

# NON-DISCRIMINATION/ANTI-HARASSMENT

**Sponsor:** Office of Human Resources and Chief Diversity Officer

**Contact:** Office of Human Resources and Chief Diversity Officer

**Category:** Human Resources

**Number:** 900.004 (<https://www.sunyempire.edu/policies/?search=cid%3D35752>)

**Effective Date:** 01/01/2012

**Implementation History:** Revised January 2012, October 2019; Original March 2007

**Keywords:** Nondiscrimination Policy, Anti-harassment, Sexual Harassment, Harassment, Discrimination

**Background Information:** Previous policy entitled "Anti-Discrimination Policy"

## Purpose

Empire State University (SUNY Empire) is an equal-opportunity employer committed to an educational and employment environment in which all individuals (faculty, staff, students and visitors) are treated with respect and dignity. Each individual has the right to work or study in a professional atmosphere that promotes equal treatment and addresses discriminatory practices, including harassment. The university expects that all relationships among persons at the university are professional and free of bias, prejudice and harassment.

Sexual harassment, specifically, is addressed in the SUNY Empire policy, 900.016 (<https://www.sunyempire.edu/policies/?search=cid%3D146100>) Sexual Violence Prevention and Response Policy.

## Definitions

**Harassment:** Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, creed, national origin, sex, age, disability, sexual orientation, gender identity, marital status, domestic violence victim status, or any other characteristic protected by law or that of his/her relatives, friends or associates, and that:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work or study environment.
2. Has the purpose or effect of unreasonably interfering with an individual's work or study performance.
3. Otherwise adversely affects an individual's employment or learning opportunities.

Harassing conduct includes, but is not limited to epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation on the campus of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through email).

**Protected Categories of Discrimination:** Discrimination can take many forms. For the purpose of this policy, the protected categories under discrimination are race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

## Statements

It is the policy of Empire State University to provide an educational and employment environment free from all forms of intimidation, hostility, offensive behavior and discrimination and harassment, including sexual harassment. Such behavior or tolerance of such behavior on the part of an administrator, supervisor, faculty or staff member violates this policy and may result in administrative action, civil and/or legal action. The university will not tolerate retaliation against any individual who makes a complaint of discrimination, harassment or who participates in an investigation. Concerns of retaliation will be investigated and are subject to disciplinary action.

### Individuals and Conduct Covered

This policy applies to faculty, staff and students, and prohibits harassment, discrimination and retaliation with respect to applicants, employment, programs or activities at the university whether engaged in by fellow employees, faculty, supervisors or administrators, or by someone not directly connected to the university (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace/academic class and in any university-related setting, including business trips, meetings and university-related social events.

### Retaliation is Prohibited

It is unlawful to retaliate against an individual when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment. In addition, it is illegal to retaliate against any individual who reports acts of discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be the subject of disciplinary action.

### Information and Reporting

**Employee** questions regarding harassment, sexual harassment or discrimination may be addressed to the Office of Human Resources, 2 Union Avenue, Saratoga Springs, NY 12866-4391 (518) 587-2100, ext. 2240 or (800) 847-3000, ext. 2240 or TitleIX@sunyempire.edu

**Student** questions can be directed to Lindsay Holcomb, Director of Human Resources and Interim Title IX Director, 518-581-2239 or TitleIX@sunyempire.edu

All allegations of harassment or discrimination are taken very seriously. The university will act positively to investigate alleged harassment and to affect remedy when an allegation is substantiated. Supervisors and other college officials are required to report any known or perceived incidences of harassment or discrimination to the affirmative action officer.

## Applicable Legislation and Regulations

Empire State University complies with state and federal laws prohibiting discrimination and sexual harassment including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, New York's Human Rights Law, Governor's Executive Order No. 33 prohibiting discrimination on the basis of gender identity, and the Age Discrimination Act.

## **Related References, Policies, Procedures, Forms and Appendices**

Discrimination and Sexual Harassment Compliant Procedure: Policy 900.017.

The university's Affirmative Action Plan describes initiatives undertaken to prevent discrimination and harassment and nurture an inclusive, respectful and collegial environment among employees, students and visitors. The Affirmative Action Plan has been prepared in accordance with State University of New York policy and the regulations promulgated by the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 41 CFR Chapter 60 and Executive Order 11246, Governor's Executive Order No. 28 that prohibits discrimination relating to employment based on sexual orientation, Executive Order 19 pertaining to victims of domestic violence, and the State University of New York's Policies of the Board of Trustees.