

# **TITLE IX/EEO AND NON-DISCRIMINATION AWARENESS**

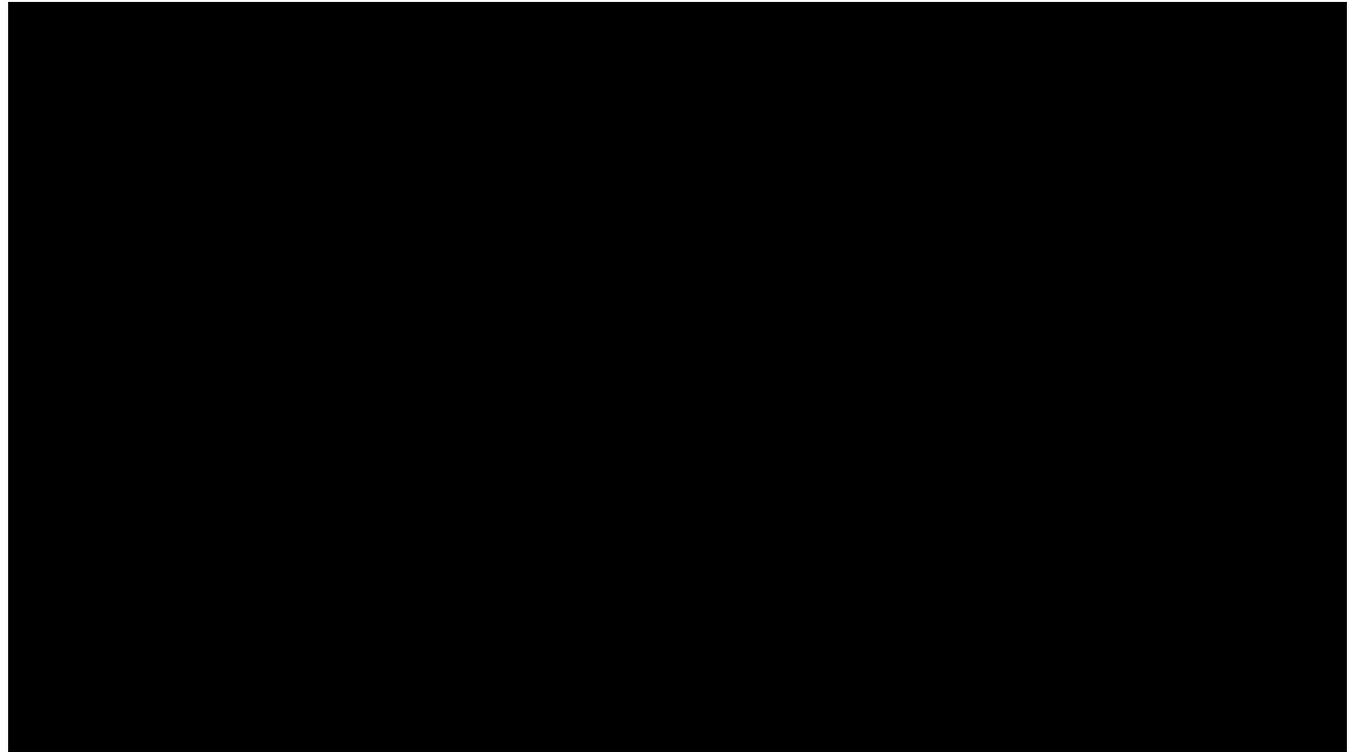
**GC/ASRC/MHC Employee Orientation  
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# What is Title IX?

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities at universities receiving federal funds.



Video Link: <http://www1.cuny.edu/sites/title-ix/understanding-and-preventing-sexual-assault-and-sexual-harassment/campus/the-graduate-center/>

# Who Are The Victims Of Sexual Harassment, Gender-Based Harassment And/Or Sexual Violence?

- Anyone – of any gender, gender identity, sexual orientation, physical or mental ability, religious affiliation, citizenship status, race, class or educational level – can be a victim of sexual harassment and/or sexual violence.
- Sexual harassment and/or sexual violence can occur between members of the same sex/gender.

# **EEO and Non-Discrimination**

# Policy on Equal Opportunity and Nondiscrimination

- Recruit, employ, retain, promote, and provide benefits to employees (including paid and unpaid interns) and to admit and provide services to students without regard to race, color, creed . . . in accordance with federal, state and city laws.
- Provide reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, employees who have pregnancy or childbirth-related medical conditions, or employees who are victims of domestic violence/stalking/sex offenses.

# University's Responsibility

# CUNY's Commitment

- CUNY's policies prohibit sex discrimination and sexual misconduct (sexual harassment, gender-based harassment and sexual violence) against any CUNY student, employee or visitor.
- Sexual harassment, a form of sex discrimination, is illegal under federal, state and city laws and will not be tolerated within CUNY.
- We are committed to promoting a safe and secure academic environment for all members of our community.
- All students, faculty, staff and visitors are expected to maintain a working and learning environment free from harassment and discrimination.

# CUNY's Goals

- Prevent sex discrimination/sexual misconduct on our campuses – **One incident is one too many**
- Provide clear and forceful policies and procedures on addressing sex discrimination/sexual misconduct. Provide and promote education and awareness of staff and student obligations, and available resources
- Respond appropriately to students and employees who complain of sex discrimination/sexual misconduct
- Encourage, through not require, victims to report to law enforcement
- Provide an adjudication process that is fair to both complainant and accused

# CUNY Policies

# Drug and Alcohol Use Amnesty Policy

- Encourages students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined and report violence or harassment

# Domestic Violence and the Workplace

- Domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover

# Reasonable Accommodations and Academic Adjustments

- Commits to academic adjustments to allow qualified individuals the opportunity to participate in programs, activities and employment
- Resolve accommodation requests for employees and students informally
- Resolve accommodation requests formally with the opportunity for an appeal

## Policy on Sexual Misconduct

- Students, employees and visitors, deserve the opportunity to live, learn and work free from sexual harassment, gender-based harassment and sexual violence
- CUNY Research Foundation Policy No. 525 – Sexual Harassment: <https://www.rfcuny.org/RFWebsite2/learning-resources/review-policies-procedures/sexual-harassment/>

# Supervisor - Employee Relationships

- Supervisors are strongly discouraged from engaging in consensual intimate relationships with non-student employees they supervise.
- Supervisors are required to report any such relationships to their supervisors to avoid or mitigate conflicts of interest.

# Student - Employee Relationships

- Faculty members and other employees are prohibited from engaging in consensual intimate relationships with students for whom they have a professional responsibility.

# Responsible Employees

- Certain employees have a duty to report any incident of sexual harassment to the Title IX Coordinator and/or Director of Public Safety and/or Chief Student Affairs Officer.
- Reports will be limited to individuals with a need to know.
- If you request that your identity remain confidential, the Title IX Coordinator will try to honor that request if possible. Remember that this will limit the effectiveness of the investigation.

# Responsible Employees (Continued)

- Title IX Coordinator and her/his staff
- Office of Public Safety Employees (all)
- VP For Student Affairs and Dean of Students and all staff housed in those offices
- Residence Life staff in CUNY owned or operated housing, including Resident Assistants (all)
- College President, Vice Presidents and Deans
- Athletics Staff (all)
- Department Chairpersons/Executive Officers
- Human Resources staff (all)
- University Office of the General Counsel employees (all)

# Responsible Employees (Continued)

- College/unit attorney and her/his staff
- College /Unit labor designee and her/his staff
- Faculty members at times when they are leading or supervising student on off-campus trips
- Faculty or staff advisors to student groups
- Employees who are managers (all)
- SEEK/College Discovery staff (all)
- College Childcare Center staff (all)
- Directors of “Educational Opportunity Centers” affiliated with CUNY colleges

# Confidentiality

- Federal law (The Clery Act) requires college campuses to track and report certain crime statistics.
- Incidents of sexual assault/violence, including unwanted touching, domestic/dating/intimate partner violence and stalking are reported to the Public Safety Dept. pursuant to this law.
- **Although the incident must be reported, your identity will not be reported.**
- Only certified or licensed mental health professionals acting in that capacity are exempt from this reporting requirement.

# Reporting Issues and Concerns

- If you experience or witness any form of discrimination contact:
  - Title IX Coordinator [Edith Rivera, 212-817-7410, 365 Fifth Avenue, Rm 7301]
  - Interim Executive Director of Human Resources [Teena Costabile, 212-817-7700, 365 Fifth Avenue, Rm 8403]
  - Office of Public Safety [John Flaherty, 212-817-7761, 365 Fifth Avenue, Rm 9117]
  - Office of the Vice President for Student Affairs [Matthew Schoengood, 212-817-7400, 365 Fifth Avenue, Rm 7301]
  - College Mental Health Counselor (i.e.: Wellness Center for GC students)
  - Residence Life staff in CUNY owned or operated housing
- Please **do not** try to handle any complaint you receive from another student or employee on your own.
- **REMINDER: If you experience or observe a sexual assault or stalking, call 911 immediately. We will assist you if you wish.**

# **What Happens with a Complaint of Sexual Harassment/Sexual Assault?**

# How Long Does the Investigation Take?

- Whenever possible, the investigation is completed in 60 calendar days. If it is not possible to complete the investigation in that time, both parties are notified of the status.
- CUNY's Sexual Misconduct Policy is currently under revision. The investigation process will be extended.

*Where appropriate, the College will implement security measures to keep employees, students and the campus community safe. Assistance is often provided during an investigation, such as:*

### **For employees**

- Security escort
- Office relocation
- Free confidential support services through CUNY's Work/Life Program
- No Contact Order between Complainant and Respondent

### **For students**

- Security escort
- Class rescheduling or reassignment
- On campus counseling
- Academic assistance
- No Contact Order between Complainant and Respondent

# What Is An Order of Protection (OOP)

- An **Order of Protection** (OOP) is a court order, authorized by a Judge, informing an individual to stay away from a complainant.
- The College does not have the ability to grant an OOP but Public Safety will help enforce an order.
- OOP can either be “full” orders, informing the individual to stay away entirely, or “partial” orders where communication or inappropriate behavior is prohibited.

# Types of Orders of Protection (OOP)

- **There are two different types of OOPs:**
  - **Criminal Court Orders:** A judge will automatically grant a Criminal Court OOP on behalf of a complainant when there are criminal charges pending against a defendant.
  - **Family Court Orders:** These OOP are available to individuals involved in a domestic relationship. The complainant must petition the Family Court directly for the Order.

Violations of either orders are illegal and punishable by up to a year in jail.

# Possible Remedies

If it is determined that sexual harassment or sexual violence has been committed by another student or by a faculty or staff member, CUNY will seek to impose disciplinary measures, in accordance with the proper procedures.

Disciplinary measures can include:

## For Students

- Probation, suspension, expulsion
- Removal from dorm and/or extracurricular activities including athletics
- Campus ban

# Possible Remedies

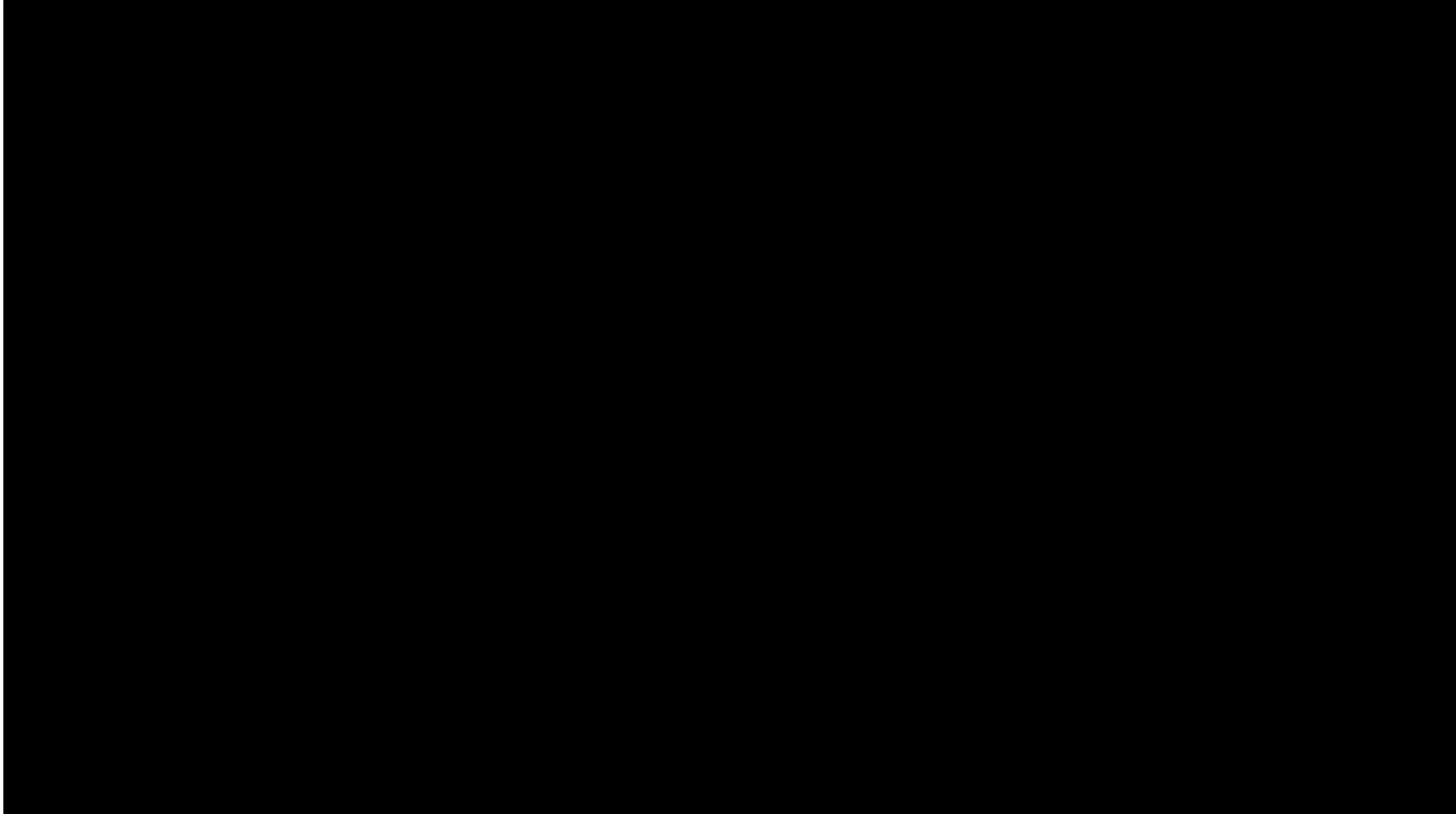
In cases where an employee is charged with a violation of the Sexual Misconduct Policy, including retaliation the matter shall be referred for disciplinary action in accordance with the applicable CUNY policies, rules and collective bargaining agreements.

Disciplinary measures can include:

## For Employees

- Reprimand
- Suspension
- Termination

# Positive Party Culture: Bystander Intervention



Video Link: <http://www1.cuny.edu/sites/title-ix/understanding-and-preventing-sexual-assault-and-sexual-harassment/campus/the-graduate-center/>

# Positive Party Culture (Continued)

- CLERY ACT
  - Federal law that requires college campuses to track and report certain on-campus crime statistics
- TITLE IX
  - Federal law that requires reporting of on-campus and off-campus incidents
- CUNY's Conflict of Interest Policy/NYS Public Officer Law
  - Prohibit gifts from CUNY subordinates to CUNY supervisors (this term includes managers, directors, deans, and all executive staff titles). Such gifts from subordinates may give an appearance of impropriety or give the impression that someone may improperly influence a decision-maker. There is no prohibition on supervisors giving modest gifts to their subordinates as tokens of their appreciation.
- [CUNY Legal Affairs – Ethics Information](#)

# Microaggressions

# Microaggressions: Sometimes the Little Things Hurt the Most

- What Are Microaggressions?
  - People often complain about comments or actions from supervisors or peers that do not rise to the level of illegal discrimination, but nonetheless make the receiver feel devalued, unappreciated and seem to communicate unconscious biases.
- What's the Harm?
  - A growing body of research shows that internalized hurt and humiliation impacts morale and self-worth and may cause anxiety, shame, depression and health issues. Cumulatively the impact may result in absenteeism, lost productivity, and turnover in the workplace.

# Microaggressions: Sometimes the Little Things Hurt the Most (Continued)

Statement	Message
We all know she got hired because she is a woman! (Often said in a male-dominated field)	Women are not as qualified as male candidates; gender was used as a way to get ahead.
A Hispanic or Latino professor is mistaken for a service worker.	People of color are not as successful as whites; it's unlikely they would occupy a high status position.
Should we hire a blind person for this job – there is no way she could do as well as a “normal” person	People with disabilities are unable to perform job duties at the same level as able-bodied individuals. No accommodations, such as adaptive technology, could mitigate any performance concerns.

# Microaggressions: Sometimes the Little Things Hurt the Most (Continued)

## How to Foster an Inclusive Environment That Supports Engagement

- Set the tone. Our words do have consequences. It pays to be vigilant and sensitive to be sure that we are not making statements that may be viewed as microaggressions.
- Make clear that gender, racial, religious or LGBTQ slurs are not tolerated. If you hear someone making an offensive comment, speak up. Explain why the language used is not acceptable. Attempt to peel away the “I was just joking” response.
- Include people with different experiences, backgrounds and perspectives on your work teams, including search committees.
- Avoid assumptions based on race, gender, nationality, socio-economic status, sexual orientation and other “labels.”
- Share information. Be transparent with the policies and procedures in your unit.

# Microaggressions: Sometimes the Little Things Hurt the Most (Continued)

- Don't assume that if a person from a targeted group is silent, this means the negative remark is okay.
- Do not be judgmental, and always challenge your own assumptions.
- Be an active listener.
- Educate yourself about the culture/customs/lifestyles of others by attending events, programs or discussion groups. As our world becomes more global, increase your cultural competency (i.e. GC events).

## Teachable Moments

- Acknowledging that microaggressions exist and learning how to confront them can help us become active diversity and inclusion allies on behalf of our colleagues.
- Take responsibility to help create a workplace that values the contributions, supports the ideas, congratulates the successes, and offers opportunity for professional development and growth for all employees.

# Campus and Community Resources

- [ASRC Enough Is Enough: Combating Sexual Misconduct](#)
- [GC Enough is Enough: Combating Sexual Misconduct](#)
- [MHC Enough is Enough: Combating Sexual Misconduct](#)

# Q&A