

# New York University Anti-Harrassment Policy and Complaint Procedures

2006-2007

## STATEMENT OF POLICY

New York University is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment — an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Harassment based upon race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, or any other legally protected basis is prohibited by law and undermines the character and purpose of the University. Such harassment is illegal and against University policy, and will not be tolerated.

This policy covers all members of the University community and those who affect the University community such as vendors or visitors. The University encourages everyone to report all incidents of harassment regardless of who the offender may be.

## I. DEFINITION OF PROHIBITED HARASSMENT

Prohibited harassment is conduct based on race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, or any other legally protected status when:

- (1) submission to or rejection of the conduct is either an explicit or implicit term or condition of employment, basis for participation or advancement in an academic program, or basis for participation in a University activity or benefit; or
- (2) such conduct creates an intimidating, hostile or offensive work, academic or residential environment; or
- (3) such conduct otherwise adversely affects employment or academic opportunities.

Examples of such prohibited conduct when based upon a legally protected status include, but are not limited to:

- Verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;

- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands;
- Physical assault or stalking;
- Displays or electronic transmission of derogatory, demeaning or hostile materials;
- Unwillingness to train, evaluate, assist, or work with an employee, faculty member, or student.

Harassment is unacceptable in the workplace, classroom, student and faculty housing, sports, University facilities, and in other University-related settings, such as study abroad programs and University-sponsored social functions and events. This behavior violates University policy even when it may not be sufficiently severe or pervasive to constitute a violation of law.

## II. RESPONSIBILITIES TO REPORT

All members of the University community should report incidents of harassment in order to support the University policy. In order to assure the University is free of prohibited harassment, University officers, deans, department heads, faculty members, directors, and supervisors are required to report all incidents of harassment that they may have witnessed or have been advised of.

The most appropriate recipients of reports are:

- (1) The Office of The Vice President for Student Affairs or the appropriate School's designee if the alleged harasser is a student;<sup>1</sup>
- (2) The Human Resources Representative of the appropriate School or Department or The Office of Employee Relations of the Human Resources Division if the alleged harasser is an employee, including a student employee;<sup>2</sup>
- (3) The Dean of the appropriate School or Faculty or the Dean's designee if the alleged harasser is a faculty member;<sup>3</sup> or
- (4) The Director of Equal Opportunity if the alleged harasser is a visitor, vendor, or other third-party.<sup>4</sup>

It is not always easy to interpret words or actions that may be ambiguous and one may think are inappropriate. Therefore, the offices noted above are available to discuss the circum-

stances and address matters before they become severe or pervasive.

## III. REPORTING A HARASSMENT COMPLAINT

All individuals who believe they have been harassed should file a complaint with the appropriate individuals or offices cited above. Verbal complaints should be reduced to writing by either the complainant or the individual who receives the complaint in order to preserve an accurate record. The written complaint should identify the parties involved; describe the harassing behavior; when and where it occurred; and identify by name or description any witnesses.

Complaints should be promptly reported so that appropriate action may be taken in a timely manner. However, the late reporting of complaints may not prevent appropriate remedial action.

Any conduct that may be in violation of this policy will be investigated, regardless of whether a complaint is filed, and appropriate remedial action will be initiated.

Effort shall be made to complete the investigation of a complaint within thirty (30) days of the report of the harassment. Extensions of the time frame may be necessary in some circumstances. The complainant and alleged harasser will be notified of the extension.

## IV. CONFIDENTIALITY

The University will maintain the confidentiality of the complaint to the greatest extent consistent with our goal of conducting a thorough and complete investigation. Effort will be made to safeguard the privacy and rights of all persons involved.

## V. INVESTIGATION AND DISPOSITION OF THE COMPLAINT

The investigator will conduct a prompt, thorough and impartial investigation of the complaint in the manner he or she deems necessary. The parties to the complaint will each have an opportunity to be heard during the investigation. The parties will also be informed of the status of the investigation as deemed appropriate. The investigation process is strictly internal to NYU, so the presence of legal counsel or third parties is

not permitted at any stage of the process unless otherwise required by law.

If it is determined that a violation of the University's harassment policy has occurred, prompt remedial action shall be taken. The nature of the remedial action and the process for its implementation will depend upon the particular facts and circumstances. If remedial action involves the imposition of sanctions, appropriate disciplinary procedures will be used. Sanctions imposed may be appealed through the appropriate appeals process. The findings and intended actions shall be communicated to the complainant and the alleged harasser.

If it is determined that no violation has occurred, such findings shall be communicated to the complainant and the alleged harasser.

If the results of an investigation show that the complainant knowingly filed false accusations of harassment, or that a witness gave false statements, such individuals will be subject to the appropriate disciplinary action.

## VI. RETALIATION

The University will take every step necessary to protect the complainant and any witnesses against retaliation for reporting the harassment or for participating in the investigation of a complaint.

Any employee, faculty member, or student who retaliates against an individual who complains of harassment, witnesses harassment, or participates in the investigation of a harassment complaint violates University policy and may be subject to sanctions. Complaints of retaliation should be reported as violations of this policy.

## VII. SEXUAL ASSAULT

Sexual assault is a sexual act against the will and without the consent of the victim or where the victim is incapable of giving consent. This includes conduct that would be considered criminal under the New York State Penal Code. Since the medical, emotional, and legal needs of a sexual assault complainant may differ from those of other harassment complaints, sexual assault victims should, in addition to filing a University complaint, report the assault to the police and pursue counseling and other services available at the University. Students should

consult the publication, New York University's Polices and Procedures Concerning Sexual Assault for guidance on medical and counseling services. Faculty members and employees should consult New York University's Faculty and Staff Assistance Program for medical and counseling service referrals.

## VIII. CONSENSUAL RELATIONSHIPS

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic relationships in situations where one individual has greater power or authority over another frequently result in claims of harassment when the relationship ends and a perception of favoritism while the relationship continues. Such relationships are inappropriate. A "consensual" relationship between a professor and his/her student, a supervisor and a subordinate, or a coach and team player are examples of inappropriate relationships. If a consensual relationship occurs, any situation of authority must be discontinued and appropriate action may be taken.

## IX. EDUCATION

The University supports a complete program for the education of its community with respect to the meaning and implementation of this policy. Training will be scheduled accordingly.

This policy does not form a contract of any kind. The University reserves the right to change or modify this policy as it deems appropriate and without notice. Any comments or suggestions concerning this policy should be forwarded to e. Frances White, Director of Equal Opportunity and Vice Provost for Faculty Affairs.

<sup>1</sup> See Contact List or call Title IX and Title VI Officer Thomas Grace, 212-998-4403.

<sup>2</sup> See Contact List for Human Resources Representatives, 212-998-1242.

<sup>3</sup> See Contact List for the Dean of the appropriate school.

<sup>4</sup> e. Frances White, 212-998-2370.

If a report is made to any of these offices, and that is not the appropriate office to receive the report, it becomes the responsibility of that office to forward the report to the appropriate office. If any of the persons at these offices is implicated in the harassment, or if a conflict of interest arises, the report should be made to the Director of Equal Opportunity. If that office is implicated, the report should be made to the Provost.