

Bard College

WORKPLACE SEX-BASED HARASSMENT SUPPLEMENTAL POLICY

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 Gender-Based Misconduct Policy.

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender. Sexual harassment is further defined and explained in the College's Gender-Based Misconduct Policy; the procedures for reporting, investigating and adjudicating complaints of sexual harassment are likewise contained in that policy. Employees are reminded that sexual harassment includes harassment based on sex/gender, which includes unwelcome sexual conduct, or offensive or discriminatory conduct based on sex/gender, self-identified or perceived gender, gender identity, gender expression, sexual orientation, and transgender status as well as harassment based on sex-stereotyping. Sexual harassment may be demonstrated by unequal treatment based on any of the forgoing factors.

The College's Gender-Based Misconduct Policy applies to all employees. It also applies to interns (paid and unpaid) and individuals who are not employees of the College but who are employees of contractors, subcontractors, vendors, consultants, and other persons who provide services in the College's workplace.

Sexual harassment is a form of employee misconduct. A College employee who is experiencing sexual harassment or suspects that another employee is being harassed should contact a supervisor or manager, Human Resources, or the Title IX Office. 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. 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.

The Human Resources Office or Title IX Office can provide you with a written complaint form that employees may use but are not required to use. In situations that involve workplace sexual harassment, the College will consider such a request but will be strongly inclined to proceed with appropriate responsive action to investigate and remedy offensive workplace behavior.

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 necessarily will constitute a violation of the law or allow for a legal remedy. The below agencies enforce laws prohibiting sexual harassment. An individual who has experienced harassment may file a complaint with the College only, may file a complaint with an enforcement agency in addition to filing with the College, or may file only with an enforcement agency. Complaining internally to the College does not extend your time to file a claim with an enforcement agency or in court. You do not need an attorney to file a complaint with an enforcement agency and there is no cost to file 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 based on sexual harassment may be filed either with DHR or in New York State Supreme Court, subject to a three-year statute of limitations.

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. The DHR can be contacted at (888) 392-3644 or visit 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 or via email at 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.

The New York City Human Rights Law protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Employees may also file complaints of sexual harassment with **the New York City Commission on Human Rights**. Employees have three years to file claims of gender/sexual harassment with the NYC Commission on Human Rights. More information is available at

https://www1.nyc.gov/assets/cchr/downloads/pdf/materials/SexHarass_Notice-8.5x11.pdf

https://www1.nyc.gov/assets/cchr/downloads/pdf/materials/SexHarass_Notice8.5x14_spa-US_FINALVERSION.pdf

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 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.