



## ***The City University of New York (CUNY)*** **POLICY AGAINST SEXUAL HARASSMENT**

### **Policy Statement**

It is the policy of The City University of New York to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University's non-discrimination policy. Sexual harassment is illegal under Federal, State, and City laws and will not be tolerated within the University.

The University, through its colleges, will disseminate this policy and take other steps to educate the University community about sexual harassment. The University will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the University community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

### **A. Prohibited Conduct**

It is a violation of University policy for any member of the University community to engage in sexual harassment or to retaliate against any member of the University community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

### **B. Definition of Sexual Harassment**

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- (2) submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between a faculty member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

### **C. Examples of Sexual Harassment**

Sexual harassment may take different forms:

**Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment include, but are not limited to the following:**

--Requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations);

--Submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.

**Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target finds, and a reasonable person would find, that an intimidating, hostile or abusive work or academic environment has been created. Examples of this kind of sexual harassment include, but are not limited to:**

--Sexual comments, teasing, or jokes;

--Sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;

--Graphic or sexually suggestive comments about an individual's attire or body;

--Inquiries or discussions about sexual activities;

--Pressure to accept social invitations, to meet privately, to date, or to have sexual relations;

--Sexually suggestive letters or other written materials;

--Sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching,

grabbing, kissing, or fondling;

--Coerced sexual intercourse or sexual assault.

#### **D. Consensual Relationships**

Amorous dating or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the University community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor or other member of the University community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the University community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this section, an individual has "professional responsibility" for another individual at the University if he or she performs functions including, but not limited to, teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer benefits such as promotions, financial aid or awards or other remuneration, or that may impact upon other academic or employment opportunities.

#### **E. Academic Freedom**

This policy shall not be interpreted so as to constitute interference with academic freedom.

#### **F. False and Malicious Accusations**

Members of the University community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

#### **G. Procedures**

The University shall develop procedures to implement this policy. The President of each constituent college of the University, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School shall have ultimate responsibility for overseeing compliance with this policy at his or her respective unit of the University.

In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility shall be required to report any complaint of sexual harassment to an individual or individuals to be designated in the procedures. All members of the University community are required to cooperate in any investigation of a sexual harassment complaint.

**H. Enforcement**

There is a range of corrective actions and penalties available to the University for violations of this policy. Students, faculty, or staff who are found, following applicable disciplinary proceedings, to have violated this Policy are subject to various penalties, including termination of employment and/or student expulsion from the University.

Effective: October 1, 1995  
(Revised January 1, 2005)

**This policy applies to all BMCC faculty, staff, and students, to all BMCC sponsored programs on or off the campus, and to visitors, vendors, contractors, etc., engaged in an activity or program on the campus.**

\*\*\*\*\*

**BMCC Sexual Harassment Awareness and Intake Committee Members –  
Academic Year 2008-2009**

All members of the BMCC Sexual Harassment Awareness and Intake Committee have been certified through extensive training to respond to inquiries and complaints of sexual harassment from any member of the college community. Student or employee complaints should be directed to any one of the committee members. All materials concerning Sexual Harassment are available in Room S750d and messages can be left there for other committee members. All committee members have an obligation to maintain confidentiality to the fullest extent possible. The members of the Sexual Harassment Awareness and Intake Committee are:

**Sexual Harassment Coordinator, Patricia A. Stein, Esq.**

Affirmative Action & Compliance, Room S750d, 212-220-1236/Fax: 212-220-1244

**Sexual Harassment Deputy Coordinator, Deborah Parker**

The Women's Center, Room S362, 212-220-8165

**Sexual Harassment Deputy Coordinator, Gloria Chao**

Human Resources, Room S716, 212-220-8304

**Ron Clare**

Business Management Faculty, Room S651, 212-220-8211

**Andrew Escobar**

Athletics, Room N208, 212-220-8263

**Harry Mars**

Student Activities, Room S206C, 212-220-8161

**Acte Maldonado**

Cooperative Education Faculty, Room S615, 212-220-8053

**Vinton Melbourne**

Media Services, Room S506a, 212-220-1392

**Antoinette Middleton**

Admissions, Room S303, 212-220-1267

**Edwin Moss**

Public Safety, Room S202, 212-220-8076

**Pedro Perez**

Counseling Faculty, Room S326, 212-220-8154

**Vanessa Rozzelle**

Counseling Faculty, Room S335, 212-220-8157

**Chris Stein**

Computer Information Systems Faculty, Room S130, 212-220-8383

**Lily Yi-Elkin**

International and Transfer Services, Room S305, 212-220-1270

**Mir Mohiuddin**

Public Safety, Room S202, 212-220-8077

**Anna Maria Aniban**

Human Resources, Room S713, 212-220-8303

**Walida Najecullah**

Manhattan Educational Opportunity Center, Room 1501, 125<sup>th</sup> Street location, 212-961-4383

Prepared by the BMCC Office of Affirmative Action & Compliance  
August 2008