

St. Thomas Aquinas College

ANTI-HARASSMENT POLICY

****This policy applies except in circumstances in which New York State Executive law (as amended by SB6577), Title IX of the Education Amendments Act of 1972 and/or New York State Education Law Article 129-B impose different requirements. Generally, the Sexual Harassment Policies govern workplace sexual harassment and the Gender- and Sex-Based Sexual Misconduct Policy addresses Title IX matters. Questions concerning the applicability of these policies should be directed to the Office of Human Resources.***

A. ANTI-HARASSMENT POLICY AND PROCEDURES

1. Policy Statement:

St. Thomas Aquinas College is committed to a working and learning environment in which all individuals are treated with respect and dignity. Every member of our campus community has the right to work and learn in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, St. Thomas Aquinas College expects all members of the College community to assume responsibility for ensuring that all decisions and interactions among students, employees and other members of the community are free of unlawful bias, prejudice and harassment.

The College also is committed to the principles of academic freedom and recognizes that enthusiastic discussion and debate, as well as open inquiry and free expression, foster critical thinking skills and are essential in an academic environment. This policy will be administered in an endeavor to recognize both objectives and to provide all protections recognized under the law.

2. Scope of Applicability:

This policy applies to all members of the College community, individuals doing business with the College, and any person utilizing or visiting campus facilities. This will include St. Thomas Aquinas' campus, any off-site facilities where the College's business is conducted, and work-related travel. In addition, harassment by electronic means, such as by telephone, email, Internet postings, or other messaging means is prohibited to the same extent as in-person conduct.

3. Definition of Harassment:

Harassment is any verbal, non-verbal or physical conduct directed at an individual because of traits protected under federal, state or local law, including, but not limited to: a person's gender, race, color, national origin, ancestry, religion, creed, physical or

mental disability, marital status, age, sexual orientation, genetic predisposition, military status, domestic violence victim status or any other basis protected by federal, state or local law, that is severe and/or persistent and is likely to interfere significantly with an individual's work or education, or adversely affect an individual's living conditions on campus and create an intimidating, offensive or hostile environment. Isolated incidents (e.g., a single comment) ordinarily will not constitute harassment. However, a single sexual advance may constitute harassment if it is linked to the granting or denial of employment benefits. Also, a single incident involving conduct of a physical nature may constitute harassment.

"Quid pro quo" harassment, arises where submission to harassment is used as a basis for employment decisions or academic advancement (e.g., promotions, raises, better working hours, grades, special accommodations, etc., are linked to compliance with sexual advances).

Therefore, only someone who possesses authority to grant or deny such benefits can engage in "quid pro quo" harassment.

"Hostile work or learning environment" harassment arises where the harassing conduct creates an offensive and unpleasant working or learning environment for a person to whom harassing conduct is directed or for other persons whose environment is affected by, for example, observing the harassing conduct.

4. Prohibited Activity:

In accordance with applicable law, St. Thomas Aquinas College prohibits all forms of harassment which includes any unwelcome conduct, whether verbal, physical, or visual, that is directed at an individual because of any trait protected by law. Such conduct is unlawful and prohibited whenever it affects tangible job benefits, unreasonably interferes with an individual's work or academic performance, or creates an intimidating, hostile, or offensive working or learning environment.

Examples of Prohibited Sexually Harassing and Other Unlawful Harassing Conduct:

- Verbal or physical conduct designed to threaten, intimidate, or coerce. This may include verbal taunting (including racial and ethnic slurs or negative stereotyping) or physical actions which impair the employee's ability to perform his or her job or interfere with the employee's or student's work or academic performance.
- Distribution, display or discussion of any written or graphic material that ridicules, denigrates insults, belittles, or shows hostility or aversion toward an individual or group because of protected status.
- Verbal or physical conduct designed to threaten, intimidate or deter an employee or student from reporting potential harassment.
- Offensive or derogatory comments or jokes.

- Any conduct involving “kidding” or “teasing,” or “practical jokes” based on a person’s race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, age, sexual orientation, genetic predisposition, military status, domestic violence victim status or any other basis protected by federal, state or local law.
- Blocking someone’s path or impeding movement or otherwise using unwarranted physical force to restrict the freedom of movement of another person.
- Deliberate destruction of another’s property.
- Overt threats or intimidation.
- Discrimination in the provision of employment opportunities, benefits or privileges or in any education program or activity based on one of the enumerated protected traits.
- Use of discriminatory evaluative standards in employment or academic evaluation based on one of the enumerated protected traits.
- Unwelcome sexual advances, requests for sexual favors or repeated requests for dates.
- Vulgar or lewd comments or jokes.
- Graphic or sexual comments about an individual’s dress or body.
- The use of sexually degrading words to describe an individual.
- Physical contacts such as patting, pinching, or repeated brushing against another’s body.
- Promise or provision of promotions, raises, better working hours, better grades, or special accommodations based on compliance with sexual advances or harassment.
- Any other unwelcome written, verbal or physical conduct of a sexual nature when:
 - There is a promise or implied promise of preferential treatment or negative consequence regarding employment decisions or status, e.g., promotions, raises, better working hours, better grades, or special accommodations.
 - Such conduct has the effect of creating an intimidating or hostile or offensive work or academic environment, or unreasonably interferes with a person's work or academic performance.
 - The sexual conduct or communication of others offends a third party.

Sexual Harassment may occur between members of the same or opposite sex. Further, harassment based upon a person’s sex is not limited to instances involving sexual behavior. That is, harassment on the basis of sex may occur without sexual advances or sexual overtones when conduct is directed at individuals or groups because of their sex. This often is referred to as gender- or sex-based harassment and violates this policy.

The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, student or a non-employee.

5. Responsibility:

For Employees: Director of Human Resources is responsible for assuring institutional compliance with this policy and with any applicable federal and state laws with respect to claims of illegal discrimination and harassment as they relate to incidents other than those that are determined to be gender based, or of a sexual nature.

For Students: The Vice President and Dean of Student Development is responsible for assuring institutional compliance with this policy and with any applicable federal and state laws with respect to claims of illegal discrimination and harassment as they relate to incidents other than those that are determined to be gender based, or of a sexual nature.

For All Members of the College Community: The Title IX Officer is responsible for assuring institutional compliance with this policy and with any applicable federal and state laws with respect to claims of illegal discrimination and harassment that are determined to be gender-based, or of a sexual nature.

Title IX Officer and Deputy Coordinators

College Title IX Officer:

Maria Coupe, Director of Human Resources
Borelli Hall 206E, 845-398-4044, mcoupe@stac.edu

Title IX Deputy Coordinators:

Norman Huling, Associate Dean of Student Development
Romano Student Alumni Center, 845-398-4068, nhuling@stac.edu

Nicole Ryan, Acting Athletic Director & Senior Woman Administrator
Aquinas Hall, Athletic Department 845-398-4163, nryan@stac.edu

Benjamin Wagner, Assistant Professor of Psychology, School of Arts & Sciences
845-398-4212, bwagner@stac.edu

6. The College's Response:

The College will actively work to prevent and eliminate discrimination and harassment on campus and will respond promptly, positively, and aggressively to deal with any incidents. This response may include referral to counseling and/or disciplinary action, up to and including discharge for employees and expulsion of students who violate this policy.

7. Supervisor Guidelines:

All supervisory personnel (administrators, cabinet members, directors, deans, managers, supervisors) are required to:

- Properly respond to discrimination and harassment complaints.
- Promptly notify the
 - Director of Human Resources and Section 504 / Title IX / Age Act Compliance Officer when they observe or otherwise become aware of incidents of harassment, and when they receive reports or complaints of employee harassment involving employees, which are not gender-based or of a sexual nature.
 - Vice President and Dean of Student Development when they observe or otherwise become aware of incidents of harassment, and when they receive reports or complaints of harassment involving students, which are not gender-based or of a sexual nature.
 - Title IX officer when they observe or otherwise become aware of incidents of harassment, and when they receive reports or complaints of harassment which are gender-based or of a sexual nature.
- Participate in education and training on harassment prevention as provided by the Office of Human Resources.
- Discourage discrimination and harassment in their areas of responsibility.
- Ensure compliance with this policy in their areas of responsibility.

8. Reporting Procedures:

Harassment:

Any employee or individual who feels that he or she is the victim of unlawful harassment, or who has witnessed an incident of possible harassment, should promptly report the incident to his or her immediate supervisor, or Director of Human Resources.

Any student who feels that he or she is the victim of unlawful harassment, or who has witnessed an incident of possible harassment, should promptly report the incident to the Vice President and Dean of Student Development.

Employees, supervisors, and managers have an affirmative obligation to report any incident of harassment because of race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, age, military status, or any other basis

protected by federal, state or local law they may observe or become aware of, even if they are not the target or victim of such harassment.

Gender-Based or Sexual Harassment:

Employees, supervisors, and managers have a legal obligation under Title IX to report any incident of sexual harassment, harassment based on sexual orientation, genetic predisposition, or domestic violence victim status, or any other basis protected by federal, state or local law that relate to gender- and sex-based sexual misconduct or sexual harassment or discrimination they may observe or become aware of, even if they are not the target or victim of such harassment.

The College will investigate all incidents promptly and in an impartial manner. The individual reporting the discrimination or harassment will be interviewed to establish what has occurred, who was directly involved in the incident(s) and other individuals who may have witnessed the incident(s).

While it is not possible to maintain absolute confidentiality and still effectively investigate a discrimination or harassment complaint, the investigation will involve only those persons who have necessary information or a legitimate need to know in order to investigate and address the situation fully, and comply with the College's legal obligations.

The individual who reported gender- and sex-based sexual misconduct or sexual harassment will be advised of the results of the investigation. If that individual is not satisfied with the handling of a complaint, he/she may make a written request to the President of the College to review the matter.

Investigations into reports or complaints of gender- and sex-based sexual misconduct, discrimination or harassment and reports of or complaints of a sexual nature are processed in accordance with procedures outlined in the College's Gender- and Sex-Based Sexual Misconduct policy or the College's Sexual Harassment Policy, both found above.

9. No Retaliation for Reporting or Participating in Investigations:

Retaliation against any faculty member, administrator, staff member, student, member of the public or applicant for employment for reporting any instance of harassment or for participating in an investigation is strictly prohibited.

Any employee or individual who has filed a complaint of harassment, who has reported witnessing harassment or who has participated in the harassment complaint process and feels he or she has been subjected to adverse actions as a result should report this to Director of Human Resources. However, allegations proven to have been made

falsely and with malicious intent are violations of College policy, and will be treated as a serious matter.

Any student who has filed a complaint of harassment, who has reported witnessing harassment or who has participated in the harassment complaint process and feels he or she has been subjected to adverse actions as a result should report this to the Vice President and Dean of Student Development. However, allegations proven to have been made falsely and with malicious intent are violations of College policy, and will be treated as a serious matter.

St. Thomas Aquinas College does not discriminate in its educational programs, activities or employment practices based on race, color, national origin, sex, sexual orientation or expression, disability, age, religion, ancestry, genetic information, marital status, veteran status or any other legally-protected category. Announcement of this policy is in accordance with State and with Federal law, including Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967 and the Americans with Disabilities Act of 1990.

For more information, please contact:

Maria Coupe

EEO, Section 504/ADA and Title IX Compliance Officer

125 Route 340, Sparkill, NY 10976

845-398-4044