

BUFFALO STATE COLLEGE

DIRECTORY OF POLICY STATEMENTS

Policy Number: VI:01:02

Date: October 1981
UNDER REVISION

Subject: **Sexual Harassment**

See <http://equity.buffalostate.edu/sexual-harassment-policy>

Original Policy:

Title VII of the Civil Rights Act and Title IX of the Education Act offer protection for both staff and students, respectively against harassment on the basis of sex. The following is the Buffalo State Policy Statement:

Federal and State Laws and Executive Orders, as well as SUNY and SUCB Policies and common canons of decency protect both employees and students from harassment on the basis of sex. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute illegal sexual harassment when:

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

A member of the faculty or staff, who wishes to complain, or even to investigate the appropriateness of a complaint, should call the Affirmative Action/Human Development Office (6210). A student who feels sexually harassed may talk to any member of the Student Affairs staff, or the Affirmative Action Officer or the appropriate Dean,

Procedures

Alleged incidents of sexual harassment are appropriately addressed through the SUNY Internal Discrimination Grievance Procedure. Should disciplinary action be found necessary, the appropriate procedure in the present collective bargaining agreement or campus judiciary regulations should be followed. Use the grievance procedure does not deprive any complainant to pursue the complaint with outside enforcement agencies.

Use of these procedures is strongly encouraged for any person who believes that she/he has been a victim of sexual harassment. Persons who wish to discuss their concerns informally may talk with the Director of the Affirmative Action/ Human Development Office.

Source of Information: College Bulletin, October 21, 1981

Buffalo State College Policy on Sexual Harassment

I. Rationale

The U.S. Equal Employment Opportunity Commission (EEOC) has issued guidelines interpreting Section 703 of Title VII as prohibiting sexual harassment (29 CFR 1604.11). Sexual harassment is defined in these guidelines as follows:

...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 to 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment is an affront to human dignity and will not be tolerated at Buffalo State College. As an educational institution, we do not condone nor tolerate any verbal or physical conduct that would constitute sexual harassment of any member of the college or college community. Buffalo State College is committed to the intellectual, personal and professional growth of its students, faculty and staff. The goal of the College is to inspire a lifelong passion for learning, and to empower a diverse population of students to succeed as citizens within a challenging world. The College is dedicated to excellence in teaching and scholarship, cultural enrichment and service in order to enhance the quality of life in Buffalo and the larger community. Actions of members of the college community which harm this atmosphere undermine and hinder the educational mission.

Sexual harassment is particularly serious when it threatens the relationship between faculty and students or supervisor and subordinate. In such situations, sexual harassment unfairly exploits the power inherent in the faculty member or supervisor's position. The college will not tolerate behavior that creates an unacceptable working or educational environment between or among members of the college community.

II. Policy

It is the policy of Buffalo State College to provide an employment and educational environment free of unwelcome sexual advances, requests for sexual favors, and other

verbal or physical conduct or communication, constituting sexual harassment as defined and otherwise prohibited by state and federal statutes.

III. Implementation

It shall be a violation of college policy for anyone who is in a position of authority to recommend or take personnel actions affecting an employee, or who is otherwise authorized to transact business or perform other acts or services on behalf of the college.

- To make sexual advances or request sexual favors when submission to or rejection of such conduct is the basis for either implicitly or explicitly recommending, imposing, granting, withholding or refusing terms and conditions that either favor or adversely affect the employment or education of any member of the college community;
- To recommend, impose, grant, withhold or refuse to take any personnel or other action consistent with his or her duties and responsibilities because of sexual favors or as a reprisal against an employee or other member of the college community who has rejected or reported sexual advances;
- To disregard and fail to investigate allegations of sexual harassment whether reported by the employee or member of the college community who is the subject of the alleged harassment or a witness, and to fail to take immediate corrective action in the event misconduct has occurred.

It shall also be a violation of this policy for any member of the college community to abuse another through conduct or communication of a sexual nature and constituting sexual harassment as defined in Section II above. Whenever such misconduct exists, prompt and corrective action consistent with the discipline provisions of the college policy is required.

Whenever there is an abuse of authority or neglect of responsibility, the supervisor or other responsible individual is required to take prompt and corrective action consistent with the discipline provisions of the college policy.

The violation of this policy can result in discipline and discharge for employees; and such penalties, sanctions and impositions against other individuals or parties as may be available to the college, given the nature of the contractual or business relationship that may be established with such parties or individuals.

A. Grievance Procedures

Employees or other individuals who feel aggrieved because of sexual harassment have several ways to make their concerns known:

- ❖ Aggrieved persons who feel comfortable doing so should directly inform the person engaging in discrimination or conduct or communication that such conduct or communication is offensive and must stop.
- ❖ Aggrieved individuals who do not wish to communicate directly with the person whose conduct or communication is offensive, or if direct communication with the offending party has been unavailing, shall contact the offending party's immediate supervisor and/or the officer responsible for affirmative action for counseling and assistance.
- ❖ Aggrieved persons alleging either sexual harassment by anyone with supervisory authority, or failure by a supervisor to take immediate action on the individual's complaint, may also file a formal grievance in accordance with the provisions of the appropriate grievance procedure.

All formal complaints of sexual harassment will be handled by the Buffalo State College Grievance Procedure for the Review of Allegations of Unlawful Discrimination. The Buffalo State College Grievance Procedure for the Review of Allegations of Unlawful Discrimination have specific timetables for filing complaints and a process for adjudicating the complaint. A copy of the procedure is available through the vice Presidents, deans and the Office of Equity and Campus Diversity.

Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not cause any reflection on the complainant nor will it affect such person's future employment, education, compensation or work assignments.

B. Responsibility of Management

All levels of management have a special responsibility for implementation of this policy. If behavior is observed which violates this policy, the person observing such behavior shall bring the matter to the attention of the supervisor responsible for that area and the officer responsible for affirmative action. If an employee or other individual files a complaint, the management representative with whom the complaint is filed shall inform the complainant of his or her right under this policy and attempt corrective action. When a problem is beyond the capability of such representative to effectively correct the action, the matter shall be referred to the officer responsible for affirmative action.

In all cases and regardless of the individuals' remedial measures that have been undertaken, the management representative to whom the written complaint has been referred shall provide the officer responsible for affirmative action with a complete written report of each complaint.

Written report

This report must be submitted within ten (10) days of the date the complaint was first filed with the management representative. Such report shall minimally include:

- ❖ Date of receipt of written complaint.
- ❖ Identification of complainant.
- ❖ Identification of the party or parties and the actions complained of, including all relevant background facts and circumstances.
- ❖ A statement detailing the scope of the investigation that had been undertaken and the results thereof.
- ❖ A statement of corrective measures pursued, the date such measures were undertaken and the results achieved.

Education and Training

Sexual harassment may range from sexual innuendoes made at inappropriate times, perhaps in the guise of humor, or to coerce sexual relations. Harassment at its extreme occurs when a person in control, influence, or position to affect another person's job or career uses his or her authority and power to coerce the other person into sexual relations or to punish such person's refusal. It may include:

- Verbal harassment or abuse.
 - Subtle pressure for sexual activity.
 - Persistent remarks about another person's clothing, body or sexual activities.
 - Unnecessary touching, patting or pinching.
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- ❖ Constant brushing against another person's body.
 - ❖ Demanding sexual favors accompanied by implied or overt threats concerning one's job, letters of recommendation, etc.
 - ❖ Physical assault.

Because sexual harassment is tied so closely to learned role models, it is necessary for men and women to learn more about this issue and the means for addressing problems as they arise. The college sponsors educational workshops on the subject of sexual harassment. Attendance at one of these programs or an approved substitution is mandatory for all persons in a supervisory or executive capacity. Each is also encouraged to hold educational workshops and otherwise seek to sensitize persons within their areas of responsibility as to the importance of providing an employment and business environment free of sexual harassment. Although there are various approaches one may take to offset potential

problems, several measures are recommended:

- ❖ Encourage internal complaints. Express disapproval of harassment and inform employees of their right to file complaints under college policy.
- ❖ Assure that all supervisors are aware of their responsibilities, college policy, the laws and the potential liabilities when violations occur;
- ❖ Regard each claim of sexual harassment as being serious and investigate immediately;
- ❖ Sensitize all employees to the issue and the ramifications of sexual harassment.

C. Special Assistance

In the implementation of this policy, it is expected that questions may arise concerning the interpretation of the prohibitions against sexual harassment, grievance procedures, the methods and procedures to be followed in the investigation of complaints, and the appropriateness of specific solutions in disposition of complaints. For assistance in these matters, please contact *Dolores E. Battle, Ph.D., Office of Equity and Campus Diversity, Cleveland Hall, Room #415, extension 6210.*