



The State University  
of New York

# SUNY Sexual Harassment Prevention Training

SUNY Office of General Counsel  
Introductory Training 2020-2021



# About Using This Training

This training was prepared pursuant to New York State Law and SUNY Policy by the Office of General Counsel, State University of New York and may be used and customized for non-commercial educational purposes by SUNY institutions and non-SUNY institutions of higher education, with credit to the State University of New York.

This represents introductory training. The University may issue further modules in future years for advanced or refresher training.

SUNY Office of General Counsel, Fall 2020-2021

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# What We Will Cover

- Definitions and examples
  - Types of Sexual Harassment
  - Sex Stereotyping
  - Retaliation
- Recognizing harassment and what comes next
- Available resources, both internal and external

# The Policy

SUNY and its campuses prohibit sexual harassment and unequal treatment on the basis of sex or gender.

SUNY's Policy 6501 provides details and important information and sets a baseline for individual campus policies prohibiting such unlawful conduct.

Please visit the page to learn more:

[SUNY Discrimination and Sexual Harassment Complaint Procedure](http://bit.ly/SUNYDCP) (<http://bit.ly/SUNYDCP>)

# Sex Discrimination

Sex discrimination includes all forms of sexual harassment, including verbal sexual harassment and sexual violence **by** employees, students, or third parties **against** employees, students, or third parties.

Anyone can be a Reporting Individual or a Respondent. Discrimination can impact **all genders** and **employees at all ranks** of the institution.

# Sexual Harassment

**Sexual harassment** is a form of **workplace discrimination** and **employee misconduct**, as well as a form of discrimination in the academic setting.

Sexual harassment is unlawful, and all employees and students have a **legal right** to a workplace and a campus free from sexual harassment.

Authority: Federal and State Law, including the New York Human Rights Law, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, prohibit unequal treatment on the basis of sex/gender.

Employees and students can enforce this right by filing a complaint internally with the University, or with a government agency, or in a court under federal or state anti-discrimination laws

See [SUNY Discrimination and Sexual Harassment Complaint Procedure](http://bit.ly/SUNYDCP) (<http://bit.ly/SUNYDCP>)

# What Is Sexual Harassment?

It includes unwelcome conduct, either of a sexual nature or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive work or learning environment. (Hostile Environment)
- Such conduct is made either explicitly or implicitly a term or condition of employment or academic benefit (Quid Pro Quo)
- Submission to or rejection of such conduct is used as the basis for employment or academic decisions (Quid Pro Quo)

Note: In 2020, the U.S. Department of Education issued Regulations modifying the scope and coverage of Title IX. This does not change other laws or their definitions. For more information, visit [bit.ly/TIX2020](https://bit.ly/TIX2020) or contact the Title IX Coordinator or Human Resources.

# Hostile Environment

Sexual or discriminatory displays or publications anywhere in the workplace. For instance:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic
- Sexual displays on workplace computers or cell phones and sharing such displays in the workplace or classroom
- Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience



# Hostile Environment

## (Part Two)

Hostile actions taken against an individual because of that individual's sex. This can include:

- Rape, sexual battery, molestation, or attempts at these assaults
- Physical acts of a sexual nature, such as touching, pinching, patting, grabbing, kissing, hugging, brushing against or poking another person's body
- Interfering with, destroying or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job

# Hostile Environment

## (Part Three)

Hostile actions taken against an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

# Quid Pro Quo

- When a person in authority trades, or tries to trade, job benefits or a favorable grade or academic opportunity for sexual favors or a sexual relationship
- Can occur when someone has the ability to grant or withhold job benefits
- Includes offering better conditions in exchange for sex, or threatening a denial of opportunity if sex is refused
- Includes unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning a target's job benefits/detriments, or an educational benefit/detriment
  - Subtle or obvious pressure for unwelcome sexual activities

# Sex Stereotyping *is* Sexual Harassment

- Harassing a person because that person may not conform to other people's ideas or perceptions about how individuals of a certain sex should act or look
- Harassment because someone is performing a job that is usually or was previously performed mostly by persons of a different gender **is gender discrimination**

# Other Types of Workplace Harassment

Any harassment or discrimination based on a protected characteristic is prohibited in the workplace and may lead to disciplinary action against the perpetrator

- Protected characteristics: age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity, and criminal history

# What to Do?

## **If you are harassed:**

- Report harassment to supervisor, manager, or person designated to receive complaints
- Use complaint form provided by Policy #6501
- Report any behavior that is inappropriate, without worrying about whether it is harassment

## **If you witness sexual harassment:**

- Report it to a supervisor, manager, or designee

# What to Do?

## (Part Two)

### **Where can Sexual Harassment Occur?**

- Whenever and wherever employees fulfill their work responsibilities:
  - Employer-sponsored events [whether on- or off site]; Conferences; Office Parties
  - POSSIBLY in a non-work scenario during non-work hours [Fact-specific]

# The Supervisor's Responsibility

Supervisors and managers are held to a higher standard:

- Required to report harassment reported to them, which they observe, or which they reasonably should have known about
- Expected to model appropriate behavior
- Subject to discipline for failing to report suspected harassment, or otherwise knowingly allowing sexual harassment to continue
- Subject to discipline for engaging in retaliation





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# SAVR Resource Site

## Sexual Assault & Violence Response (SAVR) Resources

SUNY takes reports of sexual assault, domestic violence, dating violence and stalking seriously. If you are a member of a SUNY community and have experienced any of the above, this Sexual Assault & Violence Response (SUNY SAVR) Resources Website provides you with information you can use to seek resources and support, and to report the crime to law enforcement and the campus.

- Choose a language - ▾

SUNY students and employees have the right to make a report to University Police/Campus Security, local law enforcement, and/or the State Police or choose not to report; to report the incident to your college; to be protected by the college from retaliation for reporting an incident; and to receive assistance and resources from your college.

EXIT SITE

To leave site click above, or press <Esc> key

Resources by Campus: ▾

- OR -

Resource Search by Zip Code or Map

- OR -

View NYS Resources

RESET PAGE

SUNY's policy is that response to sexual violence and related crimes is driven by the reporting victim/survivor. What that means is that in line with Federal and New York State law, while the University encourages you to use all of the response, support and reporting (including criminal reporting) resources offered here, the choice of what resources to use and when is for the victim and survivor.

[SAVR Resource Site \(https://response.suny.edu\)](https://response.suny.edu)

# Campus Contacts To Report Harassment

 [response.suny.edu/](https://response.suny.edu/)



SAVR includes contact information for each campus (where available):

- Human Resources
- Title IX
- University Police/Public Safety
- LGBTQI+ Specific Resources
- Disability Services
- Counseling
- Anonymous Reporting
- Outside local and national resources, and
- Campus specific resource page



# You Can Also Report To

[Equal Employment Opportunity Commission \(EEOC\)](https://www.eeoc.gov)

(<https://www.eeoc.gov>)

[Division of Human Rights \(DHR\)](https://dhr.ny.gov)

(<https://dhr.ny.gov>)

[Department of Education Office for Civil Rights \(OCR\)](https://www2.ed.gov/about/offices/list/ocr)

(<https://www2.ed.gov/about/offices/list/ocr>)

More information on reporting is available at:

[SUNY Discrimination and Sexual Harassment Complaint Procedure](http://bit.ly/SUNYDCP)

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# Retaliation

**Definition:** Any adverse action to alter an employee's terms and conditions of employment because that individual engaged in protected activities.

Any employee engaged in protected activity is protected from being retaliated against. Retaliation is prohibited against any participant in the reporting process.

Failure to properly report a covered incident against someone else may result in discipline.

# Retaliation (Part Two)

## **Protected activities** include:

- Making a complaint about harassment or suspected harassment
- Providing information during an investigation
- Testifying in connection with a harassment complaint

**Adverse actions** include: Discharge, demotion, discipline, sudden change in work schedule or work location.

Note: Not every negative action is retaliation. In order to constitute retaliation, the negative action must be linked to a protected activity.

# Questions?

 [response.suny.edu/](http://response.suny.edu/)



Please feel free to direct any further questions to your campus Human Resources or Employee Relations Office.

You may contact them through the campus dropdown at the [SAVR Resource Site](http://response.suny.edu) (<http://response.suny.edu>).



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# SUNY Sexual Harassment Prevention Training

## Thank You

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