

Sexual Harassment Response and Prevention Policy

SUNY Polytechnic Institute (“SUNY Poly” or the “College”) has adopted the sexual harassment response and prevention policy contained herein pursuant to Labor Law §201-g and consistent with SUNY’s Sexual Harassment Response and Prevention Statement policy ([Document #6507](#)).

Sexual harassment is a form of sex discrimination, which is unlawful in the workplace under Title VII of the Civil Rights Act of 1964, as amended, and the New York State Human Rights Law. Title IX of the Educational Amendments of 1972 also protects students and employees by prohibiting sexual harassment in the provision of educational services.

At SUNY Poly, sexual harassment is prohibited and will not be tolerated. Accordingly, the College has implemented measures to address and prevent sexual harassment and is taking additional affirmative steps to increase awareness of, and sensitivity to, all forms of sexual harassment in order to maintain a workplace and learning environment free of its harmful effects.

Sexual harassment is a form of workplace discrimination and employee misconduct, as well as a form of discrimination in the academic setting, and all employees and students are entitled to work and learn in a campus environment that strives to prevent it. All employees and students have a right to a workplace and a campus free from sexual harassment, and employees and students can enforce this right by filing a complaint internally with the College, with a government agency, or in a court under federal or state anti-discrimination laws, as detailed in [SUNY’s Discrimination and Sexual Harassment Complaint Procedure](#).

Under applicable law, sexual harassment is generally described as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic benefit; or
- Submission to or rejection of the conduct is used as the basis for an employment or academic decision affecting the person rejecting or submitting to the conduct; or
- The conduct has the purpose or effect of unreasonably interfering with an affected person’s work or academic performance, or creating an intimidating, hostile or offensive work or learning environment.

Sexual harassment can include physical touching, verbal comments, non-verbal conduct such as leering or inappropriate written or electronic communications, or a combination of these things. Examples may include, but are not limited to:

- Seeking sexual favors or a sexual relationship in return for the promise of a favorable grade or academic opportunity;

- Conditioning an employment-related action (such as hiring promotion, salary increase, or performance appraisal) on a sexual favor or relationship; or
- Intentional and undesired physical contact, sexually explicit language or writing, lewd pictures or notes, and other forms of sexually offensive conduct by individuals in positions of authority, co-workers or student peers, that unreasonably interferes with the ability of a person to perform their employment or academic responsibilities.
- Physical acts of a sexual nature such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against, or poking another person's body
 - Rape, sexual battery, molestation or attempts to commit these assaults
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning a target's job performance evaluation, a promotion or other job benefits or detriments, or an educational benefit or detriment;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment.
- Sexual or discriminatory displays or publications, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on computers or cell phones and sharing such displays while in the workplace or classroom.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or other interfering with the individual's ability to perform his or her employment or academic duties;
 - Sabotaging an individual's work
 - Bullying, yelling, name-calling
 - Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not confirm to other person's ideas or perceptions about how individuals of a particular sex should act or look.

Such behavior can constitute sexual harassment regardless of the sex, gender, sexual orientation, self-identified or perceived sex, gender expression, status of being transgender, or gender identity of any of the persons involved.

Reporting Options

Complaints of sexual harassment may be submitted to the following College officials:

Katie Tynan-Simon, Title IX Coordinator
Student Center S228
100 Seymour Road
Utica, NY 13502
315-792-7235
tynank@sunypoly.edu

Mark Montgomery, Deputy Title IX Coordinator
Kunsela Hall B233
100 Seymour Road
Utica, NY 13502
315-792-7338
montgom@sunypoly.edu

Megan Lennon, Director of Community Standards (students only)
Student Center 105
100 Seymour Road
Utica, NY 13502
315-792-7535
wyettm@sunypoly.edu

Rhonda Haines, VP for Human Resources & Affirmative Action Officer
NFE Suite 2100
257 Fuller Road
Albany, NY 12203
518-956-7362
rhaines@sunypoly.edu

Mandatory Reporting Obligations for Employees

At SUNY Poly, all employees, except those that serve as confidential resources are designated as mandatory reporters, who are required to report incidents of sex discrimination, including sexual harassment and sexual violence, to the Title IX Coordinator. As such, all employees, who are not confidential resources, must report an incident of sexual harassment that they receive, observe, or become aware of to a SUNY Poly Title IX Coordinator as soon as possible. For information about confidential resources, please see SUNY Poly's Sexual Violence Response policy and Options for Confidentially Disclosing Sexual Violence posted at <https://sunypoly.edu/titleix/policies-procedures>.

Investigation and Conduct/Disciplinary Process

Upon receipt of a complaint of sexual harassment, SUNY Poly will conduct a prompt and thorough investigation that ensures due process for all parties. To the fullest extent possible, investigation of complaints will be conducted with due regard to privacy.

Employees may use the [SUNY Discrimination and Sexual Harassment Complaint procedure](#) which includes a [Charge of Discrimination form](#) to be used to initiate a complaint of unlawful discrimination on the basis of race, color, national origin, religion, creed, age, sex, sexual orientation, disability, gender identity, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

Students who wish to file a complaint of sexual harassment against another student may utilize the investigation and conduct process outlined in [SUNY Poly's Student Code of Conduct](#). Students who wish to file a complaint against an employee of SUNY Poly may utilize the [SUNY Discrimination and Sexual Harassment Complaint procedure](#).

The [SUNY Discrimination and Sexual Harassment Complaint procedure](#) may also be utilized by applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with SUNY Poly, as well as, third parties who are participating in a SUNY Poly sponsored program or affiliated activity.

Since sexual harassment is a form of employee and student misconduct, engaging in such conduct may lead to disciplinary action. Should disciplinary/conduct action be found necessary, the appropriate procedure applicable under collective bargaining agreements or the [Student Code of Conduct](#) will be used. Filing a complaint with the College does not preclude a grieved individual from filing with outside enforcement agencies, such as the EEOC or the State Division of Human Rights.

Further, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Mandated reporting employees who fail to report incidents of suspected sex discrimination will also be subject to discipline.

All employees, including managers and supervisors, are required to cooperate with any internal sexual harassment investigations. Appropriate corrective action will be taken whenever sexual harassment is found to have occurred.

Retaliation

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in addressing sexual harassment, is unlawful, strictly prohibited and may result in disciplinary action. Retaliation is an adverse action taken against an individual as a result of complaining about or providing information regarding unlawful discrimination or harassment, exercising a legal right, and/or participating in an investigation as a third-party witness. Adverse actions include, but are not limited to, being discharged, disciplined, discriminated against, or otherwise subject to adverse action because the individual reports an incident of sexual harassment, provides information, or otherwise assists in any investigation and/or conduct/disciplinary process related to a sexual harassment complaint. Participants who experience retaliation should report the incident to the following College officials and may file a complaint pursuant to these procedures:

Katie Tynan-Simon, Title IX Coordinator
315-792-7235
tynank@sunypoly.edu

Mark Montgomery, Deputy Title IX Coordinator
315-792-7338
montgom@sunypoly.edu

Megan Lennon, Director of Community Standards (students only)

315-792-7535

wyettm@sunypoly.edu

Rhonda Haines, VP for Human Resources & Affirmative Action Officer

518-956-7362

rhaines@sunypoly.edu

Any substantiated act of retaliation will result in conduct/disciplinary action as outlined in the [Student Code of Conduct](#), College policies, and/or the conduct procedures pursuant to the applicable collective bargaining agreements.

Training

SUNY Poly will provide annual mandatory training for its employees on this policy and the associated procedures. SUNY Poly will also offer annual training sessions, programming, and/or education campaigns on this policy for SUNY Poly students.

Date of Last Revision: 9/6/2022

- *Updated Megan Wyett Lennon's office location*