

III. POLICY AGAINST DISCRIMINATION AND HARASSMENT

A. Policy Statement

Vassar is committed to the principles of integrity in an academic community, as articulated in the Statement on Academic Responsibility and Respect for Persons. Vassar's policy is not to discriminate in the administration of its educational policies, admissions policies, scholarships and loan programs, athletics programs, or other College programs and activities, and not to tolerate discrimination or harassment of its faculty, administration, staff, students, or visitors.

The College prohibits discrimination based on an individual's actual or perceived race, color, national origin, ethnicity, citizenship status, religion, creed, age, sex (including pregnancy, childbirth and related medical conditions), gender identity, gender expression, sexual orientation, domestic violence victim status, marital status, familial status, disability, genetic information or characteristics, veteran or military status, criminal conviction, or other characteristic protected by law, or participation in activities protected by law, or participation in activities protected by law.

B. Scope of Policy

1. This policy prohibits discrimination against or harassment of members of the College community and guests. Its scope includes, but is not limited to, any individuals regularly or temporarily employed, studying, living, visiting, or having any official capacity at Vassar College (such as volunteers and contractors).
2. The filing of a complaint under this policy is independent of any external investigation or court proceeding. The College will not necessarily wait for the conclusion of any external investigation or proceeding before commencing its own investigation or proceeding and taking immediate steps to ensure the safety and well-being of members of the College community.
3. An allegation of discrimination or harassment is not proof of prohibited conduct, and a claim will not be taken into account during performance review, promotion, reappointment, or other evaluation unless a final determination has been made that this policy has been violated or an agreement has been reached as part of an informal resolution process. If necessary and appropriate, decisions regarding extension, reappointment, or promotion may be deferred, in accordance with this policy, until any allegation is resolved.

C. Relationship to Academic Freedom and Responsibility

As articulated in the Vassar College Statement on Academic Freedom, Vassar is dedicated to freedom of inquiry in the pursuit of truth and is vigilant in defending the right of individuals to free speech. This may include the introduction and discussion of controversial and challenging matters both within and beyond the classroom. However, discrimination and harassment are neither legally protected nor excused by reference to academic freedom or freedom of speech.

D. Definitions

1. **Discrimination** is any distinction, preference, advantage for, or detriment to an individual compared to others that is based on an individual's actual or perceived race, color, national origin, ethnicity, citizenship status, religion, creed, age, sex (including pregnancy, childbirth and related medical conditions), gender identity, gender expression, sexual orientation, domestic violence victim status, marital status, familial status, disability, genetic information or characteristics, veteran or military status, criminal conviction, or other characteristic protected by law that adversely affects a term or condition of an individual's employment, education, living environment, or participation in a College activity, or is used as the basis for, or a factor in, decisions affecting that individual's employment, education, living environment, or participation in a College activity.
2. **Discriminatory Harassment** is unwelcome verbal or physical conduct directed toward an individual based on an individual's actual or perceived race, color, national origin, ethnicity, citizenship status, religion, creed, age, sex (including pregnancy, childbirth and related medical conditions), gender identity, gender expression, sexual orientation, domestic violence victim status, marital status, familial status, disability, genetic information or characteristics, veteran or military status, criminal conviction, or other characteristic protected by law, that has the purpose or effect of unreasonably interfering with an individual's employment or educational performance, or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a College activity.

Additionally, in the State of New York, the following definition of discriminatory harassment may be applied. Harassment need not be so severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences based on the circumstances and the parties involved and the nature and duration of the conduct. The College reserves the right to address conduct that does not rise to the level of creating a hostile environment when the conduct violates other expectations for appropriate or /professional faculty, administrator, staff and student conduct set by the College Regulations, Administrative Handbook, and the Faculty Handbook, and, accordingly, may result in discipline as determined appropriate by the College.

3. Retaliation is a form of unlawful discrimination, which includes intentional action taken by an individual or allied third party as reprisal for engaging in a "protected activity," that has the purpose or effect of unreasonably interfering with an individual's employment or educational performance; or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment; and/or participation in a College activity. Protected activities for which protections apply, include but are not limited to:
 - a. Reporting, making a complaint, participating in an investigation or grievance proceeding or for assisting in any such proceeding;

- b. Communicating with a supervisor or manager about employment discrimination, including harassment;
- c. Refusing to follow orders that would result in discrimination;
- d. Resisting sexual advances, or intervening to protect others;
- e. Requesting accommodation of a disability or for a religious practice;
- f. Asking managers or co-workers about salary information to uncover potentially discriminatory wages.

Retaliation includes, but is not limited to, intimidation, coercion, harassment, making threats, and any other adverse educational or employment action. Retaliation should be reported promptly to the EO/AA Office for investigation, which may result in disciplinary action independent of any outcome or interim measures imposed in response to any underlying allegations of discrimination and/or harassment.

4. **Retaliatory Harassment** is intentional action taken by an individual or allied third party, absent legitimate nondiscriminatory reasons, that harms an individual as reprisal for engaging in a “protected activity.”
5. **Sexual Harassment** is unwelcome conduct that does not fall under Vassar College’s Title IX Policy, and which is either of a sexual nature, or which is directed at an individual because of that individual’s sex, that has the purpose or effect of unreasonably interfering with an individual’s employment or educational performance; or creating an intimidating, hostile, offensive, or abusive environment for that individual’s employment, education, living environment; and/or participation in a College activity. This includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.
 - a. The College’s policy on sexual misconduct may also apply when sexual harassment involves physical contact. Examples of sexual harassment can include, but are not limited to:
 - i. Egregious, unwanted sexual attention or other verbal or physical conduct of a sexual nature;
 - ii. Sex stereotyping;
 - iii. Implied or overt threats of punitive action resulting from rejection of sexual advances;
 - iv. Conditioning a benefit on an individual’s acceding to sexual advances/ making such assent a term or condition of employment (either explicitly or implicitly);
 - v. Unwelcome, sexually explicit messages, statements, or materials;
 - vi. Attempting to coerce an unwilling person into a romantic or sexual relationship;

- vii. Sexual violence;
 - viii. Intimate partner violence;
 - ix. Stalking, including cyberstalking; and
 - x. Gender-based bullying.
- b. Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor. The unwelcome behavior may be based on power differentials, the creation of a hostile environment, or retaliation.
- c. Outcomes and corrective measures will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.
- d. To make a report of sexual harassment, please contact the Title IX Coordinator, Office of Equal Opportunity and Affirmative Action/Title IX or submit or submit an online report at <http://eoaa.vassar.edu>. To file a complaint, please see complaint procedures below.

IV. COMPLAINT PROCEDURE ²

The College has two approaches for resolving complaints of alleged discrimination and harassment: informal resolution and the formal grievance processes. Informal resolution efforts and the formal grievance processes are not mutually exclusive, and neither is a prerequisite for the other. Moreover, the informal resolution process may be ended at any time in order to initiate a formal complaint.

Individuals who believe that they have been victims of sexual or some other form of harassment can contact an EO/AA officer who will meet with them to hear their concerns and review available options for informal and formal resolution. Discussing a concern does not commit one to making a formal charge. However, an individual reporting harassment should be aware that the College may decide that it is necessary to take action to address the harassment beyond an informal discussion.

The College encourages the prompt reporting of any potential violations of this policy so that it can take appropriate steps to maintain an environment free of harassment and can ensure that its procedures are effective. While no fixed reporting period

² Discrimination and harassment are not only prohibited by the College but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at Vassar College, employees may also choose to pursue legal remedies with the following governmental entities: Employees seeking to make a complaint alleging violation of the NY State Human Rights Law may file either with the Division of Human Rights (DHR) or in New York State Supreme Court. Employees seeking to make a complaint alleging violation of Title VII of the 1964 federal Civil Rights Act can file a "Charge of Discrimination" with the EEOC.