

**STUDENT POLICY PROHIBITING DISCRIMINATION,
HARASSMENT, OR HOSTILE ENVIRONMENT**

Ramapo College is committed to providing every student with an atmosphere free from unlawful discrimination. All forms of unlawful discrimination based upon race, creed, color, national origin, ancestry, age, sex, marital status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, disability and AIDS/HIV status are prohibited and will not be tolerated. Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

Unlawful discrimination/harassment undermines the integrity of the student relationships, compromises equal opportunity, debilitates morale and interferes with educational productivity. This policy applies to all students at Ramapo College of New Jersey. The College will not tolerate harassment or discrimination by anyone in the community. This policy applies to conduct which occurs in the workplace/educational environment and also extends to conduct that occurs at any location which can be reasonably regarded as an extension of the College, such as field location, any off-site campus related social function, or any facility where Ramapo College of New Jersey business is being conducted or discussed.

This policy also applies to third party harassment. Third party harassment is unwelcome behavior that is not directed at an individual, but is a part of that individual's academic environment that is of a sexual, racial or derogatory nature regarding any protected category. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

Responsible Unit: Affirmative Action Office
Date Adopted: June, 2001

It is a violation of this policy to engage in practices and procedures which treat

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students less favorably based upon a person's race, gender, national origin or ancestry, religion, age, disability, affectional or sexual orientation, marital status, familial status, atypical hereditary cellular or blood trait, genetic information, or service in the Armed Forces of the United States. It is also a violation of this policy to use derogatory or demeaning slurs to refer to a person's race, gender, age, religion, disability, affectional or sexual orientation, or ethnic background which have the effect of harassing a student or creating a hostile environment. Harassment or the creation of a hostile environment can occur even if there was no intent on the part of an individual to harass or demean another.

EXAMPLES OF BEHAVIORS THAT MAY CONSTITUTE PROHIBITED COLLEGE DISCRIMINATION OR HARASSMENT INCLUDE, BUT ARE NOT LIMITED TO:

- Discriminating against an individual with regard to an individual's race, gender, age, religion, disability, affectional or sexual orientation, place of origin, or his/her ancestor's place of origin.
- Treating an individual differently because of race, gender, age, religion, disability, or affectional or sexual orientation, place of origin, or his or her ancestor's place of origin, or because an individual has a physical, cultural or linguistic characteristics of a racial or national origin group.
- Treating an individual differently because of marriage to or association with persons of a racial, religious or national origin group; or due to membership in or association with an organization identified with the interests of a racial, religious or national origin group; or because an individual's name or spouse's name is associated with a racial, religious or national origin group.
- Calling another by an unwanted nickname which refers to one or more of the above characteristics, or telling ethnic jokes which harass a student or create a hostile environment.
- Using derogatory references regarding any of the above in any educational communication.
- Engaging in threatening, intimidating, or hostile acts, in the educational setting, based on the foregoing classifications.
- Displaying or distributing material in the educational setting that contains language or images that are derogatory or demeaning, based upon any foregoing classifications.

SEXUAL HARASSMENT

It is a violation of the policy to engage in sexual harassment of any kind. For purposes of

this policy, sexual harassment, with or without sexual conduct, is defined, in the Equal Employment Opportunity Commission's Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, status in a course, participation in a program, activity or living situation;
2. Submission to or rejection of such conduct is used as a basis for evaluating employment decisions, educational performance, or living conditions affecting an individual.

Sexual Harassment generally falls into two categories: quid pro quo and hostile work environment harassment:

- A. Quid Pro Quo Sexual Harassment is a form of harassment that may include unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct based on the gender of the affected student when:
 - i. submission to such conduct is made either explicitly or implicitly a term or condition interfering with an individual's work or educational performance;
 - ii. submission to or rejection of such conduct by an individual is used as a basis for employment decisions or educational performance.

It shall be a violation of this policy for any person to use his or her authority to make any sexual advance toward an individual over whom the person is authorized to make, recommend or otherwise influence educational and personnel actions; to grant, recommend, or refuse to take educational or personnel action on the basis of a student's gender or sexual orientation or in exchange for sexual favors; or to take or fail to take personnel action as reprisal against any student for rejecting or reporting a sexual advance. Sexual advances or requests for sexual favors can be in the form of either expressed or implied comments, writings, or actions.

B. Hostile Environment Sexual Harassment is a form of harassment that may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or creating an intimidating, hostile, or offensive environment for work, learning or living. Gender-based harassment may give rise to a claim of a hostile environment whether or not sexual activity or language is involved, if it has the purpose or effect of abusing, devaluing or subordinating the members of one sex and it adversely affects an individual's work or educational performance.

C. Third party harassment is unwelcome behavior of a sexual nature or based on sex that is not directed at an individual but is a part of an individual's work or educational environment.

EXAMPLES OF PROHIBITED BEHAVIORS THAT MAY BE SEXUAL HARASSMENT

Behaviors that may constitute sexual harassment include but are not limited to:

1. Generalized gender-based remarks and comments.
2. Unwanted physical conduct such as touching, grabbing, pinching, and brushing against a person's body or impeding or blocking movement.
3. Verbal or written sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, invitations, gestures or inappropriate comments about a person's clothing.
4. Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily clad individuals.
5. Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.
6. Explicit or implicit suggestions of sex by a faculty/staff member in return for a favorable employment action such as hiring, compensation, promotion, retention, or grades, recommendations, etc.
7. Suggesting or implying that failure to accept a request for a date or sex would result in an adverse educational consequence with respect to any educational practice such as grade evaluations.

CONSENSUAL RELATIONSHIPS

Consensual relationships are defined as sexual relationships between two people, one of whom is in a supervisory or instructional position over the other.

A supervisory staff or faculty member who engages in consensual relationships with a student should be aware that they may be liable for formal disciplinary action. Even if both parties have consented to the relationship, it is the supervisory staff or faculty member who, by virtue of their power and responsibility, will be held accountable for unprofessional behavior that may result.

Moreover, other students may be affected by the personal relationship because it places the staff or faculty member in a position to favor or advance one student's interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors.

Where a professional power differential exists, staff/faculty must realize that if a charge of sexual harassment is lodged, it may be exceedingly difficult to defend on the grounds of mutual consent. Voluntary consent by the student/subordinate in such a relationship is suspect, given the fundamentally asymmetric nature of the relationship.

Faculty and staff who have no current professional responsibility for a particular student should be sensitive to the constant possibility that they may be unexpectedly placed in a supervisory position over the employee/student with whom they have a personal relationship.

PROHIBITIONS

1. No faculty member shall have an amorous relationship (consensual or otherwise) with a student who is enrolled in a course. No faculty/staff member shall have an amorous relationship with a student over whom the faculty/staff member has the power to penalize or reward.
2. A staff/faculty member must withdraw from participation in activities or decisions that may reward or penalize a student with whom the staff/faculty member has or has had an amorous relationship.

STUDENT RESPONSIBILITIES

Any student who believes that she/he has been subjected to any form of prohibited discrimination/harassment, including sexual harassment, or who witnesses others being subjected to such harassment or discrimination is encouraged to promptly report the incident(s) to a supervisor, manager or the Office of Affirmative Action and Workplace Compliance or any other person designated to receive discrimination complaints. All students are expected to cooperate with the investigation. Failure to cooperate in an investigation may result in disciplinary action.

FACULTY/STAFF RESPONSIBILITIES

Faculty/Staff should make every effort to maintain an environment that is free from any form of prohibited discrimination/harassment. Supervisors are expected to take all allegations of discrimination/harassment, including sexual harassment, seriously, and to immediately refer the matter to the individual(s) responsible for receiving such complaints. All complaints will be reviewed and prompt and appropriate remedial action will be taken to address any substantiated claim.

COMPLAINT PROCEDURE

This complaint procedure is applicable for all incidents of discrimination, including sexual harassment, workplace harassment, and of violations of the American with Disabilities Act (ADA).

Employees and students are encouraged to promptly report all alleged incidents of discrimination (including sexual harassment, workplace harassment, and the ADA) to the Affirmative Action Office between 8:30 a.m. and 4:30 p.m. Complaints can also be sent via certified mail. The Affirmative Action Officer shall date the complaint on receipt.

When to file a Complaint

It is requested that the Complaint be filed within forty-five (45) calendar days, or sooner, when the aggrieved should have had constructive notice of an occurrence.

Who Can File a Formal Complaint

Faculty, staff, students, and others who are aggrieved by conduct which violates the Ramapo College Discrimination policies (hereinafter Policies).

The Complaint must be in writing and include

1. Complainant's name and address;
2. Accused's name and address
3. Counsel's name and address (if applicable);
4. The nature of the Policy violation;
5. Preliminary facts alleged; dates and times of specific incidents.
6. Names, addresses and phone number(s) of witnesses
7. The date of the Complaint.
8. Remedy sought.

The complainant must sign the complaint.

Role of Affirmative Action Director

1. The Director of Affirmative Action and Workplace Compliance (hereinafter Director) shall forward a copy of the Complaint to the Accused within five (5) days) of its filing.
2. The Director shall be available to answer the Complainant's questions regarding options available under this Policy.
3. The Director shall notify the parties that the investigation has concluded.

Victims of Sexual Harassment Have Several Options

1. Inform the harasser that the conduct is unwelcome and must stop,
2. Engage in conduct that demonstrates that the harasser's behavior is unwelcome,
3. Or utilize the discrimination complaint procedure, which can be obtained in the Affirmative Action Office, the Student Center, the Women's Center or with a member of the Sexual Harassment Panel.

Resolution of Complaints

Complaints may be resolved in the following ways:

1. Mediation
2. Investigation through the Affirmative Action Office
3. College Judicial Board for students.
4. Sexual Harassment Panel

Mediation:

The objective of mediation is to resolve problems and end any harassing behavior without resorting to more formal internal procedures or external adjudicative procedures. Mediation should serve to resolve misunderstandings and/or problems of communication, as well as encourage reporting. Emphasis will be placed on advising the student or employee and eliminating any behavior that violate the Policies.

1. A complaint that the Policies have been violated may be brought by the complainant, or by any other member of the College community, acting on the complainant's behalf, to the Affirmative Action Office, to a member of the management staff, or to any member of the Ramapo College Panel on Sexual Harassment (see description below). If the complaint is brought to a member of the management staff or a member of the Sexual Harassment Panel, that member must report the complaint to the Affirmative Action Office.
2. At the complainant's option, either the Director and/or a member of the management staff or a member of the Sexual Harassment Panel can mediate the complaint. If the complainant wants to attempt an informal resolution of the problem, management/panel members and/or the Director will participate in appropriate discussions with the parties, either jointly or individually.
3. Every reasonable effort will be made to provide confidentiality and to protect complainant(s) from reprisals.
4. The investigation will commence no later than fifteen (15) days after the initial complaint has been filed.
5. The complainant may be accompanied by a colleague, peer, friend or representative in any discussions relating to the investigation of a formal

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complaint.

6. After interviewing those involved and reviewing pertinent evidence or documents, the Director will analyze the facts relating to the issues in contention and make a decision based on the facts and evidence.
7. The findings of the Director will be forwarded to the appropriate Vice President (i.e., the Provost/Vice President of Academic Affairs, the Vice President Administration and Finance, the Vice President for Student Affairs, the Vice President of Institutional Advancement, Vice President for Enrollment Management, or the President, if appropriate) with notice thereof to the parties.
8. The findings will include the following:
 - a. A synopsis of the complaint.
 - b. A complete listing of the facts.
 - c. Conclusions drawn from the evidence and the facts.
 - d. Recommended action.

Role of the Vice President

Within fifteen (15) working days of receipt of the findings and recommendations from the Director, the Vice-President may:

1. Accept the recommendation of the Director;
2. Accept the findings of the Director and modify the recommended sanction;
3. Dismiss the case based upon the presented record.

In all cases, the Vice-President may confer with the Director regarding his/her decision. The accused shall have the right to respond to the vice president's decision in writing or in person.

APPEALS

Either party may appeal the final decision to the appropriate Vice President (i.e. Provost/Vice President of Academic Affairs, the Vice President of Administration and Finance, the Vice President of Student Affairs, Vice President of Institutional Advancement, Vice President for Enrollment Management, or the President, if appropriate) with notice thereof to the parties. A written statement should be filed based on the criteria noted below in 2 a and b with the Director, who will forward it to the Ramapo College Hearing Board (described below). The appeal shall be filed within ten (10) calendar days from receipt of the Vice President's decision. The appellant shall provide a copy of the appeal to the opposing party. The opposing party shall have ten (10) calendar days from receipt of the appeal request in which to submit a written statement based on the criteria noted below in 2 a and b.

Appeals are based on the record established during the initial investigation and shall be

limited to the following issues:

- a. Whether the evidence previously presented provides a reasonable basis for the resulting findings and recommended sanctions (if any), and;
- b. Whether specified procedural errors were so substantial as to effectively deny the appealing party fundamental fairness.

DISCIPLINARY ACTION

Sanctions for students found in violation of unlawful discrimination/harassment policy shall include: warning, probation, suspension of privileges, suspension of registration or expulsion, or referral to the criminal justice system (see sanctions listed under the provisions of the Code of Conduct as published in the Ramapo College *Student Handbook*).

SANCTIONS FOR EMPLOYEES

Any employee found to have violated this policy may be subject to appropriate disciplinary action, which may include: reprimand, suspension, reassignment, or termination of employment. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

PROHIBITION AGAINST RETALIATION

Retaliation against any student who alleges that she/he was the victim of discrimination/ harassment or against any student who provides information in the course of an investigation into claims of unlawful discrimination/harassment in the educational environment is prohibited by this policy. Any student bringing a complaint, providing information for an investigation, or testifying in any procedure under this policy will not be subjected to adverse academic consequences based upon such involvement or be the subject of retaliation.

FRIVOLOUS OR FALSE CHARGES

If any student knowingly makes a false accusation of unlawful discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. Complaints made in good faith, however, even if found to be unsubstantiated, will not be considered a false accusation.

EDUCATIONAL PROGRAMS

Ramapo College of New Jersey will provide students with information regarding the prevention of unlawful discrimination/harassment and the complaint procedure to be followed in filing complaints when unlawful harassment/discrimination has occurred.

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Ramapo College of New Jersey will provide faculty and staff with training that will inform them of the appropriate steps to be taken to address complaints of unlawful discrimination/harassment.

CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interest of those involved. To the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout the investigatory process. In the course of an investigation it may be necessary to discuss the claims with the alleged harasser and other persons who may have relevant knowledge. It therefore may be necessary to disclose information to persons with a legitimate need to know about the matter. All persons interviewed will be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in disciplinary action.

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