



# ST. FRANCIS COLLEGE

## THE SMALL COLLEGE OF BIG DREAMS

### **Non-Discrimination and Anti-Harassment Policy**

#### **Notice of Non-Discrimination and Policy Statement**

St. Francis College prohibits harassment and discrimination on the basis of sex, race, color, gender (including gender identity), religion, national origin, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation, or any other characteristic protected by law in its education programs and activities or employment. The College complies with all state and federal statutes, executive orders, and regulations concerning affirmative action, non-discrimination, and equal employment opportunities. Individuals or groups who believe they have been victims of discrimination or harassment on the basis of a protected status may file a grievance in accordance with this Non-Discrimination and Anti-Harassment Policy.

Complaints of discrimination or harassment on the basis of sex that involve sexual misconduct (including sexual harassment and sexual violence) are governed by the College's policies for reports of student sexual misconduct or employee sexual misconduct, as applicable. The College's Policy and Procedures for Reports of Student Sexual Misconduct can be found at: [https://www.sfc.edu/uploaded/documents/pdf/consumer\\_info/SexualMisconductPolicy\\_Students.pdf](https://www.sfc.edu/uploaded/documents/pdf/consumer_info/SexualMisconductPolicy_Students.pdf). The College's Policy and Procedures for Reports of Employee Sexual Misconduct can be found at: <https://www.sfc.edu/about/consumerinfo>. For information about these policies, please contact the College's Title IX Coordinator.

#### **Definitions**

For purposes of this policy, discrimination occurs when, on the basis of sex, race, color, gender, religion, national origin, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation or any other characteristic protected by law, an individual or group is excluded from participation in, or denied the benefits of, any College program or activity.

Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her sex, race, color, gender, religion, national origin, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation, or any other characteristic protected by law ("Protected Characteristic"), and that: (i) has the purpose or effect of creating an intimidating, hostile, or offensive environment; (ii) has the purpose or effect of unreasonably interfering with an individual's academic or work performance; or (iii) otherwise adversely affects an individual's educational or employment opportunities. Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes and display or circulation on College property or in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

“Retaliation” means taking any adverse action or attempting to take adverse action, including intimidating, threatening, coercing or in any way discriminating against an individual because of the individual’s good faith complaint of discrimination or harassment, or participation in an investigation or proceeding related to allegations of discrimination or harassment.

### **Individuals and Conduct Covered**

This policy applies to all applicants, students, and employees, and prohibits harassment, discrimination, and retaliation, whether engaged in by a fellow student or employee, a supervisor or manager, or persons conducting business with or visiting the College, or any behavior that takes place at a College sponsored event.

### **Retaliation Is Prohibited**

St. Francis College prohibits retaliation against any individual who in good faith reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for in good faith reporting harassment or discrimination, or for participating in an investigation of a claim of harassment or discrimination, is a serious violation of this Policy and, like harassment or discrimination itself, will be subject to disciplinary action.

### **Reporting an Incident of Harassment, Discrimination, or Retaliation**

St. Francis College strongly urges the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender’s identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the College’s policy are encouraged to file a complaint before the conduct becomes severe or pervasive. Complaints against a student should be brought to the Dean of Students (Room 3307, 718-489-5305). Complaints against an administrator, staff, or faculty member should be brought to the Executive Director of Human Resources (Room 6320, 718-489-3450). Complaints against either the Dean of Students or the Executive Director of Human Resources should be brought directly to the President’s Chief of Staff (8<sup>th</sup> Floor, 718-489-5220).

Early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the College strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The College will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its students and employees. The College cannot prevent or remedy harassment unless it knows about it.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued. Knowingly making false allegations of harassment or discrimination, or providing evidence with the knowledge that it is false, is also a violation of College policy and will subject a person to disciplinary action up to and including dismissal or discharge.

## **The Investigation**

Any reported allegations of harassment, discrimination, or retaliation against a student will be investigated promptly, thoroughly, and impartially by the Dean of Students, or a designee at the discretion of the Dean of Students. Any reported allegations of harassment, discrimination, or retaliation against an employee will be investigated promptly, thoroughly, and impartially by the Executive Director of Human Resources, or a designee at his/her discretion. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Members of the College community must cooperate with investigations of discrimination or harassment. Individuals with relevant information who refuse to cooperate upon request to do so may be subject to disciplinary action.

In order to facilitate a fair and thorough investigation, the College will utilize its best efforts to maintain the confidentiality of any individual participating in the investigation. However, the College's efforts must be consistent with adequate investigation and appropriate corrective action. The College can direct students to confidential counseling services at no charge to the students. The College can direct employees to various counseling options made available through the College's Employee Assistance Program.

## **Responsive Action**

Misconduct constituting harassment, discrimination, or retaliation will be dealt with promptly and appropriately. Responsive actions, as determined by the Dean of Students or the Executive Director of Human Resources, as appropriate under the circumstances, may include but are not limited to: training, referral to counseling, monitoring of the offender, and/or disciplinary action, such as a warning or reprimand, suspension or expulsion from the College or residence hall, demotion, reassignment, temporary suspension without pay, or termination.

These policies should not, and may not, be used as a basis for excluding or separating individuals on the basis of a Protected Characteristic from participating in educational programs or activities or College-related social activities or discussions in order to avoid allegations of harassment. The law and policies of St. Francis College prohibit disparate treatment on the basis of a Protected Characteristic with regard to terms, conditions, privileges, and perquisites of educational program, activities, or employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.