

# Discrimination and Harassment Policy

## Policy on Non-Discrimination and Harassment

In compliance with applicable federal, state and local laws, Russell Sage College ("RSC" or "Sage") does not discriminate on the basis of race, color, gender, gender characteristics and expression, sexual orientation, age, religion, actual or perceived national origin, actual or perceived gender identity, marital status, military or veteran status, physical or mental disability, status as a victim of a sexual assault, relationship violence, and/or stalking, genetic predisposition and carrier status, previous convictions as specified by law, or any other characteristics protected by applicable law (the "Protected Characteristics"), in any aspect of its admissions or financial aid programs, educational programs and related activities, or with respect to employment and advancement in employment. Sage is committed to providing a work and learning environment that is free from discrimination and harassment by anyone based on an individual's Protected Characteristics, or because the individual has engaged in activity protected by federal or state laws prohibiting discrimination.

Sexual harassment is a form of discrimination that subjects an individual to inferior conditions of employment or education due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of genderbased discrimination, but recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace.

The purpose of this policy is to teach employees and students to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination at RSC. This policy is one component of RSC's commitment to a discrimination-free environment.

The Title IX Coordinator/EEO Specialist and the Director of Human Resources have been designated by RSC to coordinate its efforts to comply with applicable nondiscrimination laws and regulations. Questions or concerns regarding the scope and application of RSC's Discrimination and Harassment Policy & Procedure For Students and Employees (the "Policy") should be directed to the Title IX Coordinator/EEO Specialist, Amanda Bastiani, 518-244-4809, [titleix@sage.edu](mailto:titleix@sage.edu) (students), or to Human Resources, 518-244-2391, [hr@sage.edu](mailto:hr@sage.edu) (employees).

Cait York, Director of Disability Services, is the individual designated by Sage to coordinate its efforts to comply with reasonable accommodation obligations towards qualified individuals with disabilities. Questions or concerns regarding reasonable accommodation of individuals with disabilities should be directed to Sage Section 504 Compliance Officer, Cait York, Director of Disability Services, Third Floor of the Albany Library and Hart Hall, Sage 518-292-8624, 518-244-2208.

*NOTE: If a Formal Complaint is filed that alleges conduct that could constitute Title IX Sexual Harassment, as defined under the Title IX Grievance Procedure the Title IX Grievance Procedure will apply, and this Complaint, Investigation, and Disciplinary Procedure DOES NOT apply. However, if the Formal Title IX Complaint is dismissed, RSC may still choose to investigate the alleged discrimination or harassment under this policy, if RSC determines that the alleged discrimination or harassment may potentially violate this policy.*

*NOTE: If a complaint alleges conduct that could constitute a Sexual Offense, as defined under the Sexual Offense Policy, the Investigation and Disciplinary Procedures for Sexual Offense Cases Handled Outside of the Title IX Grievance Procedure will apply, and this Complaint, Investigation, and Disciplinary Procedure DOES NOT apply. However, if the Sexual Offense investigation is dismissed, RSC may still choose to investigate the alleged discrimination or harassment under this policy, if RSC determines that the alleged discrimination or harassment may potentially violate this policy.*

**Goals of this Policy:** Sexual harassment and discrimination are against the law. After reading this policy, employees, students, and covered individuals will understand their right to a campus free from harassment. Employees, students, and covered individuals will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees, students, and covered individuals are encouraged to report sexual harassment or discrimination by filing a complaint internally with RSC. Employees, students, and covered individuals can also file a complaint with a government agency or in court under federal, state, or local anti discrimination laws. To file a complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file an employment complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

#### Sexual Harassment and Discrimination Prevention Policy:

1. This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with RSC. In the remainder of this document, the term “employees” refers to this collective group. This policy also applies to students. The policy also applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace, including independent contractors, gig workers, temporary workers, and persons providing equipment repair, cleaning services, or any other services through a contract with RSC. For the remainder of this policy, we will use the term “covered individual” to refer to these individuals who are not direct employees of RSC.
2. Sexual harassment is unacceptable. Any employee, student, or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees and students. In New York, harassment does not need to be severe or pervasive to be illegal. Employees, students, and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee, student, or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee or student of RSC who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees, students, and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, the Title IX Coordinator/EEO Specialist, or Director of Human Resources. All employees, students and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.

4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject RSC to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct. Students who engage in harassment or discrimination will also be penalized for this behavior.

5. RSC will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. RSC will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, RSC will act as required. In addition to any required discipline, RSC will also take steps to ensure a safe work or educational environment for the employee(s) or student(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.

6. All employees, students and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees and students will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee, student, or covered individual who prefers not to report harassment to RSC may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both RSC and a government agency.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Title IX Coordinator/EEO Specialist or the Director of Human Resources.

7. This policy applies to all employees, students, and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

## What Is Prohibited Harassment?

Prohibited harassment is a form of discrimination that is unlawful under federal, state, and (where applicable) local law and is unacceptable. Prohibited harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. The New York State Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics.

In general, harassment can consist of spoken, written, and/or electronically transmitted words, signs, jokes, pranks, intimidation, or physical violence based on the protected characteristics of an employee or student, which alters the work or educational environment of that employee or student. While the most well-known type of prohibited harassment is sexual harassment, applicable laws and/or this policy also prohibit harassment based on any of the Protected Characteristics. In addition, retaliatory harassment resulting from an individual's protected activity (i.e., opposition to prohibited discrimination or participation in a statutory complaint process) is also prohibited.

Discrimination and harassment are prohibited on RSC campuses. Harassment of students who are working or studying outside the campus proper is prohibited as well. RSC is committed to preventing and correcting all such harassment, not just harassment which is severe or pervasive enough to provide the basis for a claim under federal or state law.

## Sexual Harassment

RSC is committed to maintaining a campus free from sexual harassment. Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees, students, or covered individuals differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different from the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace or educational environment.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee, student or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the RSC's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

Sexual harassment includes unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature, when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile or offensive work or educational environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment or education depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment or education are based on an individual's acceptance to or rejection of such behavior. Such decisions for employees can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work or educational environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee, student, or covered individual finds offensive or objectionable, causes the individual discomfort or humiliation, or interferes with the employee's job or educational performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits or educational benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment. Any employee, student, or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy. This Policy prohibits all forms of sexual harassment, regardless of whether the harassment may give rise to a legal claim under Title IX, Sexual Offense Policy, or state or federal law. Conduct that does not meet the definition of sexual harassment under Title IX may still be prohibited under RSC's Sexual Offense Policy or this Policy.

**The full text of Russell Sage's Discrimination and Harassment Policy can be found here:**

<https://www.sage.edu/wp-content/uploads/2023/08/Discrimination-and-harassment-policy.pdf>