



SUNYADIRONDACK

Policy Title: Non-Discrimination and Anti-Harassment
Document #: 3306
Effective Date: 11/14/19
Category: Human Resources
Responsible Office: Human Resources/Affirmative Action

This policy applies to: Employees, Affiliated Entity Employees, Students, Interns, Vendors, and Visitors

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Summary:

It is the policy of SUNY Adirondack that no discrimination against or harassment of individuals will occur on any of the campuses or in the programs or activities of the College.

Discriminatory behavior undermines SUNY Adirondack's values and violates the College's Code of Mutual Respect and Cooperation. The purpose of this policy is to ensure the campus community is continually working to create a culture where discrimination or harassment is not tolerated, and to outline procedures to address incidents.

All employees, students and visitors share in the responsibility of creating and maintaining a workplace and educational environment free from discrimination or harassment. The College expects that all members of the SUNY Adirondack community will assume this responsibility and will treat others with respect at all times.

It is important that those who have been subject to discrimination or harassment have someone and somewhere to turn for assistance. It is likewise important to realize that unsubstantiated or malicious charges may seriously affect the reputations, careers or personal lives of the individuals charged with such conduct. Accordingly, this policy shall not be used to bring frivolous or malicious charges against students or employees. Charges found to have been intentionally dishonest or made maliciously may result in disciplinary action under the Student Code of Conduct or the appropriate personnel policies concerning personal misconduct.

Policy:

SUNY Adirondack is committed to fostering a diverse community of outstanding employees and students, as well as ensuring equal opportunity in employment and education, and access to



services, programs and activities, without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, gender expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

Employees, students, applicants or other members of the SUNY Adirondack Community (including but not limited to vendors and visitors) may not be subjected to discrimination or harassment that is prohibited by law, or treated adversely or retaliated against based upon a protected characteristic.

The College's policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment, including sexual harassment and sexual violence. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, Pregnancy Discrimination Act of 1978 and the New York State Human Rights Law.

Members of the College community who experience or observe discrimination or harassment should immediately report their experience or observation to the Affirmative Action Officer [Washington Hall 105, 518-743-2252]. In the case of sex discrimination, including sexual violence, reports should be made to the Title IX Coordinator [TitleIX@sunyacc.edu, Scoville 326, 518-832-7741]. Whenever a violation of this policy is brought to the College's attention, a prompt and equitable investigation will be undertaken. If a violation is found, effective corrective action will be taken.

Inquiries regarding the application of all laws, regulations and policies prohibiting discrimination may be directed to the Affirmative Action Officer, the Title IX Coordinator or to the United States Department of Education's Office for Civil Rights [OCR], 32 Old Slip 26th Floor, New York, NY 10005-2500, ocr.newyork@ed.gov, 646-428-3800.

Reports of discrimination that happen off campus may also be reported to the College or to the OCR.

Definitions:

Affiliated Entity. Per the Board of Trustees Policy Manual Section 9.1 - 9.3, the purpose, relationship, responsibility and agreements between the SUNY Adirondack Foundation, Faculty-Student Association and the Adirondack Housing Association, are outlined.

College. Use of this term explicitly refers to Adirondack Community College and/or the College's acceptable short name, SUNY Adirondack.

Discrimination: Unequal treatment based on a protected characteristic.

Employee. Any person who works for the College for wages, salaries or stipends including part-time and full-time faculty, staff and administrators. Excludes consultants such as instructors for the Office of Continuing Education. Students who are also employees will, in most instances, be categorized for purposes of the policy as a student. The Associate Vice President for Human Resources will make the determination based on the situation presented.



Harassment on the Basis of Protected Characteristic(s) other than Sex/Gender. Harassment based on race, color, age, religion, national origin, disability, sexual orientation or other protected characteristics is oral, written, graphic or physical conduct relating to an individual's protected characteristics that is sufficiently severe and/or serious, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities.

Intern. A student/trainee from another institution enrolled in a formal education program to provide practical experience in an occupation or profession.

Prima Facie: At first view; on the first appearance.

Sex Discrimination. Behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex. This includes but is not limited to sexual harassment, sexual assault, sexual violence by employees, students, or third parties. Employees should report sex discrimination, including but not limited to, sexual harassment and assault that they observe or become aware of, to the Title IX Coordinator.

Student. All SUNY Adirondack students, full-time, part-time, credit and non-credit

Other Related Information:

Board of Trustees Policy Manual Section 6 – Academic Affairs – 6.03 Academic Freedom and Responsibilities

<N:\Policies, Processes, Procedures and Guidelines\Board of Trustees\Board of Trustees Policy Manual\Section 6 – Academic Affairs>

Board of Trustees Policy Manual Section 7 – Human Resources - 7.02 Equal Employment Opportunity and 7.03 Workplace Environment

<N:\Policies, Processes, Procedures and Guidelines\Board of Trustees\Board of Trustees Policy Manual\Section 7 – Human Resources>

Code of Mutual Respect and Cooperation for Faculty, Staff and Students at SUNY Adirondack (Appendix 7.1)

<N:\Policies, Processes, Procedures and Guidelines\Board of Trustees\Board of Trustees Policy Manual\Section 7 – Human Resources>

Sexual Harassment Response and Prevention Policy

<N:\Policies, Processes, Procedures and Guidelines\Human Resources/ # 3303 Sexual Harassment Response and Prevention>

Sexual and Romantic Relationships Policy

<N:\Policies, Processes, Procedures and Guidelines\Human Resources/ # 3304 Sexual and Romantic Relationships>

Pregnancy Non-Discrimination and Accommodations Policy [in development]

Student Pregnancy Non-Discrimination and Accommodations Policy [in development]

Discrimination and Sexual Harassment Complaints Policy



[N:/Policies, Processes, Procedures and Guidelines/Human Resources/ # 3309 Discrimination and Sexual Harassment Complaints](#)

Sexual Assault Violence Response and Prevention Policy
<http://sunyacc.edu/sexual-assault-prevention-and-response>

Records Retention Policy [in development]

SUNY Adirondack Catalog – Statement of Non-Discrimination and Equal Opportunity in Education and Employment
<http://catalog.sunyacc.edu/>

SUNY Policy on Equal Opportunity
[SUNY Policy Doc. No. 6502, Equal Opportunity: Access, Employment and Fair Treatment in the State College of New York](#)

New York State Human Rights Law
<https://dhr.ny.gov/law>

Section 504 of the Rehabilitation Act of 1973
<https://www.dol.gov/oasam/regs/statutes/sec504.htm>

Title IX of the Education Amendments of 1972
<https://www.justice.gov/crt/title-ix-education-amendments-1972>

Related guidance available with the United States Department of Education
Office for Civil Rights Publications page [<https://www2.ed.gov/about/offices/list/ocr/index.html>]

U.S. Equal Employment Opportunity Commission, the federal agency with oversight of the following laws [<https://www.eeoc.gov/laws/statutes/index.cfm>]: [Title VII of the Civil Rights Act of 1964](#); [The Age Discrimination in Employment Act of 1967](#); [Titles I and V of the Americans with Disabilities Act of 1990 \(ADA\)](#); [The Equal Pay Act of 1963](#) and [The Pregnancy Discrimination Act](#).

Processes and Procedures:

Reporting:

1. If the complainant chooses to pursue the College's internal procedure, the Affirmative Action Officer/Title IX Coordinator will be contacted via telephone, email, in person or by completing and submitting a Complaint Form [see Policy # 3309 Discrimination and Sexual Harassment Complaints].
2. The complainant must present some prima facie evidence in writing that they were treated in a discriminatory manner or harassed.
3. The Affirmative Action Officer/Title IX Coordinator will provide the complainant with information about the various internal and external mechanisms through which the complaint may be filed, including applicable time limits for filing with other agencies.



Resolution:

The complainant can seek an informal or formal resolution. Policy # 3309 Discrimination and Sexual Harassment Complaints outlines the processes and procedures to be followed including time limits, notice to parties, findings and recommendations.

Forms:

Complaint Form

[N: Forms and Applications/Human Resources/Discrimination, Sexual Harassment or Workplace Violence Complaint Form](#)

Authority:

Authority to Approve: Vice President for Administrative Services and Treasurer
Responsibility for Oversight: Affirmative Action Officer

History:

The Department of Education's Office for Civil Rights (OCR) enforces several statutes that protect the rights of beneficiaries in programs or activities that receive financial assistance from the Department of Education. These laws prohibit discrimination on the basis of race, color, and national origin (Title VI of the *Civil Rights Act of 1964*), sex (Title IX of the Education Amendments of 1972), disability (*Section 504 of the Rehabilitation Act of 1973*), pregnancy (*Pregnancy Discrimination Act of 1978*) and age (*Age Discrimination Act of 1975*). OCR also has enforcement responsibilities under Title II of the *Americans with Disabilities Act*, which prohibits state and local governments from discriminating on the basis of disability.

On August 9, 2019, Governor Cuomo signed into law an amendment to the Human Rights Law to prohibit imposing a condition upon prospective or current employees who wear any attire, clothing, or facial hair in accordance with the requirements of their religion. Prohibited conduct includes imposing a condition on obtaining or retaining employment, including opportunities for promotion, advancement or transfers, or imposing any terms or conditions that require violations of a sincerely held religious practice. An exemption is provided to employers who engage in a bona fide effort but are unable to reasonably accommodate the employee's or prospective employee's sincerely held religious observance or practice without an undue hardship on the employer's business. This exemption would apply to the newly enacted prohibition on discrimination on the basis of religious attire, clothing or facial hair. This law takes effect October 8, 2019.

This policy was approved by the President on 8/6/19.

Review:

Annually in June.

Appendices:

None.
