

**Policy Prohibiting Discrimination, Harassment, Bias, and
Retaliation in Employment**

	<u>Page</u>
I. EQUAL EDUCATION & EMPLOYMENT OPPORTUNITIES FOR ALL.....	1
II. PURPOSE & SCOPE OF POLICY	2
A. Statement of Institutional Values	2
B. Purpose of Policy	2
C. Scope of Policy	3
D. Terminology.....	3
III. DEFINITIONS OF PROHIBITED CONDUCT.....	4
A. Forms of Workplace Discrimination	4
1. Prohibited Discrimination	4
2. Prohibited Harassment.....	4
3. Sexual Harassment / Gender-Based Misconduct.....	5
4. Bias Acts	6
5. Definition of Bias Acts	6
6. Retaliation.....	6
B. Consensual Relationships Between Employees & Students.....	7
C. Anti-Harassment Policies and Freedom of Speech / Expression	7
IV. REPORTING	7
A. Reporting Options for Discrimination, Harassment and Retaliation.....	7
B. Reporting Acts of Bias.....	8
C. Initial Assessment.....	9
D. Support Resources & Interim Measures	9
V. INVESTIGATION PROCESS	10
A. Appointment of Investigator(s).....	10

B.	Procedure & Time Frames	10
VI.	COMPLAINT RESOLUTION	11
VII.	CONFIDENTIALITY	12
VIII.	PROTECTION FROM BAD FAITH COMPLAINTS.....	13
IX.	OTHER REMEDIES	13
X.	LIABILITY.....	14

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.

Union College is committed to cultivating respect and understanding for all members of the Union College and broader communities, and welcome, include, and support a measurably more diverse college community. Union College does not discriminate on the basis of race (including traits historically associated with race), color, sex (including pregnancy), religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, familial status, sexual orientation, gender identity and expression, the status of being transgender, military and veteran status, genetic information, predisposition, and carrier status, status as a victim of domestic violence, reproductive health decision-making, known relationship or association with any member of a protected class, or any other protected category under applicable local, state, or federal law.

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 refer to Section 205 of the Employee Handbook, which covers accessibility and workplace accommodations.

In order to foster a climate that encourages reporting of discrimination, including harassment, bias, and retaliation, the College will actively educate the community, respond to allegations promptly, and 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, bias, 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:

The Office of Title IX & Equal Opportunity
Reamer Campus Center
807 Union Street
Schenectady, NY 12308
518-388-6865
titleix@union.edu

Questions or complaints arising under Title IX should also be directed to the Title IX Coordinator & Director of Equal Opportunity. 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, bias, 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, bias, 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, bias, and retaliation in the workplace. The College seeks to foster a climate free from discrimination through a coordinated education and prevention program, clear and effective policies, and investigative 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, bias, and retaliation.

B. Purpose of Policy

The purpose of this Policy is to:

- Define terms related to discrimination, harassment, bias, 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, bias, and/or retaliation;
- Identify the Title IX Coordinator & Director of Equal Opportunity, the Chief Human Resource Officer, or their designee(s) 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, bias, 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 and anti-bias protections are also extended to address reports by and against contractors, subcontractors, vendors, consultants and other persons providing services in the workplace pursuant to a contract.

This Policy prohibits discrimination, harassment, bias, 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 both on and off College premises, over the Internet, and every situation that may impact the work environment. 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 associated 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 reports of sexual harassment involving an employee will be reviewed by the College's Title IX Coordinator & Director of Equal Opportunity, the Chief Human Resources Officer or their designee to determine whether the conduct alleged falls under this Policy, the College's Title IX Policy and/or other College policies.

D. Terminology

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

Responding Party refers to the individual who has been accused of discrimination, harassment, bias, 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, bias, or retaliation that is disclosed to the Title IX Coordinator & Director of Equal Opportunity or to a manager or supervisor.

Complaint refers to an allegation of discrimination, harassment, bias, or retaliation that initiates the investigative 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 (including traits historically associated with race), color, sex (including pregnancy), religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, familial status, sexual orientation, gender identity and expression, the status of being transgender, military and veteran status, genetic information, predisposition, and carrier status, status as a victim of domestic violence, reproductive health decision-making, known relationship or association with any member of a protected class, or any other protected category under applicable local, state, or federal law. These aspects of diversity contribute to a rich campus community and must be protected from discrimination. The College also prohibits discrimination against an individual when making a hiring decision based on that individual's arrest record or conviction history.

Discrimination is adverse treatment of an individual based upon a protected characteristic rather than individual merit; 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 or bias 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;
- Written conduct such as authoring threatening letters, sexually suggestive or obscene letters, correspondence (including e-mails, 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 & Director of Equal Opportunity, the Chief Human Resources Officer, or their designee to determine whether any of the alleged conduct aligns with the definitions and jurisdiction of Title IX as defined by applicable 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, the intentional or repeated refusal 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,
- Written conduct such as authoring communications (including e-mails and text messages) or social media posts that are 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; and
- 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. Bias Acts

Union College is committed to providing a safe living and learning environment in which every person is valued and respected, inclusion is assured, and free expression and debate are encouraged. The College accepts the task of educating the next generation of leaders to understand and appreciate the ideas and opinions generated by an increasingly global community. This Policy establishes a mechanism for addressing situations involving a real or perceived bias act. In such an instance, the College desires to proceed thoughtfully, providing support to all of those affected, while also affirming that Union values differences, free expression, and debate as sources of strength for the College community.

5. Definition of Bias Acts

What Is an Incident of Bias at Union?

For purposes of this policy, a bias incident is action taken that one could reasonably and prudently conclude is motivated, in whole or in part, by the alleged offender's bias against an actual or perceived aspect of diversity, including, but not limited to, age, ancestry or ethnicity, color, creed, disability, gender, gender identity or expression, height, immigration or citizenship status, marital status, national origin, race, religion, religious practice, sexual orientation, socioeconomic status, or weight.

6. Retaliation

Union College encourages individuals to express freely and responsibly, opinions and feelings about any problem or complaint of discrimination, including harassment. Union College will not in any way retaliate and forbids retaliation of any kind against anyone who opposes a discriminatory practice, makes, encourages another to make, or assists another in making a good faith complaint about discrimination, harassment, or other violation of this policy, or furnishes information or otherwise 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 they opposed a discriminatory practice, made a report 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. Anyone who engages in retaliatory conduct prohibited by this Policy will be subjected to disciplinary action, up to and including termination.

Any individual who believes that they have been subject to retaliation are required to immediately report such 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. Questions or concerns related to this policy should be directed at the Title IX coordinator at: titleix@union.edu

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 their faculty peers (defined as members of the FEC).

IV. REPORTING

A. Reporting Options for Discrimination, Harassment and Retaliation

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 reporting 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 requires 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 the individual to tell 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 immediately report the conduct to:

The Office of Title IX Coordinator & Equal Opportunity
Reamer Campus Center
807 Union Street
Schenectady, NY 12308
518-388-6865
titleix@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 & Director of Equal Opportunity.

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 & Director of Equal Opportunity. Any manager, supervisor or Department Head who fails to report such or otherwise knowingly allows policy violations to continue may be subject to disciplinary action up to and including termination, as well as personal liability.

If an individual reports a suspected violation of this Policy and the person to whom the report is made does not respond in a manner the individual deems satisfactory or consistent with this policy, the reporting individual is required to report the situation to another appropriate College representative, other than the alleged wrongdoer and the individual to whom the prior report was made.

B. Reporting Acts of Bias

The following procedures, to the extent reasonably practicable under the circumstances, are to be followed when a violation of this policy is reported:

- Determine whether emergency medical treatment is necessary. If medical attention is necessary, immediately contact 911 and Campus Safety (518.388.6911 or 518.388.6178) for assistance.
- The Campus Safety Officer responding to the bias-related activity is to, if possible, photograph physical injuries, offensive graffiti, and evidence of vandalism. In addition, they should record where and when the activity occurred and document names of witnesses if applicable. Further, the Campus Safety Officer should document detailed information about the perpetrator(s), if available. They should also retain any physical evidence of the incident, if possible, or, in the case of a crime, turn the incident over to public law enforcement officials. Any and all reports of this nature will be retained in the Dean of Students Office.

- Campus Safety Officers should also, if they suspect that a bias-related crime has occurred, report the crime to the appropriate law enforcement officials and cooperate with those officials in its investigation of the incident(s).
- All bias-related activity shall be considered confidential, to the extent permitted by law. Every reasonable effort will be made by Union College to preserve any personal information obtained during the investigation or adjudication of the matter. However, maintaining full confidentiality may be challenging in this context.

C. Initial Assessment

The Title IX Coordinator and Director of Equal Opportunity together with the Bias Response Team¹ (if the complaint involves a bias act) oversee Union College’s response to concerns of discrimination, harassment, bias, 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. Confidentiality will however be maintained to the extent it does not impair the College’s ability to conduct an investigation or take remedial action.

The College will address all reports of discrimination, harassment, bias, and retaliation. 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 and Director of Equal Opportunity will review any reports of alleged discrimination, harassment, bias or retaliation, will consult with the Bias Response Team (if the complaint involves a bias act), 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.

D. Support Resources & Interim Measures

¹ The Bias Response Team’s mission is:

- To support the College’s commitment to respecting personal identities of each community member.
- To suggest avenues for recourse for individuals or groups found responsible for engaging in bias-related incidents.
- To make recommendations for educational interventions to help the larger College community deepen awareness and fluency on the diversity of human experience.
- To make recommendations for avenues of support for specific communities that may be impacted by bias-related incidents.
- To provide recommendations for institutional policies and procedures.
- To inform students, faculty, and staff about opportunities for students, faculty, and staff who may have experienced bias incidents to voice their experience.

The Bias Response Team holds no authority to investigate, adjudicate or otherwise intervene in bias-related incidents other than to make recommendations to the appropriate Administrative Officer.

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: 1-800-252-4555.

Additionally, the New York State Division of Human Rights has a toll-free confidential hotline to provide counsel and assistance to individuals experiencing workplace sexual harassment. DHR's toll-free sexual harassment hotline at 1-800-HARASS-3 Monday through Friday, 9:00 AM to 5:00 PM.

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 Investigator(s)

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 and Director of Equal Opportunity 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 & Director of Equal Opportunity. Investigators will have been trained on topics such as investigative methods, trauma-informed interviewing, bias and evidence. The Title IX Coordinator & Director of Equal Opportunity is responsible for ensuring that a conflict check is completed and that there are no conflicts of interest between the investigator(s) 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.

If a bias incident has been referred to a law enforcement agency, it will be assumed that an investigation by that agency will be conducted. Union College will follow its non-interference policy and allow the independent investigation to occur.

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 obtaining, reviewing and preserving any documentation and any other sources of evidence the investigator deems relevant and documenting the investigation and its resolution and preserving such. 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.

Investigations will be prompt and thorough, commenced immediately and completed as soon as possible.

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 Director of Equal Opportunity 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;
- Findings regarding 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 or whether the complaint is knowingly false 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 with respect to either party in accordance with applicable disciplinary procedures found in Employee Handbook, Code of Student Conduct, or Faculty Manual, including the Faculty Manual's Procedures for Dismissal and Sanctions (FM II, Article IX). The applicable disciplinary procedures will govern, with exception of the following provisions in order to: (i) be consistent with New York State mandates governing behavior constituting sexual harassment as defined in, and prohibited by, this Policy; (ii) be consistent with Federal mandates, including the Violence Against Women Act (VAWA), governing behavior constituting sexual harassment / gender based misconduct as defined in, and prohibited by, this Policy; and (iii)

ensure the Reporting and Responding Parties have additional rights due to the nature of the complaints arising under 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.

If the Chief Human Resources Officer or applicable Vice President accepts the assessment of the Investigator that a violation of this Policy or other College policy has not occurred, the Reporting Party does not have a right to appeal the decision.

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 & Director of Equal Opportunity will notify the President of the results of an investigation and any recommended remedial action. For complaints against the President, the Title IX Coordinator & Director of Equal Opportunity will notify the Executive Committee of the Board of Trustees before referral is made to an external investigator. The Executive Committee of the Board of Trustees will be provided the results of the investigation and any recommended remedial action.

Resolution of a Complaint Against a Vendor, Contractor, Visitor or Other Non-Employee

Reports of misconduct that are alleged to have violated this Policy by members of the Union College community who are not students or employees, including but not limited to visitors, vendors, contractors, members of the Board of Trustees, members of the Alumni Council, or other College-affiliated committees, groups or associations, may be subject to the College's Rules of Public Order.

VII. CONFIDENTIALITY

Any allegation of discrimination, harassment, bias 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.

VIII. 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 an individual made a malicious or knowingly false complaint, such charges will be dismissed and the individual who filed the complaint may be subject to discipline.

IX. 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 within 300 days from the conduct giving rise to the complaint. There is no cost to file a complaint 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 EEOC can be contacted at 1-800-669-4000 (1-800-669-6820 (TTY)), via email at info@eoc.gov, or by visiting their website at www.eoc.gov. If an individual filed an administrative complaint with Division of Human Rights (DHR), DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

The New York Human Rights Law also prohibits discrimination. A complaint alleging violation of the Human Rights Law may be filed with the DHR or New York Supreme Court. A complaint alleging a violation of the HRL may be filed either with DHR, subject to a one-year statute of limitations (three years for sexual harassment), or in New York State Supreme Court, subject to a three-year statute of limitations. Complaining internally does not extend the time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. The DHR will investigate the complaint to determine if unlawful harassment occurred. If unlawful harassment is found after a hearing, the DHR or the court may award relief, which may include requiring an employer to take action to stop the harassment, and redress the damage caused by paying monetary damages, attorney's 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. More information about filing a complaint is available at dhr.ny.gov/complaint. The website has a complaint form and contact information for DHR's regional offices across New York State.

Under federal, state, and local laws, a bias/hate crime is defined as any criminal offense or attempted criminal offense that one could reasonably and prudently conclude is motivated, in whole or in part, by the alleged offender's bias against an individual's actual or perceived age, ancestry or ethnicity, color, creed, disability, gender, gender identity or expression, height, immigration or citizenship status, marital status, national origin, race, religion, religious practice, sexual orientation, socioeconomic status, or weight.

There may also be local laws protecting individuals from discrimination, harassment, bias and retaliation. An individual may contact the county, city or town in which they live to find out if such a law exists. 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 & Director of Equal Opportunity.

X. LIABILITY

Any employee who engages in conduct prohibited by this policy, including any supervisor or manager who knew about such conduct but took no action to stop it, may be subject to disciplinary action, up to and including discharge, and may also be held personally liable. The College does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the College reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.