

## SUNY Sexual Harassment Response and Prevention Policy

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### Overview

This policy applies to all employees, applicants for employment, interns or volunteers, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the College. In this policy the terms “employees” refers to this collective group.

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

The State University of New York (SUNY) has developed a uniform Sexual Harassment Policy Statement for all State-operated campuses, community colleges, and System Administration. This uniform policy statement and SUNY Cortland specific procedures and contact information are contained in this document.

### SUNY Policy Statement

Sexual harassment is a form of sex discrimination which is unlawful in the workplace under Title VII of the Civil Rights Act of 1964, as amended, and the New York State Human Rights Law. Under Title IX of the Education Amendments 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. The University 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 students have a legal right to a workplace and a campus free from sexual harassment, and employees and students can enforce this right by filing a complaint internally with the University, or with a government agency, or in court under federal or state anti-discrimination laws, as detailed in the University’s Discrimination and Sexual Harassment 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

Note 1: While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

Note 2: A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

- 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.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create 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 students who believe they have been subjected to sexual harassment may use the University's Discrimination and Sexual Harassment Complaint Procedure for more details on how to have their allegations reviewed, including a link to a complaint form.

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 provides 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.

SUNY campuses and System Administration shall take the necessary steps to ensure that this Sexual Harassment Response and Prevention Policy Statement is distributed, implemented, and enforced in accordance with their respective policies.

## **SUNY Cortland Procedures and Contact Information**

Any sex discrimination as detailed in the SUNY policy statement above, including but not limited to sexual harassment and sexual assault, regardless of the identity of the accused, may be brought to the Affirmative Action Officer or Title IX Coordinator.

Complaints or concerns that are reported to a supervisor concerning an act of discrimination or harassment, or acts of discrimination or harassment that a supervisor observes or becomes aware of must be properly responded to as a discrimination complaint; and promptly reported to the Affirmative Action Officer. The Affirmative Action Officer has authority and responsibility for investigating claims of discrimination by employees under this policy.

Allegations of discrimination made against students, including sex discrimination, sexual harassment and sexual assault may be directed to the Title IX Coordinator or the Student Conduct Office. Employees with Title IX compliance responsibilities and/or employees who have

the authority to take action to redress the harassment must report any complaints to the Title IX Coordinator. The Title IX Coordinator has the authority to investigate claims of sex discrimination and/or sexual harassment under this policy.

### **SUNY Cortland Resource Contact Information**

Affirmative Action Officer  
Miller Building, Room 301  
607-753-2302 (office)  
[Affirmative Action Website](#)

Title IX Coordinator  
Miller Building, Room 404  
607-753-2263 (office)  
607-753-4550 (direct)  
[Title IX Website](#)

Individuals wishing to file a claim of sexual harassment may do so by following the process set forth in the College's [Discrimination Complaint Procedure](#). The Discrimination Claim Form is accessible [here](#).

### **Related Policies and/or Resources**

- [SUNY – Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York](#)
- [SUNY Policies on Sexual Violence Prevention and Response](#)
- [SUNY Policy on Mandatory Reporting and Prevention of Child Sexual Abuse](#)
- [SUNY Cortland Bullying in the Workplace and Civility Standards](#)
- [SUNY Cortland Non-Discrimination/Non-Harassment Policy](#)
- [SUNY Cortland Workplace Violence Policy and Procedures](#)
- [New York State Human Rights Law](#)
- [U.S. Equal Employment Opportunity Commission](#)

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