



The College of Saint Rose

Policy Number: 06.3

Responsible Office: Human Resources

Origination Date: September 27, 2018

Revision Date: April 30, 2019

I. Purpose:

In accordance with its Notice of Non-Discrimination, The College of Saint Rose (“the College”) does not discriminate on the basis of age, race, color, sex, religion, creed, disability, national/ethnic origin, gender identity or expression, sexual orientation, familial status, marital status, military status, or domestic violence victim status (collectively referred to as “Protected

- B. Designated Official – A College Employee who is designated to receive and investigate a complaint of discrimination and/or harassment.
- C. Discrimination – Treating an Employee or applicant for employment unfavorably

A. Sexual Harassment:

1. General:

- a. Sexual harassment is a form of workplace discrimination. The College has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. The Policy is one component of the College's commitment to a discrimination-free work environment.
- b. Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the College, or with a government agency or in court under federal, state or local anti-discrimination laws.

2. Policy Statement:

- a. This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the College.
- b. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
- c. Sexual harassment is offensive, is a violation of College policy, is unlawful, and subjects the College to liability for harm to victims. Harassers may also be individually subject to liability. Employees at every level, including managers and supervisors, who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for misconduct.
- d. The College will conduct a prompt and thorough investigation that ensures due process for all parties, whenever the College receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
- e. All employees are encouraged to report any harassment or behaviors that violate this policy. A complaint form is provided as part of this policy and is to be used to report harassment and to file complaints.
- f. Managers and supervisors are required to report any complaint that they receive, or any harassment they observe to a Designated Official.

3. Sexual Harassment Defined

- a. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.
- b. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:
 - i. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
 - ii. Such conduct is made either explicitly or implicitly a term or condition of employment; or
 - iii. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

- g. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

4. Examples of Sexual Harassment

- a. The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

- c. Supervisors and managers will also be subject to discipline for engaging in retaliation related to discrimination and harassment, including sexual harassment.

Romantic Relationships

Relationships which appear to be entirely voluntary and welcome sexual relationships between individuals in an unequal power relationship may constitute sexual harassment within the definitions of this policy. Persons who engage in sexual relationships with anyone over whom they have any degree of power or authority must recognize the extent to which such relationships are not legally recognized as truly mutually consensual. Implicit in the concept of professionalism is the recognition by those in positions of authority that their relationships with students or reporting staff include an element of power. It is incumbent on those with authority not to abuse, nor seem to abuse, the power with which they are entrusted. The initiation of or consent to romantic or sexual relationships between faculty members and students or between supervisors and employees for whom the faculty members or supervisors have direct professional responsibility is prohibited. More broadly stated, any relationship between members of the College community, where direct professional responsibility is present, is prohibited and is subject to the procedures outlined in this policy. Examples of direct professional responsibility include, but are not limited to: supervising, evaluating, teaching, advising, awarding financial aid, disciplining, and writing recommendations.

The initiation of romantic or sexual relationships is strongly discouraged even where there is not a direct professional responsibility. These situations may still contain an element of power or authority. Also, changes in the situation may establish direct professional responsibility between the individuals. Such romantic or sexual relationships can negatively impact students or employees (i.e. third parties), who share a work or classroom environment with the involved parties.

IV. Procedures for Handling Complaints of Discrimination and Harassment:

All complaints or information about suspected discrimination and harassment, including sexual harassment, will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible. Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in an investigation will not be retaliated against.

A. Designated Official:

1. Employees who believe that they have been harassed or discriminated against on the basis of a Protected Status are encouraged to report such behavior. Anyone who witnesses or becomes aware of potential instances of discrimination and harassment, including sexual harassment, should report such behavior. Supervisors must report any harassment that they

observe or know of, even if no one is objecting to the harassment. Such reports should be made to the applicable Designated Official:

Complaints Filed About Non-Faculty Employees or Other Covered Individuals:

Jeffrey Knapp
Associate Vice President for Human Resources and Risk Management
knappj@strose.edu
518-458-5374

Complaints Filed About Faculty Employees:

Dr. Ian MacDonald
Interim Dean of the School of Mathematics and Sciences
macdonai@strose.edu
518-458-5396

Complaints Filed About Student:

Rita McLaughlin
Assistant Vice President for Student Affairs
mclaughr@strose.edu
518-454-5170

Reports of harassment or discrimination may be made verbally or in writing.

2. In most instances, Employees should contact the Designated Official promptly and within 30 days from the date in which the alleged discrimination or harassment took place. If the Employee is unable to contact the applicable Designated Official, the employee may contact the Chief Diversity Officer, or another Designated Official so the College can determine who should handle the matter.

B. Formal Process:

1. Upon receipt of the complaint, the Designated Official will conduct an immediate review of the allegation, and take any interim actions, as appropriate. The Employee may file a formal complaint by filling out the Complaint Form and providing as much information as possible about the alleged discrimination and/or harassment. (Employees who are reporting harassment or discrimination on behalf of other employees should use the Complaint Form and note that it is filed on

Resources Office throughout the investigation. A second person will accompany the Investigator during all meetings with the Employee filing the

- A. All inquiries, complaints and investigations are confidential and any information obtained is revealed strictly on a need-to-know basis.
- B. Information contained in a formal complaint is kept confidential. However, the identity of the complainant and respondent usually is revealed to the respondent and witnesses.
- C. A copy of the investigation report and the final decision is included in the respondent's personnel or student file only if the investigation concludes that the respondent violated this Policy.
- D. All information pertaining to allegations under this Policy are maintained in secure files by the Associate Vice President for Human Resources and Risk Management for complaints against employees and by the Vice President for Student Affairs for complaints against students. These secure files will be kept separate from all other human resources and student files maintained by the College. No record of a complaint

- C. If any Employee retaliates against an individual who follows or participates in the processes under this Policy, that Employee shall be subject to disciplinary action.

VII. External Remedies:

- A. Sexual harassment is also prohibited by federal, state and local law. Aside from the College's internal complaint process, employees may also choose to pursue legal remedies with the following governmental entities at any time.
 - 1. New York State Division of Human Rights (DHR): The Human Rights Law (HRL) applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging a violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.
 - a. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.
 - b. Complaining internally to the College does not extend the time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.
 - c. An individual does not need an attorney to file a complaint with DHR and there is

- b. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.
- c. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.
- d. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting the website at www.eeoc.gov or via mail at info@eeoc.gov.
- e. If an individual filed an administrative complaint with the DHR, DHR will file the

Name: _____

Title: _____

Department: _____

Supervisor: _____

Email Address: _____

Phone Number: _____

If Respondent is an Employee: Faculty

Staff

Administrator

