MEDGAR EVERS COLLEGE
The City University of New York

OFFICE OF HUMAN RESOURCES (OHR)

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SEXUAL HARASSMENT POLICY

POLICIES AND PROCEDURES

Policy Against Sexual Harassment

Policy Statement

It is the policy of The City University of New York to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University's non-discrimination policy. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within the University.

The University, through its colleges, will disseminate this policy and take other steps to educate the University community about sexual harassment. The University will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the University community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

A. **Prohibited Conduct**

It is a violation of University policy for any member of the University community to engage in sexual harassment or to retaliate against any member of the University community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

B. **Definition of Sexual Harassment**

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;

2. submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or

3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between a faculty member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

C. **Examples of Sexual Harassment**

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment include, but are not limited to, the following:

- requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations);

- submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target does find, and a reasonable person would find, that an intimidating, hostile or abusive work or academic environment has been created. Examples of this kind of sexual harassment include, but are not limited to, the following:

- sexual comments, teasing, or jokes;

- sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;

- graphic or sexually suggestive comments about an individual's attire or body;

- inquiries or discussions about sexual activities;

- pressure to accept social invitations, to meet privately, to date, or to have sexual relations;

- sexually suggestive letters or other written materials;

- sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;

- coerced sexual intercourse or sexual assault.

D. **Consensual Relationships**

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the University community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the University community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this section, an individual has "professional responsibility" for another individual at the University if he or she performs functions including, but not limited to, teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer benefits such as promotions, financial aid awards or other remuneration, or that may impact upon other academic or employment opportunities.

E. **Academic Freedom**

This policy shall not be interpreted so as to constitute interference with academic freedom.

F. **False and Malicious Accusations**

Members of the University community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

G. **Procedures**

The University has developed procedures to implement this policy. The President of each constituent college of the University, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School shall have ultimate responsibility for overseeing compliance with this policy at his or her respective unit of the University. In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility shall be required to report any complaint of sexual harassment to the individual or individuals designated in the procedures. All members of the University community are required to cooperate in any investigation of a sexual harassment complaint.

H. **Enforcement**

There is a range of corrective actions and penalties available to the University for violations of this policy. Students, faculty, or staff who are found, following applicable disciplinary proceedings, to have violated this Policy are subject to various penalties, including termination of employment and/or student expulsion from the University.

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Some FAQs (Frequently Asked Questions) About Sexual Harassment

Q. How are sexual harassment complaints handled?

A. At each college, the Sexual Harassment Coordinator, a Deputy Coordinator or any member of the Awareness and Intake Committee are available to receive complaints of sexual harassment from members of the college community, explain the University complaint procedures, and refer individuals to appropriate resources. The names, titles, telephone numbers, and office locations of the Sexual Harassment Coordinator, Deputy Coordinator(s) or members of the Awareness and Intake Committee may be obtained in the college's Affirmative Action/Compliance and Diversity Office. Employees who are covered by collective bargaining agreements may use their contractual grievance procedures, within the time limits provided in those agreements, to report allegations of sexual harassment.

Q. Who may make a complaint of sexual harassment?

A. Any member of the college community may report complaints of sexual harassment to the Sexual Harassment Coordinator, a Deputy Coordinator or any member of the Awareness and Intake Committee.

Q. Must sexual harassment complaints be made in writing?

A. No. Sexual harassment complaints may be made by speaking to the Sexual Harassment Coordinator, a Deputy Coordinator, or any member of the Awareness and Intake Committee. The Coordinator or Deputy Coordinator, may, however, request an individual to prepare a written statement setting forth the particulars of the complaint.

Q. Are sexual harassment complaints kept confidential?

A. It is not possible to guarantee absolute confidentiality. The privacy of persons who make complaints of sexual harassment will be respected. Information obtained in connection with bringing, investigating, or resolving complaints will be handled as confidentially as possible.

Q. Are there time limits for reporting sexual harassment complaints?

A. There are no time limits for reporting sexual harassment. However, allegations of sexual harassment should be reported as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

Q. What should be done upon learning of an incident of sexual harassment involving another person?

A. A member of the University community with supervisory responsibility must report to the Sexual Harassment Coordinator any incidents of sexual harassment of which he or she becomes aware or reasonably believes to exist. Other members of the University community who become aware of allegations of sexual harassment should encourage the aggrieved individual to report the alleged sexual harassment to the Sexual Harassment Coordinator, a Deputy Coordinator or any member of the Awareness and Intake Committee.

Q. Where can more information about the Sexual Harassment Policy and Procedures be obtained?

A. More information about sexual harassment can be obtained in the Affirmative Action/Compliance and Diversity Office at each college.

Last Updated: 3/19/07