

The City University of New York

Policy Against Sexual Harassment

and

Procedures for Implementation of the Policy Against Sexual Harassment

*Below is reproduced **The City University of New York's Policy Against Sexual Harassment** and the **Procedures for Implementation** of the policy (approved by the CUNY Board of Trustees June 26, 1995, effective October 1, 1995; revised January 1, 2005, and July 2008). Additional copies of the full policy and procedures may be obtained from any member of **The Graduate Center's Sexual Harassment Awareness and Intake Committee** (listed below), from The Graduate Center's Ombuds Officer (Dr. Rolf Meyersohn, Room 7313; 212-817-7191), from the Office of the Vice President for Student Affairs (Room 7301; 212-817-7400), and from the Office of Human Resources (Room 8403; 212-817-7700).*

Making a complaint of sexual harassment: Any member of the University community may file a complaint of sexual harassment with, or report allegations of sexual harassment or direct an inquiry to, the Sexual Harassment Coordinator, a Sexual Harassment Deputy Coordinator, or any other member of the Sexual Harassment Awareness and Intake committee. The President has designated the following persons to serve on the Graduate Center's Sexual Harassment Awareness and Intake Committee:

Members of The Graduate Center's Sexual Harassment Awareness and Intake Committee*

Professor Michelle Fine
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Ph.D. Program in Psychology
(Social Personality)
Rm. 6304.17 / 212-817-8710

Professor Glenn Burger
Deputy Coordinator
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** Any member is available to receive a formal or informal complaint or an inquiry from any member of the community (see procedures, below, following the text of the policy).*

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 they have been 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.

Procedures

Note: The following paragraph provides an overview of the procedures.

Any member of the community may formally or informally report a complaint of sexual harassment or direct a question regarding sexual harassment to a member of The Graduate Center's Sexual Harassment Awareness and Intake Committee, which includes the Coordinator and Deputy Coordinators as well as staff and student committee members. All complaints and questions not initially reported to the Coordinator will be referred to the Coordinator. The Coordinator is charged with the responsibility of reviewing all complaints and resolving them informally where possible. Any investigation that may be called for is carried out by the Coordinator, by a Deputy Coordinator designated by the Coordinator, or, if appropriate in a particular investigation, by another investigator specially appointed by the President. Complaints may be resolved formally or informally. Informal resolution may be effected at any point in the process by an arrangement acceptable to the complainant, the accused, and the college. The results of such investigations are reported to the President and, if the accused is a student, to the Vice President for Student Affairs. Otherwise, information gathered in connection with the complaint process is to be kept as confidential as possible. The President or, if appropriate, the Vice President for Student Affairs, determines the action or actions to be taken. This may include preventive or corrective actions and bringing formal disciplinary charges before the appropriate disciplinary body or officer under applicable University Bylaws or collective bargaining agreements.

Procedures for Implementation of The City University's Policy Against Sexual Harassment

(Revised January 1, 2005)

The following are procedures for implementation of the Policy Against Sexual Harassment at The City University of New York (hereinafter the "Policy"):

1. Sexual Harassment Defined

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.

2. Responsibilities of Officers and Individuals

a. Responsibilities of the Presidents

The President of each constituent college of The City University of New York, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School (hereinafter "Presidents") are responsible for overseeing compliance with the implementation of the Policy. Each President shall:

- Appoint a Sexual Harassment Coordinator and Deputy Coordinator(s) to be available to students and employees who wish to make complaints of sexual harassment. More than one Deputy Coordinator may be appointed at the discretion of the President. Presidents should take into account gender and ethnic balance as they appoint individuals. Further, one of the Coordinators should be a faculty member. The responsibilities of the Sexual Harassment Coordinator and Deputy Coordinator(s) are set forth in subsection b. below.
- Appoint a Sexual Harassment Awareness and Intake Committee to be responsible for educating the college community about sexual harassment through printed materials, workshops, and the like. The responsibilities of the Sexual Harassment Awareness and Intake Committee are set forth in Paragraph c. below.
- Ensure that the Coordinator, Deputy Coordinator(s) and Awareness and Intake Committee members are fully trained and equipped to carry out their responsibilities.
- Disseminate the Policy Against Sexual Harassment, including the names, titles, telephone numbers, and office locations of the Sexual Harassment Coordinator, Deputy Coordinator(s) and Sexual Harassment Awareness and Intake Committee members annually to all students and employees. It is recommended that such information be included in employee and student orientations; in student, faculty, and staff handbooks and newsletters; and on the college website.
- Submit annually as part of the report on non-discrimination, a summary of the sexual harassment educational activities undertaken at the college, as well as a summary of the number of complaints filed and the general outcomes thereof.

b. Responsibilities of the Sexual Harassment Coordinator and Sexual Harassment Deputy Coordinator(s)

- It is the responsibility of the President to appoint the college AA/CDO as either the Sexual Harassment Coordinator or a Sexual Harassment Deputy

Coordinator. Further, a faculty member should be appointed as one of the Coordinators.

- The Sexual Harassment Coordinator is responsible, as the President's designee, for reviewing all complaints of sexual harassment from any member of the college community, and for making efforts to resolve those complaints informally, if possible. When informal resolution is not possible, the Sexual Harassment Coordinator shall investigate the complaint. The Sexual Harassment Coordinator shall report to the President (and the Chief Student Affairs Officer, if the accused/complainant is a student) the results of the investigation. A Deputy Coordinator may also assume responsibility for the informal resolution or investigation of complaints, as assigned by the Sexual Harassment Coordinator. The Coordinators have an obligation to maintain confidentiality to the fullest extent possible.
- Submit annually as part of the report on non-discrimination, a summary of the sexual harassment educational activities undertaken at the college, as well as a summary of the number of complaints filed and the general outcomes thereof.

c. Responsibilities of the Sexual Harassment Awareness and Intake Committee

- The Sexual Harassment Awareness and Intake Committee is responsible for educating all employees and students about sexual harassment and its potential consequences to the University community, and for overseeing sexual harassment training.
- It is recommended that the Sexual Harassment Awareness and Intake Committee consist of six to eight persons, all of whom shall be appointed by and serve at the pleasure of the President. Further, it is strongly recommended that the Committee reflect the diversity of the college, be composed of at least two faculty members, as well as administrators, staff, and students.
- All members of the Sexual Harassment Awareness and Intake Committee 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 and/or the complaint to the Sexual Harassment Coordinator.
- All members of the Sexual Harassment Awareness and Intake Committee have an obligation to maintain confidentiality to the fullest extent possible.

d. Responsibilities of Supervisors

- Each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his or her area of jurisdiction for the implementation of the Policy. Supervisors must report to the Sexual Harassment Coordinator, or in his or her absence a Deputy Coordinator, any complaint of sexual harassment or any incident of sexual harassment that he or she becomes aware of or reasonably believes to exist. Having reported such complaint or incident, the supervisor should keep it confidential and not disclose it further, except as necessary during the complaint process.
- Each supervisor shall arrange for the posting, in his or her area, of the University Policy Against Sexual Harassment and the names, titles, telephone numbers, and office locations of the college Sexual Harassment Coordinator, Deputy Coordinators and Awareness and Intake Committee members. Other materials provided to a supervisor by the Sexual Harassment Awareness and Intake Committee should also be posted.

e. Responsibilities 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 the Sexual Harassment Coordinator, a Deputy Coordinator or any member of the Awareness and Intake Committee.

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 information obtained in connection with the filing, investigation, or resolution of complaints should be handled as confidentially as possible. It is not possible, however, to guarantee absolute confidentiality and no such promises should be made by the Sexual Harassment Coordinator, a Deputy Coordinator, Awareness and Intake Committee member or other University employees 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 the Sexual Harassment Coordinator, a Deputy Coordinator or any member of the Awareness and Intake Committee. 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 the Sexual Harassment Coordinator, a Deputy Coordinator or a member of the Sexual

Harassment Awareness and Intake Committee. Members of the University community who believe they have been aggrieved under the Policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint may make it more difficult for the college to investigate the allegations.

5. Informal Resolution of Sexual Harassment Complaints

- a. After receiving a complaint of sexual harassment, the Sexual Harassment Coordinator shall, in appropriate cases, make efforts to resolve the complaint informally, i.e., by an arrangement that is acceptable to the complainant, the accused, and the college. Examples of informal resolutions include, but are not limited to:
 - arranging for a workshop on sexual harassment to be conducted for the unit, division, or department in which the sexual harassment is alleged to have occurred;
 - having a supervisor, Sexual Harassment Coordinator or Deputy Coordinator speak to the accused regarding the allegations of sexual harassment and counsel the accused as to appropriate behavior;
 - arranging for a meeting between the complainant and the accused, with a third party present, to discuss and resolve the allegations;
 - having the accused write a letter of apology.

Whenever possible, an informal resolution should be acknowledged in writing and signed by the complainant. The accused should also be asked to sign such an acknowledgement.

- b. If no informal resolution of a complaint is achieved, the Sexual Harassment Coordinator shall conduct a formal investigation of the complaint. It is recognized, however, that complaints may be resolved by mutual agreement of the complainant, the accused, and the college at any time in the process.

6. Investigations of Sexual Harassment Complaints

While the investigation of sexual harassment complaints may vary depending upon the nature of each case, it is recommended that an investigation include the following, to the extent feasible:

- a. The Sexual Harassment Coordinator should interview the complainant, preferably with a Deputy Coordinator present. The complainant may bring the person to whom he or she originally brought the complaint to the interview. The complainant should be informed that an investigation is being

commenced, that interviews of the accused and possibly other people will be conducted, and that the President will determine what action, if any, to take after the investigation is completed.

- b. The Sexual Harassment Coordinator should interview the accused, preferably with a Deputy Coordinator present. The accused should be advised that a complaint of sexual harassment has been received, that an investigation has begun, which may include interviews with third parties, and that the President will determine what action, if any, to take after the investigation is completed. The accused should be advised of the nature of the allegations against him or her and be given an opportunity to respond. In addition, the accused should be advised that any sexual harassment of or other retaliation against, the complainant or others is prohibited. If such behavior is engaged in, it will subject the accused to severe discipline, up to and including termination of employment or, if the accused is a student, permanent dismissal from the University. An accused employee who is covered by a collective bargaining agreement may consult with a union representative and have a union representative present during the interview.
- c. In addition to interviews with the complainant, the accused, and those persons named by them, it should be determined whether there are others who may have relevant information regarding the events in question and whether there is documentary evidence that may be relevant to the complaint. Persons interviewed should be advised that information related to the complaint should be kept confidential and not disclosed further, except as necessary during the complaint process.
- d. In the event that a complaint is anonymous, the complaint should be investigated as thoroughly as possible under the circumstances.
- e. While some complaints of sexual harassment may require extensive investigation, whenever possible, the investigation of most complaints should be completed within 60 days of the receipt of the complaint.

7. Action Following Investigation of Sexual Harassment Complaints

- a. Promptly following the completion of the investigation, the Sexual Harassment Coordinator shall report his or her findings to the President, and in the event that the accused is a student, to the Chief Student Affairs Officer.
- b. Following such report, the President or his or her designee shall promptly take such action as he or she deems necessary and proper to correct the effects of or to prevent further harm to an affected party or others similarly situated. The President's review of the report and authorization that action be taken shall be documented in writing, which may be issued electronically. In addition to initiating disciplinary proceedings, corrective action may include,

but is not limited to, transferring a student to another class section, transferring an employee, or granting a benefit wrongfully withheld. The action authorized by the President shall be final.

- c. For each investigation, the President will sign a form that will go into the investigation file, stating: "I have reviewed the report of the investigation of the discrimination complaint filed by [complainant] on [date] and authorize the Affirmative Action Officer/Compliance and Diversity Officer/Sexual Harassment Coordinator to take appropriate action based on the findings in the report."
- d. The complainant and the accused should be apprised in writing of action taken as a result of the complaint.

8. Immediate Preventive Action

The President may, in extreme cases, take whatever action is appropriate to protect the college community.

9. False Complaints

In the event that the Sexual Harassment Coordinator concludes that a complainant made a complaint of sexual harassment with knowledge that the allegations were false, the Sexual Harassment Coordinator shall state this conclusion in his or her report. The failure to substantiate a sexual harassment complaint, however, is not in and of itself sufficient to demonstrate that a complaint was false.

10. Records and Reports

- a. The Sexual Harassment Coordinator shall keep the President informed regarding complaints of sexual harassment and shall provide the information necessary to prepare the annual report referenced above in Section II, 2, a, (last bullet).
- b. Records regarding complaints of sexual harassment shall be maintained in a secure location.

14. Applicability of Procedures

- a. These Procedures are applicable to all of the units and colleges of the University. The Hunter College Campus Schools may make modifications to these procedures, subject to approval by the University, as appropriate to address the special needs of their elementary and high school students.

- b. These Procedures are intended to provide guidance to the Presidents for implementing the University policy against sexual harassment; these procedures do not create any rights or privileges on the part of any others.

Effective October 1, 1995

Revised by OHRM July 2008 per agreement with equal Employment Practices Commission

For the names of, and contact information for, the Coordinator, the Deputy Coordinators, and other members of the Sexual Harassment Awareness and Intake Committee, please see the listing at the beginning of this document.