



Jamestown Community College
Policies and Procedures

Policy Title	Sexual Harassment Response and Prevention	Policy Number	045
Section	Governance, Organization and General Information	Approval Date	8/21/2018
Subsection	Individual Rights	Effective Date	8/21/2018
Responsible Office	Human Resources	Review Date	

1.0 Purpose

1.1 To protect the safety and well-being of JCC students and staff by maintaining educational and working environments that are free from discrimination and harassment.

2.0 Policy

2.1 It is unlawful and against Jamestown Community College (JCC) policy to harass anyone because of that person's sex or gender. JCC acts promptly to remedy sexual harassment and prevent its recurrence.

2.2 Every employee and student is entitled to an environment free from sexual harassment, which has devastating economic, psychological, and physical effects on its victims, and the cost to the College in human and financial terms may be enormous. Sexual harassment is also illegal.

2.3 Victims of sexual harassment have protection under the law. To protect potential victims of sexual harassment, and to protect our College, JCC is taking affirmative steps to increase awareness of and sensitivity to sexual harassment, and to maintain a workplace free of its deleterious effects.

2.4 Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in employment on the basis of race, color, religion, national origin or sex. The Equal Employment Opportunity Commission (EEOC) has amended its guidelines on sex discrimination to include sexual harassment as an unlawful employment practice under Section 703 of Title VII.

2.4.1 In accordance with these guidelines, unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature will constitute sexual harassment when:

- Submission to the conduct is either an explicit or implicit term or condition of employment; or
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the person rejecting or submitting to the conduct; or
- The conduct has the purpose or effect of unreasonably interfering with an affected person's work performance, or creating an intimidating, hostile or offensive work environment.

2.5 Sexual harassment can include physical touching, verbal comments, non-verbal conduct such as leering or inappropriate written or electronic communications, or a combination of these things. Examples of sexual harassment may include, but are not limited to:

- Seeking sexual favors or relationships in return for the promise of a favorable grade or academic opportunity
- Conditioning an employment-related action (such as hiring, promotion, salary increase, or performance appraisal) on a sexual favor or relationship
- Intentional and undesired physical contact, sexually explicit language or writing, lewd pictures or notes, and other forms of sexually offensive conduct by individuals in position of authority, co-workers or student peers, that unreasonably interferes with the ability of a person to perform his or her employment or academic responsibilities.

2.5.1 Such harassment is a violation of Title VII and the New York State Human Rights Law and will not be tolerated within JCC.

2.5.2 Sexual harassment can occur between males and females, or between persons of the same sex.

2.5.3 Sexual harassment is considered a form of employee and student misconduct which may lead to disciplinary action.

2.6 Retaliation against anyone for making a report under this policy is prohibited and may result in discipline, up to and including termination.

2.7 JCC prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct.

3.0 Procedures

3.1 Supervisory personnel have an obligation to take all possible steps to ensure that this Sexual Harassment Policy is distributed, understood, and adhered to.

3.2 Responsible Employees under Title IX, which includes any employee who has the authority to take action to redress or the duty to report incidents of sexual misconduct, are required to report any instances of sexual harassment to JCC's Director of Human Resources.

3.3 If you are experiencing behavior that is causing you to be uncomfortable at work, in class or anywhere on campus, we strongly encourage you contact the Human Resources Department to explore your options. Individuals who have been subjected to or witnessed sexual harassment, may also contact the Human Resources Department anonymously if you are more comfortable doing so.

3.4 Employees alleging harassment may use the SUNY Discrimination Complaint procedure which can be found online at https://www.suny.edu/sunypp/documents.cfm?doc_id=451. Employees may also report such inappropriate conduct to the Human Resources Department, the Title IX Officer, their supervisor, or other responsible JCC employee.

3.5 Students alleging harassment may use the SUNY Discrimination Complaint procedure which can be found online at https://www.suny.edu/sunypp/documents.cfm?doc_id=451. Students may also report such

inappropriate conduct to the Title IX Officer, the Vice President of Student Development, or other responsible SUNY employee.

3.6 Filing a complaint with the College does not preclude an individual who is subjected to sexual harassment from also filing with outside enforcement agencies, such as the EEOC, the State Division of Human Rights or the Office for Civil Rights. Complaints of sexual harassment may be filed with the College at:

Director of Human Resources
COCE
716-338-1035

Coordinator of Campus Safety/Title IX Coordinator
COCE
716-338-1015

3.7 Incident Investigation

3.7.1 Any allegations of sexual harassment will be investigated immediately.

3.7.2 As circumstances warrant, JCC may refer the matter to local police for their review of potential violation of civil and/or criminal law.

3.7.3 To the fullest extent possible, investigation of complaints will be conducted with due regard to privacy.

3.8 Should disciplinary action be found necessary, appropriate procedures will be used, including, if applicable, the procedures of the collective bargaining agreements or campus student judiciary regulations. It is important to note that behavior in the workplace or classroom may fall short of the legal standard for sexual harassment, but still may be addressed as unprofessional and/or inappropriate.

3.9 The Human Resources office will be responsible for ensuring that all employees receiving training on sexual harassment response and prevention.

4.0 Definitions

4.1 Sexual Harassment: Generally described as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic benefit; or
- Submission to or rejection of the conduct is used as the basis for an employment or academic decision affecting the person rejecting or submitting to the conduct; or
- The conduct has the purpose or effect of unreasonably interfering with an affected person's work or academic performance, or creating an intimidating, hostile or offensive work or learning environment.

5.0 References

5.1 Title VII of the Civil Rights Act of 1964

5.2 New York State Human Rights Law

5.3 Title IX of the Educational Amendments of 1972