

Buffalo State College

Policy Statement on Sexual Orientation

NYS Policy

Executive Order 28, signed by Governor Mario Cuomo on November 18, 1983, states that:

- ❖ No state agency or department shall discriminate against an applicant or employee because of sexual orientation. An agency or department shall be deemed to have engaged in such a prohibited employment practice if it refuses to hire, appoint, promote, retain, train, grant permanent appointment or assign work, or engages in other conduct which otherwise adversely affects the employment opportunity of applicants or employees on the basis of sexual orientation of the employee or applicant.
- ❖ No state agency or department shall discriminate on the basis of sexual orientation against any individual in the provision of any services or benefits by such state agency or department.
- ❖ Harassment on the basis of sexual orientation will not be countenanced within the state service in the employee relationship.

On December 17, 2002, Governor Pataki signed into law Chapter 2 of the Laws of 2002, referred to as the Sexual Orientation Non-Discrimination Act. The Act is effective January 17, 2003. The legislation amends the New York State Human Rights Law and Education Law to include sexual orientation as a protected category against which discrimination in employment, credit, housing, public accommodation and education, among other areas is prohibited. Section 2. Sub divisions 1 and 2 of section 291 of the executive law, as amended by chapter 803 of the laws of 1975 were amended to read as follows:

1. The opportunity to obtain employment without discrimination because of age, race, creed, color, national origin, sexual orientation, sex, or marital status is hereby recognized as and declared to be a civil right.
2. The opportunity to obtain an education, the use of places of public accommodation and the ownership, use and occupancy of housing accommodations and commercial space without discrimination because of age, race, creed, color, national origin, sexual orientation, sex or marital status, as specified in section two hundred ninety-six of this article is hereby recognized as and declared to be a civil right.

Buffalo State College Policy

It is the policy of Buffalo State College and the Board of Trustees of the State University of New York that no discrimination against or harassment of individuals will occur on any of the campuses or in the programs or activities of the university. Consistent with the policy, the college expects that all judgments about and actions toward students and employees will be based on their qualifications, abilities, and performance. Attitudes, practices and preferences of individual that are especially personal in nature, such as private expressions or sexual orientation are unrelated to performance and provide no basis for judgment. The college expects all employees and students to take appropriate action to implement this policy of fair treatment.

Assistance

Buffalo State College will take affirmative action to protect persons from judgments related to sexual orientation. Persons who believe that there has been a violation of any of these policies have the right, and are encouraged to discuss the complaint with the appropriate college official. Resolution of internal campus complaints will be handled using the Buffalo State College Grievance Procedure for the Review of Allegations of Unlawful Discrimination. Persons choosing to use external agencies may file with the Division of Human Rights, Executive Order 28.1 Enforcement Unit. In determining whether alleged conduct constitutes a prohibited employment practice, the Governor's Office of Employee Relations (OER) will also investigate cases of discrimination relating to sexual orientation as well as the guidelines and procedures for redress.

Any employee or student who feels discriminated against based on sexual orientation may contact **Dolores E. Battle, Ph.D., Senior Advisor to the President for Equity and Campus Diversity. The office is located in Cleveland Hall, Room #415, and can be reached by telephone at extension 878-6210.**