WORKPLACE SEX-BASED HARASSMENT SUPPLEMENTAL POLICY

In compliance with New York State law, the University provides for the following notifications concerning workplace sexual harassment. The following does not replace - and is instead in addition to - the University's Sex-Based Misconduct Policy and Procedure (PDF).

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 University's Sex-Based Misconduct Policy and Procedure. 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 foregoing factors.

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

Sexual harassment is a form of employee misconduct. A University employee who is experiencing sexual harassment or suspects that another employee is being harassed should contact a supervisor or manager or the University's Title IX Coordinator Bernard Dufresne, **Executive Director of Institutional Equity and Title IX Coordinator, 163 William Street, 10th Floor (212) 346-1310 or (914) 923-2610 bdufresne@pace.edu.**

A University 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 and reporting the situation to the University's Title IX Coordinator. 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 University employees will be subject to discipline for knowingly allowing sexual harassment to continue.

The Sex-Based Misconduct Policy and Procedure contains a written complaint form that employees may use but are not required to use. The University will review any complaint received, and where the allegations suggest that sexual or gender-based harassment may have occurred or may be occurring, will take prompt, appropriate responsive action. The University will conduct an investigation, the scope of which will be tailored to the circumstances, and which will include interviewing the person making the complaint, the person accused and any relevant witnesses. If pertinent, documentation and other information will be obtained and reviewed, and a determination as to the appropriate outcome will be reached. The University will determine in its discretion the University policy and/or procedure that applies to a particular complaint.

The University reserves the right to take action to correct -- including to discipline -- behaviors that violate the University's professional conduct expectations even if the conduct does not violate the law. Therefore, not all situations that violate University policy necessarily will constitute a violation of the law or allow for a legal remedy. The following agencies enforce laws prohibiting sexual harassment. An individual who has experienced harassment may file a complaint with the University only, may file a complaint with an enforcement agency in addition to filing with the University, or may file only with an enforcement agency. Complaining internally to the University 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 may be filed either with DHR, subject to a three-year statute of limitations, 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.

This poster (PDF) provides written notice of employees' rights under the Human Rights Law. Spanish language poster (PDF) of employees' rights under the Human Rights Law.

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 University process or an external enforcement agency process -- may be retaliated against. Retaliation is against University policy and it is against the law.

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