

Discrimination and Harassment Policy

Policy on Non-Discrimination and Harassment

In compliance with applicable federal, state and local laws, Russell Sage College (“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.

Matters covered under these procedures in the employment relationship include, but are not limited to, recruitment, hiring, job assignment, compensation, promotion, discipline, termination, and access to benefits and training. Matters covered in the academic setting include, but are not limited to, admission, housing, allocation of financial aid, use of college facilities, and the assignment of grades.

The Title IX Coordinator/EEO Specialist has been designated by Sage to coordinate its efforts to comply with applicable nondiscrimination laws and regulations. Questions or concerns regarding the scope and application of Sage Discrimination and Harassment Policy & Procedure For Students and Employees (the “Policy”) should be directed to the Title IX Coordinator/EEO Specialist, Dishpaul S. Dhuga, J.D., 518-244-4809, titleix@sage.edu.

Katherine Norman, 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, Katherine Norman, Director of Disability Services, Third Floor of the Albany Library and Hart Hall, Sage 518-292-8624, 518-244-2208.

What Is Prohibited Harassment?

Prohibited harassment is a form of discrimination. In general, it 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. This prohibition applies to anyone on Sage campuses. Harassment of students who are working or studying outside the campus proper is prohibited as well. Sage 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

Sage is committed to maintaining a campus free from sexual harassment. Sexual harassment is unlawful and may subject Sage to liability. Any possible sexual harassment will be investigated whenever Sage receives a complaint or otherwise knows of possible sexual harassment occurring. Those who engage in sexual harassment will be subject to disciplinary action.

Under federal and state law, sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- Such conduct is made either explicitly or implicitly a term or condition of employment or enrollment,
- Submission to or rejection of such conduct is used as the basis for employment or academic decisions; or
- 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 educational environment, even if the complaining individual is not the intended target of the sexual harassment.

However, this Policy prohibits all forms of sexual harassment, regardless of whether the harassment may give rise to a legal claim. A single incident of inappropriate sexual behavior may be enough to rise to the level of sexual harassment, depending on the severity of such incident.

Prohibited sexual harassment includes, but is not limited to the following:

Physical assaults of a sexual nature, such as:

- Rape, sexual battery, molestation, or attempts to commit these assaults; and
- Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employees' body.

Unwanted sexual advances, propositions or other sexual comments, such as:

- Requests for sexual favors;
- Subtle or obvious pressure for unwelcome sexual activities;
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience;
- Spoken, written, and/or electronically transmitted verbal remarks of a sexual nature (whether directed to an individual or a group);
- Sexually explicit, offensive, or sex-based jokes and comments; and
- Sexual or gender-based comments about an individual or an individual's appearance.

Sexual or discriminatory displays or publications anywhere in the workplace, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning, pornographic.

A type of sexual harassment known as "quid pro quo" harassment occurs when a person in authority tries to trade job or academic benefits for sexual favors. This can include hiring, promotion, grading, scheduling, continued enrollment or employment, or any other terms conditions or privileges of enrollment or employment. To avoid the potential for quid pro quo sexual harassment, it is the policy of Sage that no sexual relationship should exist between supervisor (or evaluator) and subordinate, including between student workers and their supervisors, or between teachers and students. If a sexual relationship develops in such a situation, the supervisory authority and/or responsibility for grading, evaluation, etc. should be promptly transferred to another individual.

Sexual harassment is neither limited by the gender of either party, nor limited to supervisor-subordinate or teacher-student relationships. Sexual harassment can occur between male and female students and employees, or between persons of the same sex. Sexual harassment that occurs because the victim is transgender is also unlawful.

Other Types of Harassment

Prohibited harassment on the basis of a Protected Characteristic, or any other protected basis, includes behavior similar to sexual harassment, such as: (1) verbal, written, and/or electronically transmitted conduct, including threats, epithets, derogatory comments, or slurs; (2) visual conduct, including derogatory posters, photographs, cartoons, drawings, or gestures; and (3) physical conduct, including assault, unwanted touching, or blocking normal movement. Sage will not tolerate any such harassment.

Prohibition of Retaliation

It is a violation of federal and state law and this policy for any employee or student to retaliate against any student or employee for engaging in any protected activity under the Violence Against Women Act, the Clery Act, Title VI, Title VII, Title IX, the New York Human Rights Law, the ADA, the Rehabilitation Act, the ADEA, and other federal and state civil rights laws.

Unlawful retaliation can be any action, more than trivial, that would have the effect of dissuading a reasonable worker from making or supporting a charge of harassment or any other practices forbidden by the Law. Actionable retaliation by an employer can occur after the individual is no longer employed by that employer. This can include giving an unwarranted negative reference for a former employee.

This includes retaliating against a student or employee who opposes a discriminatory practice, makes a good faith complaint about harassment and/or discrimination, or furnishes information or participates in any manner in an investigation of such a complaint.

Retaliation includes any conduct directed at someone because he or she engaged in such protected activity, which might deter a reasonable student or employee from making or supporting a charge of harassment or discrimination. Protected activity can include any of the following:

- filing a complaint of discrimination or harassment, either internally with Sage, or with any anti-discrimination agency,
- testifying or assisting in a proceeding or investigation involving discrimination or harassment,
- opposing discrimination or harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of discrimination or harassment,
- complaining that another student or employee has been discriminated against or harassed,
- encouraging another student or employee to report discrimination or harassment, and
- requesting an accommodation for a disability or a religious practice.

Retaliation is unlawful and will not be tolerated. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including, termination of employment and/or dismissal from Sage.

Any employee or student who becomes aware of retaliation against a student or employee should contact the Title IX Coordinator/EEO Specialist or other senior officer immediately.

Confidentiality

Sage will, to the extent possible, maintain confidentiality with respect to complaints of discrimination and prohibited harassment. However, there is no such thing as an unofficial complaint of discrimination or harassment. Once Sage or its supervisors become aware of a complaint, Sage is required by law to take action consistent with this policy.* These actions may require disclosure of the allegations to the extent necessary to conduct a complete and thorough investigation.

**College employees who learn of alleged discrimination or prohibited harassment as a result of privileged communications with a student (e.g., through a counseling relationship) are exempted from this requirement.*