



(POLICY)

<b>Policy:</b>	Sexual Harassment Response and Prevention Policy	<b>Policy No.:</b>	PA3013
<b>Authority:</b>	SUNY Broome Community College Board of Trustees		
<b>Policy Owner</b>	President	<b>Responsible Party:</b>	VP Admin & Finance
<b>Approved:</b>	September 19, 2019		
<b>Revised:</b>			

In accordance with The State University of New York (SUNY), all state-operated campuses and community colleges shall adopt the uniform Sexual Harassment Policy Statement below to notify their respective community members of SUNY's ***no tolerance policy*** for behavior that violates the Sexual Harassment Response and Prevention Policy. Campuses and Administration must ensure that appropriate investigation is made into complaints of sexual harassment and that discipline is imposed for such founded behavior in accordance with each entity's policies and processes.

SUNY Broome Community College will present annual, mandatory training to all employees 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, all SUNY campuses shall maintain records to ensure compliance with annual training, reporting, and alternative supervision requirements, as necessary.

### **SUNY Sexual Harassment Response and Prevention Policy**

Sexual harassment is a form of sex discrimination which is unlawful in the workplace under the Title VII of the Civil Rights Act of 1964, as amended, and the New York State Humans Rights Law. Under Title IX of the Educational Amendments Act 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 campuses, of which SUNY Broome Community College is an integral part. 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 student employees have a legal right to a workplace and a campus free from sexual harassment, and employees and student employees

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 the College's Discrimination Complaint Procedure.

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 educational benefit or detriment.
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexual oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which creates 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 his or her 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 student employees who believe they have been subjected to sexual harassment may use the College’s Discrimination Complaint Procedure. More details on how to have allegations reviewed may be found at the following link: [www.sunybroome.edu](http://www.sunybroome.edu) – About, Our Values and Vision, Policies and Procedures – GA2001.1 Discrimination Complaint Procedure

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 providing 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 (AAO) and may file a complaint pursuant to these procedures.

In accordance with the standards of SUNY campuses, the College shall take the necessary steps to ensure that this Sexual Harassment Response and Prevention Policy is distributed, implemented, and enforced in accordance with respective policies.

<b>Action</b> <i>(Created, Reviewed, Retired)</i>	<b>Date</b>	<b>Initials</b>	<b>Position Title</b>
<i>Updated Classification (1.36)</i>	04/21/2020	KP	<i>Secretary – VP Student Development</i>