

Policy Prohibiting Discrimination, Harassment and Retaliation in Employment

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I. EQUAL EDUCATION & EMPLOYMENT OPPORTUNITIES FOR ALL

The Union College mission calls on our community to provide “a rigorous, holistic, and immersive residential liberal education that emphasizes integration, innovation, inclusion, and reflection for every student.” To maintain an environment that is consistent with the mission and values of Union College (the “College”), the College is committed to equality of education and employment opportunity and strives to create a campus environment that is inclusive, values diversity and treats students, faculty and staff members on the basis of their individual performance and not on the basis of characteristics protected by federal, state and local law.

The College insists on providing all available educational, co-curricular, athletic, admissions and employment opportunities without regard to an individual’s race, traits historically associated with race, color, creed, religion, national or ethnic origin, citizenship status, sex (including pregnancy), affectional or sexual orientation, gender identity or expression, age, physical or mental disability, genetic predisposition, military status, marital or domestic partnership status, familial status, status as a victim of domestic violence, and/or other characteristics protected by applicable law. These aspects of diversity contribute to a rich campus community and must be protected from discrimination. The College also does not unlawfully discriminate against individuals based on their arrest or conviction history.

In furtherance of its commitment to inclusion, the College works with employees to remove barriers in admission or access to treatment or employment in its programs or activities, related to an individual’s disability, pregnancy-related condition, religion and status as a victim of domestic violence. Prospective and current employees in need of a workplace accommodation should contact the Associate Director of HR Compliance & Training.

Creating a safe campus environment is the responsibility of all members of the College community, both individually and collectively, and all members of the College community are expected to contribute to the prevention and elimination of discrimination, harassment and retaliation. In order to foster a climate that encourages reporting of discrimination, including harassment and retaliation, the College will actively educate the community, will respond to allegations promptly, will provide support measures to address the safety, emotional well-being, and equal employment opportunities of the individuals involved. Employees responding to reports of discrimination, harassment and retaliation, will act in a manner that recognizes the inherent dignity of the individuals involved.

Concerns and complaints related to equal opportunity in education and in employment based on aspects of diversity protected by law should be directed to:

Mary F. Simeoli, Esq.
Title IX Coordinator & Equal Opportunity Specialist

Reamer Campus Center
807 Union Street
Schenectady, NY 12308
518-388-6865
simeolim@union.edu

Amanda Brink-Forrest
Associate Director of Human Resources
17 South Lane
Schenectady, NY 12308
518-388-6304
brinkfoa@union.edu

Questions or complaints arising under Title IX should also be directed to the Title IX Coordinator & Equal Opportunity Specialist. Inquiries may also be directed to: U.S. Department of Education, Office for Civil Rights, 32 Old Slip 26th Floor, New York, New York, 646-428-3800; OCR.NewYork@ed.gov.

In order to achieve equitable results, the College will carefully review and/or investigate all reports and provide for fair and impartial evaluation and resolution.

II. PURPOSE & SCOPE OF POLICY

A. Statement of Institutional Values

Discrimination, including harassment and retaliation, is a violation of a person's rights, dignity and integrity. An act of discrimination represents a fundamental failure by a community member to recognize and respect the intrinsic worth and dignity of another. Acts of discrimination, including harassment and retaliation, are harmful to our community as a whole and will not be tolerated at the College. Such acts corrupt the integrity of the educational process and the workplace and are contrary to the holistic and immersive philosophy upon which the College mission is built.

All members of the College community should be free from discrimination, harassment and retaliation in the workplace. The College seeks to foster a climate free from discrimination through a coordinated education and prevention program and clear and effective policies, and investigative and grievance procedures that are prompt, equitable, and accessible to all. In response to any alleged violation of this Policy, the College will take all appropriate steps to eliminate the misconduct, prevent its recurrence, and address its effects.

Creating a safe campus environment is the responsibility of all members of the College community, both individually and collectively, and all members of the College community are expected to contribute to the prevention and elimination of discrimination, harassment and retaliation.

B. Purpose of Policy

The purpose of this Policy is to:

- Define terms related to discrimination, harassment and retaliation under College policy and applicable law to create a common community-wide understanding of prohibited conduct and clearly articulated set of behavioral standards;
- Identify resources and support for individuals who have experienced, are accused of and who witness workplace discrimination, harassment and/or retaliation;
- Identify the Title IX Coordinator & Equal Opportunity Specialist and Associate Director of HR Compliance & Training and their roles in collaborating with supervisors, managers and employees to prevent and respond to discrimination;
- Provide information about how an employee or other individual covered by this Policy can make a report; and
- Provide information about how the College will respond to, investigate, evaluate and resolve a report of workplace discrimination, harassment or retaliation.

C. Scope of Policy

This Policy applies when equal employment opportunity concerns arise concerning an applicant, employee, intern, or volunteer. The College's anti-harassment protections are also extended to independent contractors who do business with or on behalf of the College.

This Policy prohibits discrimination, harassment and retaliation whether engaged in by fellow employees, by a manager, by a student, volunteer, or by a third party who does business with or on behalf of the College (e.g., outside vendors, consultants and contractors). Conduct prohibited by this policy is unacceptable in the workplace and outside the workplace between covered individuals, including but not limited to, business trips, business meetings, social events and over the Internet. Prohibited harassment will be distinguished from behavior which, even though unwelcome, is appropriate to the carrying out of certain instructional, advisory or supervisory responsibilities. In determining whether speech constitutes harassment prohibited by this Policy, the academic freedom of the faculty engaged in pedagogy will be taken into account.

This Policy prohibits harassment based on protected status, including sex. In addition to this Policy, employees are also covered by the College's Title IX Policy, which prohibits certain forms of sexual harassment covered by Title IX of the Education Amendments of 1972 and the 2020

Title IX regulations. Please note it is not the responsibility of an employee to determine which policy will apply to address an incident of sexual harassment. All sexual harassment complaints involving an employee will be reviewed by the College's Title IX Coordinator & Equal Opportunity Specialist and the Associate Director of Human Resources Compliance & Training or designee to determine whether the conduct alleged falls under this Policy, the College's Title IX Policy and/or other College policies.

D. Terminology

As used in this Policy:

Reporting Party refers to the party alleging a violation of this Policy alleging discrimination, harassment or retaliation has occurred. A reporting party can be the alleged victim/target/recipient of the harassment or a party who witnessed the alleged harassment

Responding Party refers to the individual who has been accused of discrimination, harassment or retaliation.

Third Party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

Non-Member refers to independent contractors, vendors, visitors and others who conduct business with the College or on College property, all of which are expected to comply with this Policy.

Report refers to any incident or concern regarding discrimination, harassment or retaliation that is disclosed to the Title IX Coordinator & Equal Opportunity Specialist or to a manager or supervisor.

Complaint refers to an allegation of discrimination, harassment or retaliation that initiates the grievance procedure set forth below.

III. DEFINITIONS OF PROHIBITED CONDUCT

A. Forms of Workplace Discrimination

The sections below describe the specific forms of discrimination that are prohibited under federal law, New York State law, and Union College policy. The definitions below were adopted in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

1. Prohibited Discrimination

As an equal employment opportunity employer, Union College prohibits discrimination based on an individual's race, traits historically associated with race, color, creed, religion, national or ethnic origin, citizenship status, sex (including pregnancy), affectional or sexual orientation, gender identity or expression, age, physical or mental disability, genetic predisposition, military status, marital or domestic partnership status, familial status, status as a victim of domestic violence, and/or other characteristics protected by applicable law. These aspects of diversity contribute to a rich campus community and must be protected from discrimination. The College also does not unlawfully discriminate against individuals based on their arrest or conviction history.

Prohibited discrimination includes treating individuals differently (either bias against or preference toward) because of their protected status, treating individuals differently because of their association or affiliation with a protected group, failing to accommodate an applicant or employee's disability, pregnancy-related condition, or sincerely held religious belief, subjecting an individual to harassment because of their protected status or retaliating against an individual who has engaged in protected activity, including participation or opposition to unlawful discrimination.

2. Prohibited Harassment

Prohibited harassment is a form of discrimination and includes verbal, visual or physical conduct directed at an individual because of their protected status. Any such conduct violates this Policy. This conduct violates the law when it subjects a covered individual to inferior terms, conditions or privileges of employment because of that individual's protected status. Consistent with its commitment to an inclusive, diverse and respectful community, the College prohibits any conduct directed at an individual or group of individuals based on protected status, regardless of whether the conduct rises to the level of unlawful conduct.

Examples of prohibited harassment include, but are not limited to:

- Verbal conduct such as threats, epithets, derogatory comments or slurs based on a protected status (e.g., racial or ethnic jokes or comments, derogatory remarks or jokes about a person's disability, religion or religious garments, etc.);
- Visual conduct such as negative, derogatory or offensive posters, photographs, cartoons, drawings, gestures, emails, text messages, file transfers and postings on personal websites, social networks, blogs and other forms of social media;
- Physical conduct such as assault, unwanted touching or blocking normal movement.

3. Sexual Harassment / Gender-Based Misconduct

Sexual harassment in the workplace is a form of prohibited harassment and is strictly forbidden. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct based on an individual's sex, gender identity or expression or sexual orientation. Any such conduct violates this Policy.

Certain forms of sexual harassment (including but not limited to sexual assault, domestic violence, dating violence and stalking) are governed by the College's Title IX Policy and will be investigated and adjudicated in accordance with the procedures set forth in that Policy. All reports of gender-based misconduct that are brought against a staff or faculty member will be reviewed by the Title IX Coordinator & Equal Opportunity Specialist or designee and Associate Director of HR Compliance & Training or designee to determine whether any of the alleged conduct aligns with the definitions and jurisdiction of Title IX as defined by the 2020 regulations.

Examples of sexual harassment prohibited by this Policy include, but are not limited to:

- Unwelcome sexual advances or requests for sexual favors in exchange for a job, or promotion or some other employment or benefit (otherwise known as quid pro quo harassment);
- Verbal conduct such as sexual innuendos, suggestive comments, slurs, sexual jokes, sexual propositions, failing to use the name and gender pronoun that correspond to the gender identity with which an individual identifies, lewd remarks, threats, or comments about an employee's body or dress;
- Visual conduct such as distributing, displaying or discussing written or graphic materials (pictures, cartoons, memes, websites) that are sexually suggestive or show gender-based hostility, or content in written communications or postings on social media sites that is sexual in nature;
- Physical conduct such as unwanted touching, brushing, patting, pinching, or attention to one's body, or threats of or acts of sexual assault or molestation.
- Other forms of gender-based misconduct, including but not limited to acts of intimate partner violence, domestic violence, dating violence, sexual exploitation, voyeurism and stalking.

Sexual harassment can occur regardless of either party's gender, gender identity or expression or sexual orientation.

4. Retaliation

Union College will not tolerate retaliation of any kind against anyone who opposes a discriminatory practice, makes a good faith complaint about discrimination and/or harassment, or furnishes information or participates in any manner in an investigation of such a complaint. Retaliation includes any conduct, whether or not workplace or employment-related, directed at someone because he or she opposed a discriminatory practice, made a complaint of discrimination, or participated in such an investigation, which might deter a reasonable worker from making or supporting a charge of harassment or discrimination. Retaliation is unlawful and will not be tolerated. Any individual who believes that they have been subject to retaliation should file a complaint using the procedure set forth in this Policy.

B. Consensual Relationships Between Employees & Students

The College is committed to maintaining an environment where the education of students is of the greatest importance. Dating, romantic, or sexual relationships between College employees and students, even if consensual, can negatively interfere with the student's pursuit of learning and the educational environment and the integrity of the College. Power differentials, real or perceived, can diminish a student's ability to give meaningful consent to such a relationship. An employee's ability to provide College services without partiality is suspect when the employee and the student have a consensual relationship. Even when the employee and student act with integrity, others may perceive bias, partiality, or influence. Furthermore, the dissolution of these relationships can create discord and significantly impair the normal operations of the College.

For these reasons, consensual relationships between students and employees, including relationships that occur when College is not in session or students are on leave, are prohibited between students and staff or administrators and are discouraged in the strongest possible terms between students and faculty. For more information on the College Consensual Relationship Policy for faculty, review the following link: <https://www.union.edu/academic-affairs/faculty-governance-committees/union-college-faculty-manual>. For more information on the Consensual Relations Policy for staff, review the following link: <https://www.union.edu/files/human-resources/201808/2014-staff-handbook-revisionrevised-2-14-14-access.pdf>. For more information on the Consensual Relations Policy for administrators, review the following link: https://www.union.edu/files/human-resources/201807/administrator-manual-final-12-8-2005-access_0.pdf.

C. Anti-Harassment Policies and Freedom of Speech / Expression

Union College is also committed to the free and vigorous discussion of ideas and issues, which the College believes will be protected by this Policy. Union College is committed to protecting the academic freedom and freedom of expression of all members of the College community. This

Policy shall be applied in a manner that protects the academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include, but are not limited to, the expression of ideas, however controversial, in the classroom, residence hall, and, in keeping with different responsibilities, in workplaces elsewhere in the College community.

If the conduct in question is legally protected by academic freedom in accordance with the Academic Freedom Policy statement contained in the Faculty Manual (FM V.II), which is adapted from the AAUP “1940 Statement of Principles on Academic Freedom and Tenure,” it is incapable of legally creating a hostile environment in and of itself. To the extent allowed by applicable law, a determination of whether speech serves a pedagogical purpose is initially guided by the faculty speaker and his/her faculty peers (defined as members of the FEC).

IV. REPORTING

A. Reporting Options

The responsibility to detect and eliminate discrimination, harassment and retaliation in the workplace is one that is shared by all community members. The College’s complaint procedure provides for a prompt, thorough, and objective investigation into any claim of discrimination, harassment or retaliation and for appropriate remedial action when such an investigation reveals a violation of this Policy. In order to ensure conduct prohibited by this Policy ceases immediately, the College expects all employees and other members of the College community, regardless of whether they are the subject of or witness the conduct, to report all incidents of discrimination, harassment, and retaliation. When individuals feel that they have been subjected to discrimination, harassment, or retaliation, or have observed discrimination, harassment, or retaliation of or against others, the College encourages telling the offender to stop. If the individual does not feel comfortable telling the offender to stop or if the offensive behavior continues after telling the offender to stop, the College encourages individuals to report the conduct immediately to:

Mary F. Simeoli, Esq.
Title IX Coordinator & Equal Opportunity Specialist
Reamer Campus Center
807 Union Street
Schenectady, NY 12308
518-388-6865
simeolim@union.edu

Employees may also use the [Employee Reporting Form for Incidents of Discrimination, Harassment or Retaliation](#) to report discrimination, harassment or retaliation, which will be received by the Title IX Coordinator & Equal Opportunity Specialist.

Any manager, supervisor or Department Head who becomes aware of possible discrimination, harassment or retaliation, either through observation or through a report, must immediately notify the Title IX Coordinator & Equal Opportunity Specialist.

The Title IX Coordinator & Equal Opportunity Specialist oversees Union College's response to concerns of discrimination, harassment, and retaliation, and is the best resource for questions, concerns and complaints under this policy. Please be aware that this role is not a Confidential Resource, and, once made aware of any conduct that potentially violates this Policy, is legally obligated to take action to promptly correct discriminatory conduct.

B. Initial Assessment

The College will address all reports of discrimination. The College is responsible for reviewing and responding to all allegations of misconduct, regardless of whether that review culminates in an investigation under this Policy or referral to another College procedure, if appropriate.

The Title IX Coordinator & Equal Opportunity Specialist will review any reports of alleged discrimination, harassment or retaliation and will evaluate if the conduct described within the report is subject to this Policy, the Title IX Policy, or other College policy. If the alleged conduct falls within this Policy, the report will become a complaint and the College will move forward with an investigation as set forth below.

C. Support Resources & Interim Measures

Individuals seeking to talk to someone about an incident of discrimination in a confidential manner without making a report to the College or triggering any investigation or action by the College may utilize the College's Employee Assistance Program: 1-800-828-6025.

When appropriate, prior to or during the investigation, the College may take reasonable and appropriate interim steps to protect the safety and well-being of members of the College community, maintain the integrity of the investigative and/or resolution process, and deter retaliation.

V. INVESTIGATION PROCESS

A. Appointment of Investigators

The purpose of the investigation is to gather facts relating to the incident(s) reported and to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes discrimination, harassment and/or retaliation and/or another violation of College policy.

The Title IX Coordinator & Equal Opportunity Specialist may appoint one or more investigators, and/or serve as an investigator where appropriate. The investigators may either be internal (employees of the College) or external (non-College employees) at the discretion of the Title IX Coordinator & Equal Opportunity Specialist. Investigators will have been trained on topics such as investigative methods, trauma-informed interviewing, bias and evidence. The Title IX Coordinator & Equal Opportunity Specialist is responsible for ensuring that a conflict check is completed and that there are no conflicts of interest between the investigators assigned to the complaint and the parties to the complaint. The names of the investigators will be provided to the parties as a part of this conflict check.

B. Procedure & Time Frames

The investigator (or co-investigators, as appropriate) will promptly conduct a thorough fact-finding inquiry that will generally include interviews of the reporting party, the responding party and witnesses, as well as review of any written statements and any other sources of evidence the investigator deems appropriate. The reporting party and responding party will have equal access to the investigator and an equal opportunity to present evidence and witnesses for the investigator's consideration.

While the length of an investigation will depend on a variety of factors, including the nature and scope of the allegations, the number of parties and witnesses, and the availability of parties and witnesses, the investigator will seek to conclude the investigation within **45 business days** of receipt of the complaint.

Union College expects faculty, staff and other members of the College community to cooperate fully in the investigation process.

Employees who are involved in a complaint as a reporting party or responding party may be accompanied by an individual of their choosing for support during interviews and other investigatory meetings. However, adversarial hearings, including confrontation, cross-examination by the parties, and active advocacy by attorneys or other outside advocates, are not permitted during the investigation process under this Policy. Complaints of sexual harassment that fall under the College's Title IX Policy will be handled under the complaint procedure set forth in that policy.

VI. COMPLAINT RESOLUTION

At the conclusion of the investigation, the investigator will prepare a written report. The written report will be submitted to the appropriate Vice President or Chief Human Resources Officer unless the complaint is directed against one of them, in which case the Title IX Coordinator and

Equal Opportunity Specialist will notify the President and/or their designee for further action in accordance with this Policy. The written report will contain:

- An explanation of the scope of the investigation;
- Any supporting documents (including documents submitted by the parties);
- The factual findings;
- Whether any allegations in the complaint were substantiated;
- An assessment of whether it is more likely than not that a violation of this or other College policy occurred and the rationale for the investigator's assessment;
- A recommendation for appropriate remedial action (for example, imposing a no-contact order); and
- A recommendation to initiate disciplinary action in accordance with applicable disciplinary procedures, including (for faculty) the Faculty Manual's Procedures for Dismissal and Sanctions (FM II, Article IX). The applicable disciplinary procedures will govern complaints against Faculty, with exception of the provisions noted below required for compliance with New York State mandates governing behavior constituting sexual harassment as defined in and prohibited by this Policy.

The appropriate Vice President or the Chief Human Resources Officer will review the investigator's report and, in accordance with applicable disciplinary procedures as defined above, determine whether to initiate disciplinary action and/or impose remedial action.

The appropriate Vice President or the Chief Human Resources Officer will notify the parties of the determination to initiate disciplinary action or not and any remedial measures that will be implemented to ensure any prohibited conduct identified ceases and does not occur again in the future.

NOTE: For complaints against a member of the Senior Staff, the Title IX Coordinator & Equal Opportunity Specialist will notify the President of the results of an investigation and any recommended remedial action. For complaints against the President, the Title IX Coordinator & Equal Opportunity Specialist will notify the Board of Trustees of the results of an investigation and any recommended remedial action.

Resolution of a Complaint Against a Faculty Member

In the event the Vice President for Academic Affairs elects to initiate the procedures for dismissal for cause or the imposition of another sanction against a Faculty member, they will proceed in accordance with the Procedures for Dismissal and Sanctions set forth in the Faculty Manual (FM II Article IX).

The Faculty Review Board (FRB) will conduct its hearing and communicate its determination of responsibility and, if applicable, recommended sanctions to the President (with a copy to the Vice

President for Academic Affairs and the Title IX Coordinator). The determination will detail the findings of fact and the basis/rationale for the decision of the FRB, making reference to the evidence that led to the finding. The President will have access to the record of the hearing, including the investigative report, other documentation, and the audio recording or transcript of the hearing. In rendering a final decision, the President may accept or modify the FRB's determination of responsibility and, if applicable, accept or modify the recommended sanctions. The President will communicate the final decision in writing, the findings of fact, decision, rationale for the decision, and sanctions (if any) to both parties (with a copy to Vice President for Academic Affairs and the Title IX Coordinator), usually within seven (7) days from the date the hearing is concluded, to the extent that is required federal and state law. The notification of each party should occur at or near the same time. The FRB may make a request for an extension in writing to the Title IX Coordinator.

Any vendor, contractor, visitor or other non-employee who, after investigation, is found to have engaged in conduct prohibited by this policy may be subject to appropriate remedial action, as determined by College administration. Any supervisor, manager or Department Head who fails to report harassment or knowingly allows such behavior to continue will be subject to corrective action, up to and including separation from employment.

VII. APPEALS

A. **Faculty.** The point of an appeal is not to provide the Reporting and/or Responding parties with a new hearing nor is it intended to provide the Reporting and/or Responding parties with the opportunity to simply declare the President's decision wrong. The Reporting and/or Responding party may appeal the decision of the President based only upon the grounds outlined below with respect to each of the violation(s) found to have occurred. The party filing the appeal is the Appellant. Appeals of hearing decisions must be submitted to the Executive Committee of the Board of Trustees ("Appeals Panel") in writing within ten (10) days of written notification of the President's decision. The imposition of sanctions remains in effect during the period of the appeal proceedings.

The opposing party will be notified that an appeal has been filed and receive a copy of the appeal. The opposing party may submit a written response to the appeal within two (2) days of receiving the notice of the appeal. In some situations, both the Reporting and Responding party may file an appeal. In this situation, the Appeals Panel will consider and review both appeals together.

The Appeals Panel may review all materials presented at the hearing, the recording or transcript of the hearing, the Faculty Review Board's determination of responsibility and (if applicable) recommended sanction(s), and the President's decision; and may consult with the Chair of the Faculty Review Board on questions of judicial procedure and with the President on questions of

appropriateness of the sanction(s). The Appeals Panel standard of review will be based upon “substantial evidence.”

Appeals shall be considered based on the Appellant’s ability to demonstrate that one or more of the grounds listed below for appeal are meritorious:

- **Procedural Error:** The Appellant alleges that there was a deviation or change from the procedures outlined in this Policy that adversely impacted the outcome of the matter. If the Appeals Panel determines that there was a procedural error that likely altered the outcome of the case, the matter will be remanded to the Faculty Review Board for a determination regarding the impact of the procedural error on the outcome of the complaint. The Faculty Hearing Board’s determination on whether there was an impact on the outcome of the complaint will be conveyed to the President, who will make a final decision. The President will notify the Reporting and Responding parties in writing of the final decision, with a copy to the Appeals Panel, Faculty Review Board, Vice President for Academic Affairs, and Title IX Coordinator. All records will be forwarded to the Vice President for Academic Affairs with a copy to the Title IX Coordinator.
- **New Evidence:** The Appellant alleges that, subsequent to the issuing of the Faculty Review Board’s decision, new evidence became available that would have impacted the outcome of the disciplinary complaint. The Appellant must: (i) present the new evidence; (ii) show why it was unavailable prior to the Faculty Review Board’s decision; and (iii) show that the new evidence would have altered the outcome of the complaint. If the Appeals Panel determines that there is evidence that warrants a new hearing, it will remand the matter to the Faculty Review Board for reconsideration.
- **Bias:** The Title IX Coordinator & Equal Opportunity Specialist, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against reporting parties or responding parties in general, that affected the outcome of the matter.
- **Severity of the Disciplinary Action:** The Appellant alleges that the disciplinary action issued by the President is unduly harsh or lenient. If the Appeals Panel determines that that disciplinary action was unduly harsh or lenient, it will remand the matter to the President for reconsideration. The decision of the President after reconsideration is final. The President will notify the Reporting and Responding parties in writing of the final decision, with a copy to the Appeals Panel, Faculty Hearing Board, Vice President for Academic Affairs, and Title IX Coordinator. All records will be forwarded to the Vice President for Academic Affairs with a copy to the Title IX Coordinator.

The foregoing are the only grounds for appeal.

The written appeal must specifically state the grounds under which the appeal has been filed. The appeal must set forth the information and evidence to support the grounds for the appeal.

A written appeal decision will be rendered by the Chair of the Board of Trustees and provided to each party by either being mailed to the parties at their local addresses (or another address if a student has no local address) or emailed to the parties at their College email addresses (or another email address they have provided the College), ordinarily within thirty (30) days of receipt of the appeal. A copy of the appeal decision will be conveyed to the President, Faculty Review Board, Vice President for Academic Affairs, and Title IX Coordinator.

The outcome of the appeal is final. All records will be forwarded to the Vice President for Academic Affairs with a copy to the Title IX Coordinator.

B. Administrators and Staff. Both parties can appeal, in writing, in accordance with applicable employee discipline procedures, a determination of a violation by the investigator or a sanction or remedy imposed under this Policy.

Staff and administrator appeals must be submitted within ten (10) business days to the Chief Human Resource Officer or the appropriate Vice President or designee in accordance with applicable employee disciplinary procedures. The written appeal must specifically state the grounds under which the appeal has been filed. The appeal must set forth the information and evidence to support the grounds for the appeal.

If a party submits an appeal, the other party will have an opportunity to submit a response within two (2) business days of receipt.

The limited grounds for appeal available are as follows:

- **Procedural Error:** The Appellant alleges that there was a deviation or change from the procedures outlined in this Policy that adversely impacted the outcome of the matter. If the Appeals Panel determines that there was a procedural error that likely altered the outcome of the case, the matter will be remanded to the for a determination regarding the impact of the procedural error on the outcome of the complaint.
- **New Evidence:** The Appellant must: (i) present the new evidence; (ii) show why it was unavailable prior to the decision; and (iii) show that the new evidence would have altered the outcome of the complaint. If the Appeals Panel determines that there is evidence that warrants a new hearing, it will remand the matter to the for reconsideration.
- **Bias:** The Title IX Coordinator & Equal Opportunity Specialist, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against reporting parties or responding parties in general, that affected the outcome of the matter.

- **Severity of the Disciplinary Action:** The Appellant alleges that the disciplinary action issued by the President is unduly harsh or lenient. If the Appeals Panel determines that that disciplinary action was unduly harsh or lenient, it will remand the matter for reconsideration. The Chief Human Rights Officer or the Appropriate Vice President or designee will decide the appeal and communicate that decision to the parties, typically no later than ten (10) business days after receipt of the parties' submissions or the time for submission has expired. The decision of the Chief Human Resource Officer or the appropriate Vice President or designee is final.

VIII. CONFIDENTIALITY

Any allegation of discrimination, harassment or retaliation brought to the attention of the College will be discreetly addressed in an appropriate manner. Investigations will be conducted in a confidential manner to the greatest extent possible. The parties involved will also be required to execute a non-retaliation form. However, the thorough investigation of complaints may also require disclosure to the responding party and to other witnesses for the purpose of gathering pertinent information. In such cases, disclosures will be limited to the extent possible.

Individuals involved in investigations or disciplinary proceedings under this Policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, Reporting Parties and Responding Parties are not restricted from discussing and sharing information with others who may support or assist them in presenting their case.

Medical and counseling records are privileged and confidential documents that parties will not be required to disclose.

IX. PROTECTION FROM BAD FAITH COMPLAINTS

It is the responsibility of the College to balance the rights of all parties. Therefore, if the College's investigation reveals that the complaint is malicious or knowingly false, such charges will be dismissed and the individual who filed the complaint may be subject to discipline.

X. OTHER REMEDIES

Workplace harassment not only violates this policy, but federal and state law as well. The Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act. Employees who believe they have been subjected to discrimination in the workplace can file a Charge of Discrimination with the EEOC. The EEOC

investigates complaints and determines whether there is reasonable cause to believe that discrimination has occurred. The EEOC may pursue the case in federal court on behalf of complaining parties or may issue a Right to Sue letter permitting an individual to file a complaint in federal court. Federal courts may award remedies if discrimination is found to have occurred.

The New York Human Rights Law also prohibits discrimination. A complaint alleging violation of the Human Rights Law may be filed with the Division of Human Rights or New York Supreme Court. The Division of Human Rights has the power to award relief, including damages, attorney's fees and civil fines.

There may also be local laws protecting individuals from discrimination, harassment and retaliation. If the harassment also constitutes a crime, employees may contact the local police department.

All questions about this policy should be directed to the Title IX Coordinator & Equal Opportunity Specialist.

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