



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

### **Purpose**

The State University of New York College at Oswego (SUNY Oswego) is committed to a learning and working environment in which all members of the campus community may study and work free of sexually harassing language and/or behaviors. The following paragraphs will assist individuals in defining and recognizing sexual harassment. Individuals affected by sexual harassment will also become aware of the reporting procedures. In addition, our consensual relationships policy discusses the importance of employees maintaining professional boundaries with students, and with employees over whom there is or will be a supervisory relationship or other imbalance of authority, power or influence. It is our hope that this policy will raise awareness about the nature of sexual harassment and educate our campus community about this important topic.

### **Individuals Covered**

This policy applies to all students, employees, applicants, visitors, third party vendors, consultants, and all persons involved in the operation of SUNY Oswego.

### **Definition**

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 Educational 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 Oswego. 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 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 SUNY Oswego, or with a government agency, or in court under federal or state anti-discrimination laws, as detailed in the [Complaint Procedure for the Review of Allegations of Unlawful Discrimination](#).

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.

### **Examples of Sexual Harassment**

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, or 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 sexually 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.

### **Reporting**

Each employee of the College should report all incidents of sexual harassment to any of the following: Title IX Coordinator (315-312-5604), Human Resources Office (315-312-2230) or Affirmative Action Officer (315-312-2213). Individuals from these areas will talk with the reporting individual to understand the situation and discuss ways to move forward. If an employee, student, or visitor believes he/she or others are in immediate danger, University Police should be contacted immediately (315-312-5555).

All supervisory personnel (i.e. administrators, deans, directors, department chairs, supervisors, and resident directors) are responsible for:

- Promptly reporting all instances of Sexual Harassment to the Title IX Coordinator, Affirmative Action Officer or Human Resources
- Obtaining education and training in the area of identifying and recognizing sexual harassment
- Ensuring compliance with this policy in their responsibility areas

Parties who believe they have been subjected to sexual harassment may also have the option of filing a formal complaint by using the [Complaint Procedure for the Review of Allegations of Unlawful Discrimination](#). Details on how to file a complaint and the complaint intake form are located within the procedure.

### **Retaliation**

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, up to and including termination. 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 Title IX Coordinator (315-312-5604), Human Resources Office (315-312-2230) or Affirmative Action Officer at (315-312-2213).

## **Sexual and Romantic Relationship Policy**

### **Statement of Policy on Sexual and Romantic Relationships**

SUNY Oswego employees are prohibited from entering into romantic, intimate, and/or sexual relationships with students. Entering into or continuing in such a relationship can subject the faculty or staff member to disciplinary action in accordance with the appropriate contractual agreements.

### **Employees in a Supervisory Relationship**

SUNY Oswego employees exercise power and authority over students and other employees for whom they have a current supervisory, evaluative or instructional, or other professional responsibility, or perceived influence or control over an educational or work experience, which creates a power imbalance. This makes consent within any sexual, intimate, or romantic relationship between a supervisor and employee problematic, and may impede the real or perceived freedom of the employee to terminate or alter that sexual or romantic relationship. Further, it may cause individuals outside of that relationship to perceive unequal treatment during such a relationship or after it terminates, or it may cause individuals to feel that entering into such a relationship may damage the credibility or reputation of the employee, the department or unit, or the campus as a whole and may expose individuals or the institution to legal action and liability.

SUNY employees are prohibited from evaluating, instructing, supervising, directly or indirectly in a hierarchy of supervision, any employee with whom they are engaged in a romantic, intimate, and/or sexual relationship. Employees who seek to enter into a romantic, intimate, and/or sexual relationship with any employee for whom they provide supervision must notify their direct supervisor or unit head, and the Assistant Vice President for Human Resources or designee as soon as reasonably practicable, preferably within three (3) business days of commencement of the romantic, intimate, and/or sexual relationships. Any questions of timeliness related to official notification shall be subject to review of reasonableness as determined by Human Resources. Failure to timely notify appropriate staff can subject the faculty or staff member to discipline, up to and including termination, in accordance with the appropriate contractual agreements.

The Assistant Vice President of Human Resources or designee shall notify the Vice President, or equivalent, overseeing the relevant division. The employee's supervisor, in concert with the Assistant Vice President of Human Resources or designee, and divisional Vice President or equivalent shall determine whether an alternative supervisory structure is possible and, if so, shall direct the employees to the alternative supervisory structure. The alternate supervisory structure ensures that the supervisor is not evaluating or involved in any activity or decision that may appear to reward, penalize, or otherwise affect the employment status of the employee. Even if the relationship concludes (whether amicably or not), the alternate supervisory structure remains in effect and the covered employee may never supervise the other employee.

**Pre-Existing Relationships:**

Relationships or marriages between an employee and student, or an employee and supervisee that pre-dates enrollment as a student, or hire, transfer, or re-assignment as an employee are permissible provided that the relationship is disclosed to the employee's direct supervisor or unit head and the Assistant Vice President for Human Resources or designee.

It is the responsibility of the employee in the supervisory role to disclose the relationship as soon as it is known that a potential conflict may exist, which includes but not limited to, participating in any step of the admissions or hiring process. Disclosure shall be made as soon as reasonably practicable, preferably within three (3) business days of enrollment, hire, transfer, re-assignment, or serving in the capacity to review an application for admission or hire. An alternate supervisory structure will be established. Any questions of timeliness related to official notification shall be subject to review of reasonableness as determined by Human Resources. Failure to timely notify appropriate staff can subject the faculty or staff member to disciplinary action, up to and including termination, in accordance with the appropriate contractual agreements.

**Student-Employees:**

Students also serving as employees are prohibited from entering into romantic, intimate, and/or sexual relationships with undergraduate or graduate students over whom they have a current academic or other supervisory relationship. This prohibition includes relationships with current students who are under direct supervision, such as those for which the covered student-employee is a graduate assistant, or who live in the residence hall in which the student-employee is a resident assistant. Relationships between student-employees and undergraduate or graduate students over whom they have a current academic or other supervisory relationship that pre-date the supervisory relationship are permissible provided that the relationship is disclosed to the direct supervisor of the student employee or unit head and the Assistant Vice President of Human Resources or designee. Disclosure must occur within three (3) business days of hire.

**Reports and Investigation:**

Reports of violations of this policy may be brought to the campus Title IX Coordinator (315-312-5604), the Human Resources Office (315-312-2230), or the Affirmative Action Officer (315-312-2213).

**Retaliation**

Retaliation for making a report or participating in a process under this policy is prohibited and may result in disciplinary action, up to and including termination, in accordance with the appropriate contractual agreements. Legal consent between the parties shall not be a defense to a violation under this policy. The College prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct.

## **Campus Resource Directory:**

University Police (24/7) Pathfinder Hall <a href="mailto:police@oswego.edu">police@oswego.edu</a> <a href="https://www.oswego.edu/police/new-york-state-university-police">https://www.oswego.edu/police/new-york-state-university-police</a>	(315) 312-5555
Title IX Coordinator Lisa Evaneski 405 Culkin Hall <a href="mailto:lisa.evaneski@oswego.edu">lisa.evaneski@oswego.edu</a> <a href="https://www.oswego.edu/title-ix/index">https://www.oswego.edu/title-ix/index</a>	(315) 312-5604
Human Resources 201 Culkin Hall <a href="mailto:hr@oswego.edu">hr@oswego.edu</a> <a href="https://www.oswego.edu/human-resources/">https://www.oswego.edu/human-resources/</a>	(315) 312-2230
Affirmative Action Officer 708 Culkin Hall <a href="mailto:mary.toale@oswego.edu">mary.toale@oswego.edu</a>	(315) 312-2213
Counseling Services Center 113 Walker Health Center <a href="https://www.oswego.edu/counseling-services/">https://www.oswego.edu/counseling-services/</a>	(315) 312-4416
Employee Assistance Program (EAP)	(315) 312-5546

## **Additional References:**

[SUNY Sexual Harassment Response and Prevention Statement](#)

[SUNY Sexual and Romantic Relationships Policy](#)

[SUNY Oswego Complaint Procedure for the Review of Allegations of Unlawful Discrimination](#)

[SUNY Oswego Sexual and Interpersonal Violence Prevention, Policies and Procedures](#)

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