



SEXUAL HARASSMENT AND
OTHER FORMS OF UNLAWFUL
HARASSMENT AND
DISCRIMINATION POLICY
&
CAMPUS SECURITY PROCEDURES

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INTRODUCTION

The purpose of this pamphlet is to provide the College community with a definition of sexual harassment and other forms of unlawful harassment and discrimination policies and to explain College policies and procedures related to sexual offenses and other criminal behavior on campus. It also contains information about campus security procedures.

This pamphlet is being issued in compliance with New York State Education Law, Art. 129-A, Section 6450, 10a and with the Federal Campus Crime Awareness and Campus Security Act of 1991 (public Law 101-542, as amended by Public Law 102-26)

GRIEVANCE RELATING TO ALLEGATIONS OF SEXUAL HARASSMENT AND ALL OTHER FORMS OF UNLAWFUL HARASSMENT AND DISCRIMINATION

A. St. Joseph's Policy Against Discrimination and Sexual and Other Forms of Unlawful Harassment.

It is the policy of St. Joseph's College not to discriminate against any individual on the basis of race, color, religion, sex, national or ethnic origin, citizenship, age, handicap, or disability, status as a Vietnam Era or special disabled veteran, or other veteran who served in a war, campaign or expedition for which a campaign badge has been authorized, martial status, or based on an individual's status in any group or class protected by applicable federal, New York State, or New York City Law. This policy applies to all terms and conditions of employment, education programs, admission policies, financial aid, and all other school administered programs or policies.

In keeping with the spirit and intent of this policy, the college also prohibits any form or unlawful harassment against any individual based on sex, race, national origin, disability, veteran status, or based on any individual's status in any group or class protected by applicable federal, state, or local law.

1. With respect to sexual harassment, the College prohibits the following:

Unwelcomed sexual advances, requests for sexual favors, and all other verbal or physical conduct of sexual or otherwise offensive nature, especially where:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic standing;
- submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting such individual;
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance or of creating an intimidating, hostile, or offensive academic decisions affecting such individual;

2. Offensive comments, sexual or otherwise offensive jokes, innuendos, and other sexually orientated statements. Examples of the types of conduct expressly prohibited by the College include, but are not limited to, the following:

- Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body;
- sexually-suggestive touching;
- grabbing, groping, kissing, fondling;
- violating another's personal space;
- wolf or other offensive whistling;
- lewd, off-color, sexually-orientated comments or jokes;
- foul or obscene language;
- leering, staring, stalking;
- suggestive or sexually-explicit posters, calendars, photographs, graffiti, cartoons;
- unwanted or offensive letters or poems;
- sitting or gesturing sexually;
- offensive e-mail or voice-mail messages;
- sexually-orientated or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, prowess;

- questions about one's sex life or preferences;
- repeated requests for dates;
- sexual favors in return for academic rewards, or threats if sexual favors are not provided;
- sexual assault or rape;
- any other conduct or behavior deemed inappropriate for the College environment by the College in its sole discretion.

Although sexual harassment usually involves a power relationship, and more commonly occurs in the faculty-student context, sexual harassment can also occur in a student-student relationship. Sexual harassment of one student by another student is also explicitly prohibited, and will not be tolerated.

Please note: The intent of the harasser is not the relevant issue. It is the impact of his or her behavior on the other person that determines whether the behavior is sexual harassment. As a general rule, if you are not sure if a comment is appropriate, don't say it. If you are not sure if an action is appropriate, don't do it. If another person makes it clear that he or she finds your comments or behavior offensive, or your expressions of interest unwelcome, don't attempt to pursue the relationship. Any repeated unwelcome effort to pressure or force another person to enter into or continue a relationship is sexual harassment, as are repeated offensive comments or actions.

Please note: A faculty member's selection of academic materials will ordinarily not form the basis for a sexual harassment complaint.

The College takes complaints alleging discrimination and harassment very seriously. Any individual who believes he or she has been subjected to discriminatory treatment or harassment should promptly report the incident following the procedure set forth below.

B. Procedure for Resolving Complaints Alleging Sexual and Other Forms of Unlawful Harassment and Alleged Discrimination

1. The President of the College shall appoint a panel of at least three (3) persons chosen from the faculty and/or administrative members of the College community to handle complaints. An appropriate announcement of the formation of the panel and its membership should be disseminated to the College community. The Coordinator of Discrimination Policies (Dr. Paul Ginnetty) is responsible for overseeing compliance with the College's policies prohibiting sexual or any other form of unlawful harassment or discrimination. The Coordinator of Discrimination Policies serves as the non-voting presiding officer when either panel meets to review a complaint. It is the intent of the College to ensure that all investigations are conducted in a prompt, thorough, and objective manner. In this connection, if the Coordinator determines that it would be appropriate for any panel member to be involved in the investigation of any complaint (e.g. the panel member reports to the alleged offender and would not be viewed as objective), the Coordinator shall discuss the matter with the President and recommend that an alternative panel member be appointed for that particular investigation.
2. Any member of the College community who believes he or she has been subjected to sexual or any other form of unlawful harassment or discrimination (e.g. based on race, sex, national origin, disability, etc.) or who becomes aware of acts of harassment or discrimination, or other improper conduct performed by another member of the College community, should communicate that information to a member of the pane or to the Coordinator of Discrimination Policies. If a panel member is notified he or she is to inform the Coordinator of the allegation immediately, and the Coordinator will determine the appropriate course of action. The College will take appropriate action to address all complaints, including conducting an investigation, where appropriate, and will also take prompt remedial action against any violator of the College's policy if the investigation reveals a policy violation has occurred.
3. Ordinarily, allegations of sexual harassment should be made within thirty (30) days of the alleged incident or thirty (30) days after a final grade is received, if that date is later.
4. The initial effort to resolve a complaint shall be made on an informal basis, and the College will endeavor to take reasonable steps to ensure the privacy of both parties, and to keep the matter confidential to the maximum extent practicable.
5. If a satisfactory informal resolution is not achieved within a reasonable time, a formal, signed complaint should be filed with the Coordinator of Discrimination Policies within fifteen (15) days of the failure of the informal process. The entire panel will meet with both parties independently as soon as possible after the written complaint is filed to review the allegations. Both parties will be asked to present any evidence they have to support their position, and for the names of any witnesses. The panel may interview any members of the College community or any other individuals who are believed to have pertinent information and factual knowledge regarding the matter. A written report with recommendations will be submitted to the President usually within thirty (30) days after the panel has conducted its investigation.
6. Normally within fifteen (15) days of receipt of the report from the panel, the President or a delegate will communicate the final decision regarding the complaint to the complainant, the respondent, and to the panel members.

7. If a sanction is deemed appropriate, it may range from a verbal reprimand, written warning, disciplinary probation, suspension, or expulsion for students; a verbal reprimand, written warning, or termination of employment for employees. If the offense, in the opinion of the College, rises to the level of a criminal nature, local law enforcement authorities may also be involved.
8. Ordinarily, if the complainant wishes to withdraw his or her complaint, and terminate the proceedings before a full review is completed, the panel will meet and prepare a summary of the claims and allegations and, if possible, a statement of findings based on the material evidence available.
9. The College prohibits any form of retaliation against any student or employee who files a complaint in accordance with this procedure, provides testimony as a witness, or otherwise cooperates with the College in connection with any complaint or investigation, the College takes complaint of sexual and other forms of unlawful harassment and discrimination very seriously. Therefore, if any individual files a frivolous complaint, or intentionally provides false or misleading information or evidence regarding the complaint, disciplinary action may be taken against the individual who filed the frivolous complaint or intentionally provided the false or misleading information or evidence.

**OTHER SEX OFFENSE
&
LEGAL CONSEQUENCES**

Sexual offenses which may be deemed criminal behavior include:

- Sexual misconduct
- Rape
- Sodomy
- Sex Abuse
- Aggravated sex abuse

These offenses are defined in Section 103 of the New York State Penal Code. More detailed information on these offenses is available in the Office of Counseling and Career Services.

If any student or employee believes he or she has been subjected to one of these acts on campus, that person has the right to press criminal charges against the actor. The police would conduct the investigation of these allegations, and the judicial authorities would impose penalties. These penalties may include imprisonment.

If a complainant reports an offense to the College, but prefers not to press criminal charges, the College reserves the right to conduct its own investigation and determine whether the charges are valid and what, if any, penalty should be imposed. If criminal charges are lodged and are later dismissed, or if the defendant is found guilty, the College reserves the right to make an independent judgment about the continued enrollment or employment of the defendant, based upon consideration of the overall well-being of the College community.

COUNSELING & SUPPORT SERVICES

- The Director of Counseling and Career Services is available for individual counseling and where appropriate, to refer to outside agencies.
- The President's Panel on Sexual Harassment is available to deal with allegations of sexual harassment on campus.

The College lists the following agencies that deal with sex offenses, but makes no recommendation concerning these agencies.

BROOKLYN/QUEENS/MANHATTAN

St. Vincent's Hospital and Medical Center

Department of Community Medicine-Rape Crisis Unit
212-604-8068

Sex Crimes Report Line (NY Police Department)

212-267-7273

212-267-7272

Women's Survival Space

PO Box 200-279

Brooklyn, New York 11220

718-439-1000 (hotline)

NASSAU COUNTY

Nassau County Coalition Against Domestic Violence, Rape and Sexual Assault

516-222-2293 (Hotline)

Nassau County Police Special Victims Squad

516-573-7816

Nassau County Coalition Against Domestic Violence

516-542-0404

SUFFOLK COUNTY

Victim Information Bureau of Suffolk

631-360-3606 (Domestic Violence & 24 hour rape & Sexual Assault Hotline)

Response of Suffolk (Hotline)

631-751-7500 (Recording)

Suffolk County Police Department-General Number

631-852-6000

Family Counseling Services- East End

631-288-1954 (recording)

INFORMATION ON CAMPUS SECURITY PROCEDURES AND METHODS EMPLOYED BY THE INSTITUTION TO ADVISE AND UPDATE STUDENTS ABOUT SECURITY PROCEDURES (provided pursuant to Public Law 101-542, as amended by Public Law 102-26)

President's Policy Statement re: Behavioral Expectations

At St. Joseph's College, New York, there is a commitment to the dignity and unique value of each member of the College Community. There is also a commitment to the creation of a civil, peaceful, safe, and just environment, in which each person can work, learn recreate, and develop to his or her fullest potential. The following policies and procedures have been developed to further the creation of such an environment, and are subject to regular encouraged to contribute positively to this review.

A. Procedures and Facilities to Report Crime on Campus:

Anyone, who is aware that a crime has been committed on campus, or believes that a crime is about to be committed on campus, should report it immediately to the Receptionist who will initiate the proper procedures. If the situation is a critical one and involves personal injury or the imminent danger of same, or if it is believed that a dangerous person or persons may be on campus, a verbal report is sufficient. As soon as the incident is over and the danger has passed, a detailed written report should be prepared and filed in the Office of Student Services.

The institution's response will vary according to the specific facts involved in each situation. These responses may include:

- Conducting an internal investigation (e.g. in cases of theft of property, sexual abuse, etc.)
- Imposing appropriate sanctions/penalties
- Calling in law enforcement officials
- Providing for or referring for counseling a victim of a crime on campus
- Detaining and, if necessary, restraining without undue use of force a person reasonably believed to have committed, or is about to commit a criminal act on College property

B. Statement of Current Policies re: Security and Access to Facilities

St. Joseph's College makes every effort to assure that all facilities are secure. Students and staff members are required to present proper identification on demand, as are this with legitimate business to conduct on the premises.

The procedures St. Joseph's College employs to insure security on its campuses are varied. Depending on the facility and time in question, these procedures may include:

- Use of two-way radios for instant communication among plant/security personnel, with pre-arranged codes to indicate the existence of an emergency (i.e. intruder)
- Use of alarms and grates on windows to safeguard buildings, especially at night
- Availability of security personnel to escort students, employees, or guests to their cars, upon request.
- Constant replacement of outdoor lights, trimming of hedges and bushes near pathways, installation of mirrors to provide visibility in certain “blind spots”, etc.

C. Current Policies re: Campus Security Personnel and Law Enforcement Agents:

College security personnel are not armed, and are not expected to serve as law enforcement agents. Security personnel are instructed to call the police in situations in which a reasonable fear of harm to persons or property exists, or in which a crime is known or believed to have occurred. The local police are extremely cooperative. College security personnel have received appropriate training.

All student and employees are encouraged to be alert and report to the receptionist all crimes that occur on campus.

D. Programs Designed to Inform Students and Employees About Campus Security Procedure and Practices Include:

- Orientation, which is required for all new students, incorporates a section on campus security, use of ID cards, reporting procedures as noted in (A) and (C) above, etc.
- Newly hired employees are informed about these matters at the time of hire.
- Changes and improvements made in campus security procedures and practices are communicated via written memos, by articles in the weekly newsletter, or, if appropriate, at faculty meetings and meetings of the Student Government Association and or the College Advisory Council.

E. Programs Designed to Inform Students and Employees About the Prevention of Crime May Include:

1. Periodic formal presentations by representatives of the local police, at which many practical points are made.
2. Drug and Alcohol Abuse Education Programs- All students are encouraged to attend. Student-athletes are required to participate.
3. Availability of a physical education course in Self-Defense
4. Distribution of pamphlets on crime preventions, rape, etc.

F. **Crime Reports** - Title II of the Campus Crime Awareness and Campus Security act of 1990 requires that colleges and universities provide statistical information concerning the occurrence on campus during the most recent calendar year, and during the two preceding calendar years for which the data are available on the following criminal offenses:

- Murder
- Robbery
- Motor Vehicle Theft
- Rape
- Aggravated Assault
- Burglary
- Hate Crimes

The Act further requires that college and universities must report the Number of arrests on campus for the following non-violent crimes:

- Liquor Law violations
- Drug Abuse violations
- Weapons Possession

This information is published at the beginning of each academic year, and it will be made available upon request. All inquiries should be directed to the Office of Student Services.

G. **Off-Campus Organizations**- The Act also requires a statement of policy concerning the monitoring and recording of criminal activity related to off-campus student organizations whose participants are students of the institution. Since St. Joseph's College does not have such off-campus student organizations, this section is not applicable.

WHOM TO CONTACT AT ST. JOSEPH'S COLLEGE TO REPORT ANY INCIDENT OF SEXUAL HARASSMENT

Paul Ginnetty	631-447-3297
Monica Brennan	631-447-3283
Stan Fox	631-447-3864
Irene Mahon	631-584-7074 (Off-Campus Number)
Anna Bess Robinson	447-3318, Room N313
Ruppert Campbell	718-399-0179 or 718-636-6800 ext. 179
George Fasano	718-636-6813
Barbara Janusz	718-636-6813
Irene Nebel	718-636-6822
Carol Sullivan	718-636-6800, ext. 205