disciplinary proceedings, to have violated this Policy are subject to various penalties, including termination of employment and permanent dismissal from the University.

Sexual Harassment Panel

Arleen Schreiner, Coordinator
Olga Dais, Co-Coordinator
Sharon Faust
Farley Mawyer
Facia White (Queens E.O.C.)
Ann Bacchus

Sexual Harassment Education Committee

Lindamichelle Baron, Chair
Jean Phelps, Co-Chair
Laura Fishman
Caroline Campbell
Charles Coleman
Majorie Dunbar
Tyrone Forte
Dana Fusco
Celia Galashaw
Lisa Halstead
Randy Punter
Facia White (Queens E.O.C.)

I. Resolution in Regard to the Maintenance of Public Order

The resolution for the maintenance of public order on campuses of The City University, adopted on June 23, 1969 (Cal. No. 3b), by the Board of Higher Education, pursuant to the mandate of Chapter 191 of the Laws of 1969 is as follows: RESOLVED, That the Board of Higher Education in compliance with Chapter 191 of the Laws of 1969, hereby adopt the following rules and regulations for the maintenance of public order on college campuses and other college property used for educational purposes.

RULES AND REGULATIONS FOR THE MAINTENANCE OF PUBLIC ORDER PURSUANT TO ARTICLE 129A OF THE EDUCATION LAW

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedoms: the rights of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views, free from external pressures or interference. These freedoms can flourish only in an atmosphere of mutual respect, civility and trust among teachers and students, only when members of the University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.

Academic freedom and the sanctuary of the university campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom.

Against such offenders the university has the right, and indeed the obligation, to defend itself. We accordingly announce the following rules and regulations to be in effect at each of our colleges which are to be administered in accordance with the requirements of due process as provided in the Bylaws of the Board of Higher Education.

With respect to enforcement of these rules and regulations we note that the Bylaws of the Board of Higher Education provide that:

THE PRESIDENT. The president, with respect to this educational unit, shall:

- a. Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his/her jurisdiction.
- b. Be the advisor and executive agent to the Board and of his/her respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the bylaws, resolutions and policies of the Board, the lawful resolutions of any of its committees and the policies, programs and lawful resolutions of the several faculties.
- c. Exercise general superintendence over the concerns, officers, employees and students of his/her educational unit.

I. RULES

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he/she interfere with the institution's educational process or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the University/College when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.
3. Unauthorized occupancy of University/College facilities or