

Policy on Prohibited Harassment

Part I. POLICY

Section 1: PROHIBITED HARASSMENT

In accordance with applicable law, Albany Law School prohibits sexual harassment and harassment because of race, color, national origin, ancestry, religion, creed, sexual orientation, physical or mental disability, marital status, age, or any other basis protected by applicable federal, state, or local law. Any such harassment will not be tolerated.

Section 2: SEXUAL HARASSMENT DEFINED

Applicable state and federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to the conduct is made a term or condition of employment or educational opportunity; or (2) submission to or rejection of the conduct is used as basis for decisions affecting the individual; or (3) the conduct has the purpose or effect of unreasonably interfering with the Employee's or Student's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment. This definition includes many forms of offensive behavior. The following is a partial list of behaviors that are or may be sexual harassment:

- a. Unwanted sexual advances;
- b. Offering employment or academic benefits in exchange for sexual favors;
- c. Making or threatening reprisals after a negative response to sexual advances;
- d. Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters;
- e. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about any Employee's or Student's body or dress;
- f. Verbal sexual advances or propositions;
- g. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes, or invitations;
- h. Physical conduct such as touching, assault, or impeding or blocking movements; or
- i. Retaliation for reporting harassment or threatening to report harassment.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment by a supervisor, harassment by a student, harassment by a faculty member, harassment by a staff member, or harassment by persons doing business with or for Albany Law School.

Section 3: OTHER TYPES OF HARASSMENT

Prohibited harassment on the basis of race, color, national origin, ancestry, religion, creed, sex, sexual orientation, gender identity, physical or mental disability, marital status, age, or any other protected basis, includes behavior similar to sexual harassment, such as, but not limited to:

- a. Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- b. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- c. Physical conduct such as assault, unwanted touching, or blocking normal movement; or
- d. Retaliation for reporting harassment or threatening to report harassment.

Part II. PROCEDURES

Section 1: HARASSMENT COMMITTEE

(a) The Harassment Committee shall be composed of three faculty members and four staff members, appointed by the Dean. One member will be designated by the Dean to call the first meeting in the fall of each academic year at which the Committee will select a Chair who will serve for that year.

(b) Members of the Harassment Committee shall receive annual training with respect to this policy, the procedures under this policy, and current legal issues regarding harassment. The Chair of the Harassment Committee shall arrange for this training in the fall of each year.

(c) Committee members shall serve three-year terms. Initial appointments shall include two members with terms of one year each, two members with terms of two years, and three members with terms of three years.

(d) The members of the Committee will treat each complaint confidentially; information obtained from the complainant will not be discussed with other personnel except as necessary to investigate and resolve the complaint.

(e) Notwithstanding the foregoing, the Dean and Chair of the Board of Trustees shall be given notice of any allegation of harassment when it becomes known to the Harassment Committee or any member thereof. The Dean and Chair of the Board of Trustees shall not be involved with the processing of any complaint that may be made or filed and shall consider any information received as confidential, except that the Chair, at his or her discretion, may consult with the Executive Committee of the Board of Trustees regarding the complaint and take steps necessary to protect the interest of the Law School.

(f) The Committee is charged with educating the Law School Community about harassment and this policy.

Section 2: INITIATING A COMPLAINT

(a) At the complainant's option, a complaint that one or more provisions of this policy have been violated may be brought to the Dean or any member of the Harassment Committee. A complainant is encouraged to promptly report any harassment. Members of the Law School community who are aware of instances of harassment prohibited by this policy are expected to report them to a Committee member.

(b) The Committee member to whom the complaint is brought or referred, will counsel the complainant as to the options available under this policy and may at the complainant's request, (i) help the complainant resolve the complaint informally and/or (ii) help the complainant draft a written formal complaint.

(c) In the event the initial complaint is presented to the Dean, the matter shall be referred by the Dean to a member of the Harassment Committee for further action.

Section 3: INVESTIGATION

(a) After receipt of any complaint, the Harassment Committee will conduct an investigation. The purpose of the investigation is to establish whether there is a reasonable basis for believing that the alleged violation of this policy has occurred. In conducting the investigation, the Harassment Committee or its designated investigator may interview the Complainant, the accused, and other persons believed to have pertinent factual knowledge. The Harassment Committee will prepare a written report of the investigation and its conclusions within 30 days of receipt of a complaint. At all times, the Harassment Committee or its designated investigator conducting the investigation will take steps to ensure confidentiality.

- (b) Possible outcomes of the investigation:
- (1) a negotiated settlement;
 - (2) a conclusion that the allegations are not warranted;
 - (3) a recommendation for formal action described in Section 4 of this policy;
 - (4) if the complaint is against student, a referral to the Assistant Dean for Student Affairs with a recommendation for further proceedings under the Student Disciplinary Rules;
 - (5) a referral to any other appropriate Albany Law School authority for further proceedings under any other applicable rules;
 - (6) any other recommendation deemed appropriate by the committee.

Section 4: FORMAL ACTION

(a) If after reviewing the report of investigation there is a reasonable basis for believing that the alleged violation of this policy has occurred, and a negotiated settlement cannot be reached, the Harassment Committee will recommend to the Dean that formal action be taken.

(b) The decision to take formal action, and any formal action, will be determined in accordance with appropriate procedures under faculty, staff, or student rules.

(c) In addition to procedures governing panel hearings under faculty or student rules, upon motion from the complainant or the accused, made before or after the start of the hearing process, the hearing panel shall close all or part of any hearing held in connection with a harassment complaint.

Section 5: PROTECTION OF THE PARTIES

(a) The complainant may be informed of significant steps taken during the investigation.

(b) All reasonable action will be taken to assure that the complainant and those participating in the investigation will suffer no retaliation as the result of their activities.

(c) In extraordinary circumstances, after consulting with the Executive Committee of the Board of Trustees, the Dean may, at any time during or after an investigation of a harassment complaint, suspend any member of the Law School Community who has been accused of harassment from Law School activities or responsibilities, if after reviewing the allegations and interviewing the accused, the complainant, and, if appropriate, others, the Dean finds that is reasonably certain that:

(1) the alleged harassment has occurred and;

(2) serious and immediate harm will ensue if the member of the Law School Community continues to participate in Law School activities or carry out Law School responsibilities.

(d) A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously, is subject to discipline under the rules that govern the faculty, staff and students.

(e) To the extent possible, the investigations and proceedings will be conducted in a way calculated to protect the confidentiality interests of both parties.

(f) During interviews, the complainant or the accused has the right to be accompanied by a representative of his or her choice, at his or her own expense.

(g) Formal action should be completed within 90 days of referral by the Harassment Committee. The complainant and the accused will be informed promptly about the outcome of the proceedings.

Committee Members with contact information:

<u>Name</u>	<u>Department</u>	<u>Location</u>	<u>Phone</u>	<u>E-mail</u>
Dorothy Hill term expires 2014	Faculty	U-205	ext. 3251	dhill@albanylaw.edu
Elizabeth Renuart term expires 2012	Faculty	M-414	ext. 3358	erenu@albanylaw.edu
Benjamin Schwartz term expires 2014	Information Technology Services	W-122	ext. 3350	bschw@albanylaw.edu
Alex Seita term expires 2013	Faculty	M-304	ext. 2363	aseit@albanylaw.edu
Jennifer Tromblee term expires 2013	Clinic	U-113	ext. 3225	jtrom@albanylaw.edu
<u>ex officio:</u> Sherri Donnelly Pershia Wilkins	Human Resources Diversity	U-226A M-C118	ext. 2396 ext. 3284	sdonn@albanylaw.edu pwilk@albanylaw.edu