

## SUNY Oswego – Sexual Harassment Task Force

### ***President's Message***

Oswego State 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. To this end, we have developed this brochure which provides clear definitions of what constitutes sexual harassment, an explicit institutional policy that prohibits such action(s), and procedures for making a formal complaint. This brochure is also meant to be used as an educative tool, one that will assist us in raising awareness about the nature of sexual harassment. As members of an institution of higher education, we have a unique opportunity, and obligation to address issues of national importance that impact our daily lives and futures. I hope “Sexual Harassment – Important Information for Employees and Students” will afford us greater dialogue and frank communication about the debilitating effects of sexual harassment.

*Deborah F. Stanley*  
President

## WHAT IS SEXUAL HARASSMENT?

Sexual harassment means different things to different people. This (booklet/brochure) will define sexual harassment, provide examples of its occurrence, and provide strategies to address the issue if you are being sexually harassed. Only by educating ourselves can we begin to address this issue on our campus and in the workplace.

Federal law, state law, and SUNY policy prohibit sexual harassment. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. According to guidelines issued by the Equal Employment Opportunity Commission in 1980, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Although these guidelines based on Title VII apply specifically to sexual harassment in the workplace, they have been interpreted to apply to students as well under Title IX of the 1972 Education Amendments. The most common forms of sexual harassment at educational institutions fall under two scenarios:

**Quid pro quo.** The "quid pro quo" (literally, "this for that") claim involves harassment in which a supervisor or teacher demands sexual favors in exchange for employment or academic benefits over which that supervisor/ teacher has some control or influence.

**Hostile environment.** This claim involves unwelcome behavior of a sexual nature which is severe or pervasive and that creates an intimidating, hostile or offensive environment for study, work or social living. This behavior can be intentional, or behavior that has the reasonably foreseeable effect of interfering with an individual's ability to work or study.

## WHAT FORMS DOES IT TAKE?

Sexual harassment may be intended or unintentional, subtle or flagrant. Severe acts, such as unwelcome sexual grabbing, need only occur once to be judged harassing, while mildly offensive actions may constitute harassment only if repeated and pervasive.

Sexual harassment can be verbal, nonverbal, or physical. It includes, but is not limited to the following:

### Verbal harassment

- sexual slurs, insults, or catcalls
- sexual, sexist, or heterosexist (antigay or antilesbian) remarks or jokes about someone's body, clothing, activities, or sexual orientation
- unwelcome sexual propositions, demands, or pressure for sexual activities
- requests for romantic or sexual relations by a person in authority, combined with an implicit or explicit threat or reward
- repeated requests for dates despite being asked to stop

#### Nonverbal Harassment

- sexually suggestive staring, leering, sounds or gestures
- sexually suggestive or degrading images or graffiti (such as on T-shirts, posters, calendars, mugs, etc.)
- use of such images to advertise events

#### Physical Harassment

- unnecessary and unwanted physical contact (for example, unwanted touching, brushing, hugging, pinching)
- unwelcome fondling or kissing
- coerced sexual activity

### **EXAMPLES OF SEXUAL HARASSMENT**

**Sexual stories, jokes, or pictures can create a hostile work environment. If a request to end this behavior is refused, sexual harassment has clearly occurred.**

Jamie works in the computer center on campus. His colleagues consistently leave obscene images from the Internet on the computers where he works. Jamie finds this threatening and hates going to work. He has developed health problems as a function of the stress he feels on the job. Jamie has told his coworkers that this is causing him health problems, but they refuse to stop.



**Harassment on the basis of sexual orientation is a violation of campus policy and of the law.**

A number of students in the Student Union corner Steve and begin taunting him. They call him “queer”, push him around, and mock him with sexual gestures and continue to do this despite the fact that Steve tells them to leave him alone.



**Nonverbal attention that is sexually suggestive is inappropriate and may be considered harassment**

Gretchen is upset that every time her supervisor talks to her he continually shifts his gaze all over her body.



**Sexual harassment is not restricted to relationships of authority, but can occur between peers**

Martin and Janet are both students. Martin asked Janet for a date and she politely refused. Since that time, he has made comments about her appearance every time he sees her. One night, Martin came to Janet’s room uninvited. Janet asked him to leave. He stayed, telling her that she must be hung-up and have problems with men. Finally he left. Janet is afraid of what Martin might do next.



**Sexual jokes, images, or comments that belittle others and create a hostile work environment must be avoided.**

Ben has a poster on his wall that ridicules women in a sexual way. Jane, a work-study student who works in his office, asks him to take it down, telling him she finds it demeaning. He refuses.



**Supervisors have a legal responsibility to respond to all complaints of sexual harassment.**

Sara is a lesbian who works for Dining Services. A male co-worker regularly greets her with comments such as "All you need is a good man to straighten you out" and "I could teach you what women are made for." Although Sara complains to her supervisor, her complaints are ignored.



**Crude sexual remarks or comments about another person's body or sexual activities may be sexual harassment and actionable under this policy.**

Betty, Jean, and Donna hang out in front of the library. As men walk by, they make sexual comments and "rate" the men. This behavior is very obvious to the men, and is discouraging them from going to the library.



**A third party may feel disadvantaged because of the sexual relationship between a supervisor and a subordinate.**

Stephen is Joanne and Mary's supervisor. Stephen has been dating Joanne. When a promotional opportunity comes up in the department, Joanne receives the promotion.

## WHAT TO DO

1. Say No. Say it firmly, without smiling, without apologizing.
2. Tell the harasser, in writing, that you object to the behavior. Describe the specific things that offend or upset you, state clearly that you want the behavior to stop. Send the letter by registered, return receipt mail, and keep a dated copy of the letter for yourself. Tell someone you trust about the letter.
3. Keep a diary or log. Write down what is happening to you. Include direct quotes, any witnesses and/or patterns to the harassment. It is recommended that you have your log witnessed periodically. Save any letters, cards, or notes sent to you. Keep both the log and notes in a secure place, preferably at home.
4. Let someone else – a friend, fellow student, or coworker, for example – know when an incident occurs.

## OR

If you do not feel comfortable doing the above, or if the behavior continues after you have let the person know that you have found his/her behavior offensive, you may wish to seek further information about what to do about your situation or to begin the process of invoking SUNY's Complaint Procedure by contacting the College's Affirmative Action Officer, in 405 Culkin Hall.

The State University of New York has adopted a complaint procedure for the prompt and equitable investigation and resolution of unlawful discrimination, including sexual harassment. It is called the "State University Complaint Procedure for the Review of Allegations of Unlawful Discrimination". This is the same complaint procedure used by SUNY Oswego. This procedure complies with all State and Federal laws, as well as recognizes the appropriate application of agreements with our various employee groups.

Whether the alleged harasser is someone in authority or a peer, you should contact the campus' Affirmative Action Officer, whose office is located in 405 Culkin Hall. If you first seek the counsel and advice of a Chair, Director of an office, professional or classified staff, policy requires that that person must notify the College's Affirmative Action Officer of your situation. Explaining your situation to anyone other than the Affirmative Action Officer is NOT the same as filing a complaint, nor can such discussion substitute for filing a complaint. You can bring a friend or advocate, if you choose, to that meeting.

When you meet with the Affirmative Action Officer, he or she will provide a copy of the SUNY complaint procedure and provide the following explanations:

- time periods for filing (there is a 90 day "window" for filing a complaint)
- how to fill out a complaint form
- the distinction between an informal resolution and the formal complaint procedure
- information about the "external" (federal or state) and "internal" (SUNY) mechanisms through which the complaint may be filed;
- when appropriate, the procedures for filing criminal or civil complaints will be explained

### **Campus Resources**

Human Resources Human Resources Manager 201 Culkin Hall	312-2230
Office of Judicial Affairs Assistant Dean of Students for Judicial Affairs 503 Culkin Hall	312-3378
University Police Chief of University Police Pathfinder Hall	312-5555
Counseling Services Center Director of Counseling	312-4416
Dean for Student Affairs 711 Culkin	312-3214
Residence Life & Housing Director, 303 Culkin	312-2246

### **Regulatory Agencies**

New York State Division of Human Rights One Monroe Square 259 Monroe Avenue, 3 <sup>rd</sup> Floor Rochester, New York 14607	716/238-8250
Equal Employment Opportunity Commission (EEOC)	212/748-8500

## **POLICY ON CONSENSUAL RELATIONSHIPS**

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

SUNY Oswego prohibits all employees from engaging in sexual relationships with students whom they are teaching or supervising. Those who do so will be subject to disciplinary action, in accordance with appropriate contractual agreements.