

## **ST. BONAVENTURE UNIVERSITY GENDER-BASED AND SEXUAL MISCONDUCT POLICY SUPPLEMENT**

**October 9, 2018**

In compliance with New York State law, the College provides for the following notifications concerning workplace sexual harassment. The following does not replace -- and is instead in addition to -- the College's Sexual Misconduct Policy. Sexual harassment is defined in the College's Gender-Based Discrimination and Sexual Misconduct Policy, and the procedures for reporting, investigating and adjudicating complaints of sexual harassment are contained in that Policy.

The College's policies addressing sexual harassment apply to all employees. They also apply to 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, such as interns and temporary employees

Sexual harassment is a form of employee misconduct. A College employee who is experiencing sexual harassment or suspects that another employee is being harassed may contact his/her supervisor or department head, Human Resources, or the Title IX Coordinator. A College supervisor or manager who receives a complaint or information about workplace sexual harassment is required to take appropriate action. Appropriate action may include immediately intervening if harassment is witnessed by the supervisor or manager, and in all instances includes reporting the situation to the Title IX Coordinator. In addition to being subject to discipline if they themselves engage in sex discrimination, sexually harassing conduct, or retaliation, persons with supervisory authority over other College employees will be subject to discipline for knowingly allowing sexual harassment to continue. A reporting form is provided as an attachment to this policy that employees may use, if they wish, to submit a report of workplace sexual harassment.

The College reserves the right to take action to correct -- including to discipline -- behaviors that violate the College's professional conduct expectations even if the conduct does not violate the law. Therefore, not all situations that violate College policy will constitute a violation of the law or allow for a legal remedy. The following agencies enforce laws prohibiting sexual harassment. An individual who has experienced harassment may file a complaint with the College only or also may file a complaint with an enforcement agency.

**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. Complaining internally to the College does not extend your time to file with DHR or in court.

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](http://www.dhr.ny.gov). The DHR can be contacted at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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.

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](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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.

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. An employee who believes that a crime has been committed, or if the employee believes he/she is in physical danger, is urged to file a report with campus security or the local police department immediately.

Individuals are reminded that no one who in good-faith makes a complaint of sexual harassment or participates in an investigation into sexual harassment -- whether an internal College process or an external enforcement agency process -- may be retaliated against. Retaliation is against College policy and it is against the law.

# Workplace Harassment Report Form

Submit to the Title IX Coordinator or Human Resources Department

## REPORTING PERSON INFORMATION:

Your Name\*: \_\_\_\_\_ Your Job Title: \_\_\_\_\_

*\*You may submit a report anonymously. However, please understand that the College's ability to investigate and to respond to anonymous information may be limited.*

## REPORTED INFORMATION:

- (1) Please describe the conduct or incident(s) that is the basis of this report. Please use additional sheets of paper if necessary and attach any relevant documents or evidence currently available to you.
  
- (2) Please list the date(s) that the incidents occurred (provide approximate dates, if you do not have exact dates):
  
- (3) Please list the name(s) of any witnesses or individuals that may have information related to the incidents of concern:
  
- (4) Have you previously reported this conduct? If so, please explain the person(s) to whom the information was reported and any action(s) taken about which you are aware:
  
- (5) What action would you like the College's to take in response to this situation?\*

*\*\*The College will consider your information and additional information gathered through an investigation in reaching a conclusion as to whether there has been a violation of our policies. The College may not necessarily respond in the way most preferred by the reporting individual. However, a reporting individual's wishes will be considered when deciding what responsive action is appropriate.*

**THANK YOU FOR REPORTING THIS INFORMATION. WE WILL BE IN TOUCH WITH YOU PROMPTLY. IF ANY ADDITIONAL INCIDENTS OCCUR, INCLUDING IF YOU EXPERIENCE ANY ACT OF RETALIATION, PLEASE INFORM THE TITLE IX COORDINATOR OR HUMAN RESOURCES IMMEDIATELY.**