

Policy Statement on Sexual Harassment

SUNY Geneseo seeks to create and maintain an educational environment in which all members of the College community are free to pursue their educational goals. Harassment on the basis of sex is a violation of the law (Sec. 703 of Title VII of the Civil Rights Act as amended, Title IX Education Amendments of 1972, and the New York State Human Rights Law) and will not be tolerated in the Campus community of SUNY Geneseo. The College will not condone actions and words that a reasonable person would regard as sexually harassing. It is the responsibility of every administrator, supervisor, student, and faculty member to create and maintain an environment that is free of discrimination and allows full access and opportunity for participation to all members of the College community.

Sexual harassment is defined as any unwelcome sexual attention, unwanted verbal or physical sexual advance, request for sexual favors, sexually explicit derogatory statement, or sexually discriminatory remark made by someone within the College Community, which is offensive or objectionable to the recipient (including causing discomfort and humiliation), and when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or grade;
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual;
3. such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance; or
4. such conduct has the purpose or effect of creating an intimidating, hostile, or offensive employment or educational environment.

Sometimes people who are being harassed feel that if they ignore the problem it will go away. The truth is, the situation could continue or get worse. Sexual harassment can substantially interfere with a student's education.

SUNY Geneseo regards sexual harassment as particularly reprehensible and a violation of the standards of conduct required of all persons associated with this institution. Accordingly, those individuals inflicting such behavior on others are subject to institutional action.

The National Advisory Council on Women's Educational Programs has identified five categories of sexual harassment. They are:

1. generalized sexist remarks or behaviors which include: indicating one sex is not as capable as the other, telling off-color jokes, making suggestive comments, leering, ogling;
2. inappropriate and offensive sexual advances that are often accompanied by suggestive remarks and/or touching;
3. sexual activity or other sex-related behavior is solicited (usually very subtly) with promise of reward such as higher grades;
4. coercion for sexual activity by threat of punishment such as a lower grade, failing a course, negative recommendations and even jeopardizing the future career of the person; and
5. sexual crimes and misdemeanors, including indecent exposure, sexual fondling, request for intercourse and rape.

In addition to protecting students from sexual harassment, the College is also interested in protecting the academic freedom of students and faculty. Given our nature as an educational community, the topic of sexual harassment may be discussed within the classroom. Thus, faculty members have the right to "without limitation, discuss their own subject in the classroom." However, the right is not without limitation as the faculty member is not empowered to discuss "controversial matter which has no relation to their subject."

Both employees and students alleging harassment may use the SUNY Discrimination Grievance Procedure for review of their allegations. Should disciplinary/conduct action be found necessary, the appropriate procedure applicable under present collective bargaining agreements or campus student conduct regulations will be used.

Students who believe they may be experiencing sexual harassment (whether it is student-student or faculty/staff-student) may be uncertain that specific actions constitute sexual harassment, so College policy allows for two procedural stages. The first stage provides students with advice and counsel and is strictly confidential. The second stage involves a formal investigation, which proceeds only if the student is willing to sign a written complaint (which may be made available to the accused).

The procedures for dealing with sexual harassment are as follows:

First Stage

1. Students are urged to bring questions about procedure or seek informal confidential advice relating to sexual harassment to the Title IX Coordinator (Sturges Hall 205; 585-245-5023); the Chief Diversity Officer (Doty 303; 585-245-5020); or the Dean of Students (College Union 354; 585-245-5706). If an individual desires to discuss personal thoughts and feelings, wishes to consider ways to deal individually with the incident(s), or explore procedural options, the Title IX Coordinator (Sturges Hall 205; 585-245-5023) will offer counseling and appropriate referral.

2. Specific complaints of sexual harassment should be made to Title IX Coordinator (Sturges Hall 205; 5023); (or designee). In some cases, the Title IX Coordinator may discuss concerns with the person complained against without formal charges being filed.

Second Stage

3. If a student requests a formal investigation of the incident(s), a written complaint signed by the student identifying the accused individual(s) and the unwanted behavior should be submitted to the Title IX Coordinator. If the student declines to file a written request, the investigation will not proceed and no copy of the complaint retained. Except as required by the demands of the investigation and enforcement of policy, the matter will be treated confidentially by the College. Failure to cooperate with the investigation, retaliation in any form against the complainant, or breach of confidentiality will be independent grounds for institutional action.
4. Should disciplinary/conduct action be found necessary, the appropriate procedure applicable under present collective bargaining agreements or campus student conduct regulations will be used.
 - (a) In cases of student-student harassment, the Title IX Coordinator (or designee) will investigate and charges will be based on the Student Code of Conduct and the Campus Conduct System. Procedures and due process rights afforded students will be governed by the Student Code of Conduct. Students are encouraged to refer to the Student Code of Conduct for the specific procedures and guidelines that govern Geneseo student conduct proceedings.
 - (b) In faculty/staff-student cases, the Title IX Coordinator will investigate and will forward a copy of the signed complaint to the appropriate labor relations manager.

The Title IX Coordinator (or designee) determines if the complaint falls under the provisions of the Sexual Harassment Policy and if the facts presented in the case warrant investigation.

The College will take prompt and appropriate remedial action, which may include disciplinary/conduct action against a faculty member, student or employee found in violation. The College will also respond to any attempt to retaliate against a student, faculty member, or employee complainant and will provide for third-party evaluation of course performance when appropriate.

5. If the Title IX Coordinator (or designee) determines that the alleged facts presented in the complaint do not warrant investigation, the student, faculty member, or employee will be so informed. The student, faculty member, or employee may provide additional evidence. If the complaint is concluded at that stage, no copy of the complaint is retained.

The use of these procedures is strongly encouraged for any person who believes that they has been a victim of sexual harassment. Any complaint should be submitted as soon as possible. For student-student harassment, the deadline for filing a complaint is no later than six months after the event takes place. In consultation with the Title IX Coordinator, the Dean of Students may waive the six-month limitation when a late submission is reasonable, as determined by the Dean of Students. Faculty/staff-student harassment complaints should also be made as soon as possible, but in no case more than one year after the alleged harassment has occurred.

Filing a complaint with the University does not preclude a grievant from filing with outside enforcement agencies, such as the EEOC, the State Division of Human Rights, or the Office for Civil Rights of the United States Department of Education.

For further information, contact the Title IX Coordinator at 585-245-5023.