

Policy Title: Workplace Sexual Harassment Prevention Policy

Effective Date: October 9, 2018

Cayuga Community College (“CCC” or the “College”) is committed to maintaining a workplace that is free from sexual harassment, which is one form of workplace discrimination. This Policy is one component of the College’s commitment to a discrimination-free work environment.

Scope and Application of the Policy

This Policy applies to all employees of the College, regardless of the employee’s job title or full-time or part-time status. This Policy also applies to interns, both paid and unpaid, and individuals who are not employees of the College, but are employees of contractors, subcontractors, vendors, consultants, and other persons who provide services in the College’s workplace. This Policy applies to students who are employees of the College in their capacity as employees of the College.

Identifying Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and where applicable, local law. Sexual harassment includes harassment on the basis of sex/gender, sexual orientation, self-identified or perceived sex, gender expression, gender identity, the status of being transgender, as well as harassment based on sex stereotyping.

Sexual harassment may be verbal, written, visual or physical. Sexual harassment may include unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex that may include sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment or advancement; (2) submission to or rejection of such conduct is used as basis for decisions affecting employment or professional advancement of an individual; or (3) such conduct has the purpose or effect of unreasonably interfering with the employee’s ability to work or has the purpose or effect of creating an intimidating, hostile or offensive work environment.

A sexually harassing hostile work environment can consist of threats, derogatory comments, signs, jokes, pranks, intimidation, physical contact, violence, or other conduct which is of a sexual nature, or which is directed at an individual because of that individual’s sex, where the conduct is so severe and pervasive as to alter the terms of employment for the individual subject to the harassment.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This is often referred to as “quid pro quo” harassment. This can include hiring, promotion, continued employment, or any other terms, conditions or privileges of employment.

Sexual harassment can include victims of both genders, and can occur between individuals of the same gender. A perpetrator of harassing behavior may be a supervisor, a co-worker, or a non-employee such as a vendor or visitor. Victims may include any individual affected by the offensive conduct, not just the person to whom the harassing conduct is directed. This Policy is not limited

to conduct that occurs on campus, it also applies to all work performed on behalf of the College, including off-campus. This Policy also prohibits off-duty conduct if that conduct creates or contributes to a sex-based hostile work environment.

Examples of sexual harassment can include, but are not limited to, the following:

- Suggestive or sexually explicit gestures, pictures, jokes, noises, comments about a person's sexuality or sexual experience, remarks or emails;
- Sexual or discriminatory displays or publications anywhere in the workplace, including but not limited to:
 - Pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic, including sexual displays on workplace computers or cell phones in the workplace.
- Unwanted sexual advances or propositions;
- Unwelcome physical conduct of a sexual nature, such as:
 - Pinching, hugging, touching, patting, kissing, grabbing, or brushing a person or poking another person's body;
 - Rape, sexual battery, molestation, or attempts to commit these assaults;
- Written conduct such as threatening, derogatory, or offensive letters, emails, text messages or social media posts;
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look;
- Hostile actions taken against an individual because of the individual's sex, sexual orientation, gender identity, or status of being transgender.

Complaint Process

A College employee who is experiencing sexual harassment or has a concern about suspected sexual harassment should promptly report the concern or incident to the Director of Human Resources, Vice President/Treasurer, or the Title IX Coordinator. Even if you are unsure whether a certain behavior constitutes sexual harassment, you are encouraged to report the situation so that it may be investigated, evaluated and, if necessary, addressed. A written complaint form is provided at the end of this Policy, however individuals are not required to use this written complaint form. Written or verbal complaints will be accepted. The College expects that individuals who make reports pursuant to this policy do so truthfully and in good faith.

A College employee with supervisory responsibilities over other employees who receives a complaint or information about workplace sexual harassment is **required** to take appropriate action. Appropriate action may include immediate intervention if the harassment is witnessed by the supervisor, and in all instances includes reporting the situation to the Title IX Coordinator. Persons with supervisory authority over other College employees will be subject to discipline for engaging in sex discrimination, sexually harassing conduct, or retaliation, as well as knowingly allowing sexual harassment to continue and failing to take appropriate action.

Investigation

Upon receipt of a complaint, the College will take appropriate steps to promptly investigate the situation. The investigation will be conducted by an investigator appointed by the Title IX Coordinator or his/her designee. The scope and nature of the investigation will depend upon the circumstances and the incident(s) at issue. This may include interviews of appropriate individuals (e.g., the person complaining, the accused, possible witnesses, etc.). The College reserves the right to tailor the scope and procedures of the investigation to the circumstances. The complainant and the respondent will be provided an equitable and fair opportunity to provide information, including the opportunity to suggest relevant witnesses and to provide relevant documentation. The investigation will be fair and impartial. The College will maintain confidentiality to the fullest practical extent. At the conclusion of the investigation, the investigator(s) will prepare a written report. The complainant and respondent will be provided an opportunity to review the report and to submit a written response to the report. If the investigator(s) make a determination that additional investigation is needed, this will be completed, and a final investigation report prepared.

The investigation report will be provided to an appropriate College official or body for a decision as to what action, if any, is appropriate. Where the respondent is a non-faculty staff member, a decision as to disciplinary action will be by an appropriate individual, such as a vice president, in consultation with Human Resources. Where the respondent is a faculty member, any disciplinary decision will be compliant with the Faculty Handbook. Where the complaint is brought against a non-employee, an appropriate vice president will determine the action to be taken, which may include restrictions on the individual's presence on campus.

The College uses a "preponderance of evidence" standard in determining whether this Policy has been violated. The College's policy is to investigate all complaints thoroughly and promptly. To the fullest practical extent, the College will keep complaints and the terms of their outcomes confidential, except to inform the parties of the complaint of the outcome of the complaint. If an investigation confirms that a violation of the Policy has occurred, the College will take corrective action, including discipline, up to and including immediate termination of employment.

Please note that while this Policy sets forth the College's goal of promoting a workplace that is free of sexual harassment, this Policy is not designed or intended to limit the College's authority to discipline or take remedial action for workplace conduct which it deems unprofessional, inconsistent with organizational standards, or otherwise inadvisable behavior, regardless of whether that conduct satisfies the legal definition of sexual harassment.

Retaliation

Individuals covered under this Policy are reminded that no one who engages in the following protected activities may be retaliated against. Protected activities may include opposing a discriminatory practice, filing a good faith complaint or report of sexual harassment, participating in an investigation into sexual harassment, filing a claim with the Equal Employment Opportunity Commission ("EEOC") or New York State Division of Human Rights ("DHR"), participating in an EEOC or DHR or other governmental agency investigation, or encouraging another individual to make a complaint or report.

Retaliation includes conduct, whether or not in the workplace or employment-related, which may deter a reasonable person from making or supporting a charge of discrimination or harassment, and is directed at someone who engages in the foregoing protected activities.

Retaliation is unlawful and is a violation of this Policy. College employees found to have engaged in retaliation may be subject to discipline, up to and including termination. Other individuals who have engaged in retaliation may also be subject to appropriate remedial action commensurate with the circumstances.

If you feel you have been retaliated against, please notify Director of Human Resources, Vice President/Treasurer, or the Title IX Coordinator.

Legal Protections and External Remedies

Sexual harassment is not only prohibited under this Policy, but is also prohibited by state, federal, and local law where applicable. In addition to the procedures described in this Policy, individuals may choose to pursue legal remedies with the following governmental entities:

New York Division of Human Rights

The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which prohibits sexual harassment in employment in New York State, and protects employees, and other individuals working in an employer's workplace. A complaint alleging a violation of the Human Rights Law may be filed either with DHR, subject to a one year statute of limitations, or in New York State Supreme Court, subject to a three year statute of limitations.

The DHR will investigate the complaint to determine if unlawful harassment occurred and if the circumstances amount to a violation of the law. If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which varies, but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including reversing an unlawful employment action, paying monetary damages, attorneys' fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 www.dhr.ny.gov. The DHR can be contacted at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form and contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC also investigates complaints, but does not hold hearings or award relief. The EEOC may take other action including pursuing cases in federal

court on behalf of complaining parties, or issuing a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred.

The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), or visiting their website at www.eeoc.gov or via email at info@eeoc.gov If an individual files an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the individual's right to proceed in federal court.

Local Law

There may be additional applicable laws, including local laws, or agencies that address the topics covered by this policy.

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. A covered individual who believes that a crime has been committed, or if the individual believes he/she is in physical danger, is urged to file a report with the local police department immediately.

Training

All employees are required to satisfactorily complete sexual harassment training on an annual basis.

Cayuga Community College
Workplace Sexual Harassment Complaint Form

This form is designed to assist individuals making a report under Cayuga Community College's Workplace Sexual Harassment Prevention Policy. If you believe you are, or have been, subject to conduct in violation of the Sexual Harassment Prevention Policy, or witness or otherwise become aware of such conduct, you are expected to report that information either verbally or in writing. It is the policy of the College to promptly and thoroughly investigate such reports.

If you wish to make a written report, you may use this form to do so. After completing this form, please submit it to the Director of Human Resources. If you are more comfortable reporting verbally or in another manner, you are welcome to do so.

The College prohibits retaliation against any individual who opposes a discrimination practice, makes a good faith report of discrimination or harassment, or who participates in an investigation of such reports. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters.

YOUR INFORMATION

Name: _____
Home Address: _____ Work Address: _____
Personal Phone: _____ Work Phone: _____
Job Title: _____ Email: _____
Preferred Communication Method: _____

SUPERVISOR'S INFORMATION

Immediate Supervisor's Name: _____ Title: _____
Work Phone: _____ Work Address: _____

INFORMATION CONCERNING SUSPECTED HARASSMENT

1. The name of the person(s) involved in your complaint

Name: _____ Title: _____
Work Address: _____ Work Phone: _____
Other identifying information: _____
Relationship to you: Supervisor Subordinate Co-Worker Student Other: _____

2. Please describe the conduct or incident(s) that are the basis of this report and your reasons for believing the conduct is harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) harassment occurred: _____
Is the harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint. Please use additional sheets of paper if necessary.

5. Have you previously complained or provided information (verbal or written) about harassment at the College? If yes, when and to whom did you complain or provide information?

Upon receipt of this report, a Human Resources representative will contact you. Every effort will be made to assure that confidentiality will be maintained throughout the investigatory process to the extent consistent with the need to investigate your report and to take appropriate corrective action. For additional information, see the Sexual Harassment Prevention Policy.

The information provided in this report is true and complete and I request that Cayuga Community College investigate this complaint and advise me of the outcome of the investigation.

Signature: _____

Date: _____

Workplace Violence

I. Purpose:

Cayuga Community College has adopted a policy of zero tolerance regarding workplace violence. Our goal is to create and maintain an environment free from threatening behavior, acts of violence, and harassment and we will not accept behavior of this type, from any source. It is the responsibility of all college employees to create and maintain a workplace free from threats and acts of violence.

II. Policy:

Any and all forms of violence, threatening behavior, and/or harassment which involve or affect Cayuga employees or which occur on Cayuga Community College's campus are prohibited by this policy. This includes, but is not limited to, threatening behavior, violent actions and harassment by college employees directed against other employees, by employees directed against students, or visitors, and by students, or visitors directed against college employees. The college will actively work to prevent and eliminate violence, threatening behavior, and harassment on campus. The college will respond promptly and decisively to violence, threatening behavior, and harassment on campus. This response may include up to termination of employees or dismissal of students and will include timely involvement of law enforcement agencies, when appropriate. All disciplinary measures taken against students shall be taken in accordance with the procedures of the campus judicial system. This policy does not alter any codes or student conduct or procedures of the campus judicial system. The college's response may also include removal of third party vendors/contractors from campus or termination or contracts with such vendors/contractors. Engaging in violence, threatening behavior, and/or harassment is considered a form of employee misconduct.

III. Definition:

"Violence, threatening behavior, and harassment" includes, but is not limited to, conduct against persons or property that is offensive, intimidating, hostile, injury producing, and/or abusive. The following are examples of behavior that is unacceptable and should be reported immediately.

Level One

- Constant refusal to cooperate, or there is a recognized pattern of being uncooperative with supervisors, co-workers
- Belligerent toward employees, students and visitors
- Profanity used against anyone
- Makes unwanted and/or inappropriate sexual comments (see the colleges Sexual Harassment Policy)
- Refuses to obey department/College policy and procedures
- Argumentative in a manner that would lead the reasonable person to describe it as "disruptive," "troubled," "disorderly," or "turbulent."

Level Two

- Direct or veiled threats
- Writes sexual or violent notes – intimidation verbally or physically
- Possesses a weapon (New York Statutes and College Policy prohibit firearms and certain other articles that could be weapons on state property)
- Makes suicidal comments or threats

- Involved in fights or assaults
- Stalks co-workers or their family

IV. Application of Policy Regarding Workplace Violence

The college's prohibition against threatening behavior, acts of violence, and harassment applies to all persons involved in the operation of the college and all persons who attend the college, including, but not limited to all college employees, all college students, visitors, third party vendors, and anyone else on campus.

- Violations of this policy will be promptly investigated and action will be taken, as necessary, to appropriately address each incident. The college will seek severe disciplinary penalties, up to and including termination, against employees of the college who are involved in the commission of threatening behavior, violence, and/or harassment, or commit any act either directly or through a third party, which is designed to interfere with or impede an ongoing workplace violence investigation..
- The college will seek severe disciplinary penalties, up to and including dismissal, against students of the college who are involved in the commission of threatening behavior, violence, and/or harassment, or commit any act either directly or through a third party, which is designed to interfere with or impede an ongoing workplace violence investigation . Student violations of this policy will be adjudicated by the campus judicial system.
- The college may support criminal prosecution of those who threaten or commit violence or engage in harassment against its employees, students, and visitors to its campus.
- This policy shall be deemed supplemental to all applicable State and Federal Laws, all personnel rules and regulations, and all student codes of conduct.

V. Employee and Student Obligations:

Each employee and student of the college and anyone visiting the campus is strongly encouraged to report all incidents of harassment, threatening behavior, and/or acts of violence of which he/she is aware. If an employee, student, or visitor believes he/she or others are in immediate danger, they should contact the Office of Public Safety

- When the reporting individual is a campus employee, a student or third party vendor/contractor against a campus employee, the report is to be made to the following:
 - Immediate supervisor and/or Human Resources
 - The Office of Public Safety
- When the reporting individual is a campus employee or student and the report is against a student, the report shall be made in accordance with the procedures of the campus judicial system.
- When the reporting individual is a visitor to the campus, the report shall be made to The Office of Public Safety.
- Each person to whom such a report has been made regarding an employee shall immediately refer the report to the Director of Human Resources. Reports against students shall be handled through the procedures of the campus judicial system.
- Nothing in this policy alters any other reporting obligation established in campus policies or in State, Federal, or other applicable laws.

VI. Implementation of Policy

- The college will attempt to reduce the potential for campus violence by positively affecting the attitudes and behavior of its employees and students by:
 - Making all current and new employees and students aware that violence or threatening behavior on campus will not be tolerated.

- Creating a low-risk campus environment. All employees in positions of authority are expected to promote positive behavior and to lead by example, by treating employees and students with the respect and dignity to which each is entitled. Emphasis will be placed on creating a campus where established standards of conduct are clear, communicated, and consistently enforced, and where discipline is used fairly and appropriately to deal with instances of unacceptable behavior.
- Developing procedures for increasing awareness and prevention of threatening behavior, violence, and harassment on campus.
- Training employees.
- Encouraging employees and students to use available counseling and assistance services when needed, including the referral of employees to the Employee Assistance Program (EAP) when deemed appropriate. Both victims of violence and those who commit violent acts or have threatened to do so may be referred for such services.

B. The college will deal with threatening behavior, violence, and harassment on campus by:

- Designating a campus representative to take campus violence complaints (Judicial Affairs Director when the complaint involves a student(s) and the Director of Human Resources when the complaint involves an employee(s)).
- Requesting that all employees and students report all threatening behavior, violence, and harassment in a timely manner as set forth in this policy and in the procedures of the campus judicial system.
- Quickly dealing with threatening behavior, violence, and harassment. Supervisors are specifically empowered by this policy to take immediate action to resolve or stabilize violent situations on campus and to protect people from harm.
- Promptly and properly investigating all complaints of threatening behavior, violence, and harassment.
- Ensuring that the Judicial Affairs Director, the Director of Human Resources, and/or the Director of Public Safety take appropriate disciplinary action.
- Supporting the continuation of a good working relationship between Public Safety and local law enforcement.
- Employing legal remedies that address issues of workplace violence (i.e., Orders of Protection).
- Creating and maintaining the highest practical level of physical security on campus.
- Maintaining accurate records on campus violence.

VII. Notification

- The college will provide information at the conclusion of an investigation to relevant parties, provided the information shared is consistent with labor law, college policy and collective bargaining agreements.

VIII. Dissemination

All employees shall be given copies of this policy. All new employees will be given a copy of this policy as part of their respective orientations. This policy will be included in the Faculty Handbook and placed on the Human Resources website.

VIV. Training

All employees are required to satisfactorily complete Workplace Violence training on an annual basis.

Workplace Sexual Harassment

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disciplinary action will be by an appropriate individual, such as a vice president, in consultation with Human Resources. Disciplinary decisions will be compliant with collective bargaining agreements and/or applicable employee handbooks. Where the complaint is brought against a non-employee, an appropriate vice president will determine the action to be taken, which may include restrictions on the individual's presence on campus.

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