

## Sexual Harassment Policy and Procedures

Sexual harassment is illegal and will not be condoned in any form at Hunter College. It is a form of sexual discrimination in violation of Title VII of the 1964 Civil Rights Act, Title IX of the 1972 Education Amendments, and the official policy of The City University of New York issued in 1982. That policy has now been revised, effective October 1, 1995, and a condensed version follows. Copies of the full text are available for review in all departments and unit offices of the College.

### 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 policy of equal employment and academic opportunity without regard to age, sex, sexual orientation, alienage or citizenship, religion, race, color, national or ethnic origin, disability, and veteran or marital status. Sexual harassment is illegal under Federal, State and City laws, and will not be tolerated within the University.

The University 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 are strongly encouraged to report incidents 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.

#### C. Examples of Sexual Harassment

Sexual harassment may take different forms. One type is known as QUID PRO QUO harassment. It includes, but is not limited to, the following:

- requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotion, 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.

Another type of sexual harassment is known as *HOSTILE ENVIRONMENT* harassment. This type of illegal conduct includes, but is 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;
- inquires 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 or photographic materials displayed in the workplace;
- 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 a student or employee feeling coerced into an unwanted relationship because they fear that refusal to enter into such relationship will adversely affect his or her education or employment.

Faculty members, supervisors, and other members of the University community who have a 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.

#### **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, may be subject to disciplinary action.

#### **G. Procedures**

The President of the College shall have ultimate responsibility for overseeing compliance with this policy. 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 Sexual Harassment Panel Coordinator or Deputy Coordinator. 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 permanent dismissal from the University.

#### **PROCEDURES FOR IMPLEMENTATION OF THE CITY UNIVERSITY'S POLICY AGAINST SEXUAL HARASSMENT**

Following are procedures for the implementation of the Policy Against Sexual Harassment:

##### **1. Responsibility of the President**

The President is responsible for overseeing compliance with the implementation of the policy. The President shall:

- Appoint a Sexual Harassment Panel ("Panel") to be available to students and employees who wish to make complaints of sexual harassment.
- Appoint a Sexual Harassment Education Committee to be responsible for educating the College community about sexual harassment, through printed materials, workshops, and the like.
- Have the Policy Against Sexual Harassment along with the names, titles, telephone numbers, and office locations of College Panel and Education Committee members disseminated annually to all students and employees.

##### **2. Structure and Responsibility of the Sexual Harassment Panel**

- All members of the Sexual Harassment Panel, who are appointed and serve at the pleasure of the President, shall be available to receive complaints of sexual harassment from any member of the College community, to explain the University complaint procedures, and to refer individuals to appropriate resources. All Panel members have an obligation to maintain confidentiality to the fullest extent possible.

b. The Panel Coordinator is responsible for reviewing all complaints of sexual harassment; and for endeavoring to resolve those complaints informally, if possible. When informal resolution is not possible, the Panel Coordinator (or the Deputy Coordinator or other Panel Member as designated by the Panel Coordinator) shall fully investigate the complaint; and the Panel Coordinator shall report to the President (and the Dean of Students if the accused is a student) the results of the investigation. The Panel Coordinator shall endeavor to complete the investigations within 60 days.

### **3. Confidentiality**

The privacy of individuals who bring complaints of sexual harassment, who are accused of sexual harassment, or who are otherwise involved in the complaint process should be respected and should be handled as confidentially as possible. It is not possible, however, to guarantee absolute confidentiality, and no such promise can be made by any member of the Panel or other University employee who may be involved in the complaint process.

### **4. Making a Complaint of Sexual Harassment**

Any member of the University community may report allegations of sexual harassment to any member of the Panel. Employees who are covered by collective bargaining agreements may either use their contractual grievance procedures, within the time limits provided in those agreements, to report allegations of sexual harassment; or, they may report such allegations directly to a member of the Panel as provided in these Procedures. Delay in making complaints may make it more difficult for the College to investigate the allegations. Hence, any person who believes that he/she has been aggrieved under this policy is strongly urged to immediately report such occurrence to a member of the sexual harassment panel.

### **5. Responsibility of Supervisors**

a. Each dean, director, department chair, executive officer, administrator, or other person with supervisory responsibility ("supervisor") is responsible for the implementation of the policy within their area and must report to the Panel Coordinator any complaint of sexual harassment made to him or her and any other incidents of sexual harassment of which he or she becomes aware or reasonably believes to exist. Having reported such complaint or incident to the Panel Coordinator, the supervisor should keep it confidential and not disclose it further, except as necessary during the complaint process.

b. Each supervisor shall arrange for the posting, in his or her area, of the University Policy Against Sexual Harassment; along with the names, titles, telephone numbers, and office locations of panel members; and any other materials provided to him or her by the Sexual Harassment Education Committee for posting.

### **6. Responsibility of the University Community – At-Large**

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 a member of the panel right away.

### **7. Resolution of Sexual Harassment Complaints**

Sexual harassment complaints can be resolved by either formal or informal procedures. Details concerning which methods will be used in individual cases, and the actions taken following investigation of such complaints, are set forth in the University procedures for implementation of the policy. Copies of the complete text of the procedures are available for review by the Hunter community, and the public, in the Library, the President's Office, the Affirmative Action Office, the Sexual Harassment Panel Office and all other departments and units of the College.

### **8. Immediate Preventive Action**

The President can, in extreme cases, take whatever action he or she deems appropriate to protect the College community.

### **9. Applicability of Procedures**

These procedures are applicable to all the colleges of the University, and are intended to provide guidance to the President and Panel members for implementation of the policy; these procedures do not create any rights or privileges on the part of any others. The Hunter College Campus Schools may make modifications to these procedures, subject to approval by the University, to address the special needs of their students.

*The Policy and Procedures on Sexual Harassment Prevention and other materials on the subject of Sexual Harassment are available in the Panel Office and messages can be left there for panel members. The same information is also available in department offices throughout the College.*

#### **Sexual Harassment Panel Office Hunter College**

Room E1239 Phone [212]650-3660  
Effective October 1, 1995

<http://training.newmedialeaning.com/psh/cuny.index.htm>

*The City University of New York  
535 East 80<sup>th</sup> Street  
New York, NY 10021*