

3.0 RAMAPO COLLEGE OF NEW JERSEY POLICY PROHIBITING DISCRIMINATION IN THE WORKPLACE

3.1 POLICY

Ramapo College is committed to providing every employee with a workplace free from unlawful discrimination. All forms of unlawful employment 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 employment relationship, compromises equal opportunity, debilitates morale and interferes with educational productivity. This policy applies to all employees at Ramapo College of New Jersey. The College will not tolerate harassment or discrimination by anyone in the workplace and also extends to conduct that occurs at any location which can be reasonably regarded as an extension of the workplace, 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 work 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.

This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer assignment layoff return from layoff termination, compensation, fringe benefits, working conditions and career development.

3.2 PROHIBITED RACIAL, GENDER, NATIONAL ORIGIN OR ANCESTRY, AGE, RELIGIOUS, DISABILITY, AFFECTIONAL OR SEXUAL ORIENTATION, MARITAL STATUS, FAMILIAL STATUS, ATYPICAL HEREDITARY CELLULAR OR BLOOD TRAIT, GENETIC INFORMATION, LIABILITY FOR SERVICE IN THE ARMED FORCES OF THE UNITED STATES DISCRIMINATION OR HARASSMENT

It is a violation of this policy to engage in any employment practices and procedures which treat employees less favorably based upon a person's race, gender, national origin or ancestry, religion, age, disability, affectional or sexual orientation, or ethnic background which have the effect of harassing an employee or creating a hostile work environment. Harassment or the creation of a hostile work environment can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of Behavior 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 an employee or create a hostile work environment.
- Using derogatory references regarding any of the above in any job related communication.
- Engaging in threatening, intimidating, or hostile acts, in the workplace, based on the foregoing classifications.
- Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning, based upon any the foregoing classifications.

3.3 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.
2. Submission to or rejection of such conduct is used as a basis for evaluating employment decisions, affecting an individual or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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 employee when:
 - (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment:

- (b) 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 to influence educational and personnel actions; to grant, recommend, or refuse to take educational or personnel action on the basis of an employee's gender or sexual orientation or in exchange for sexual favors; or to take or fail to take a personnel action as reprisal against any employee 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 of creating an intimidating, hostile, or offensive working environment. 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 effects an individual's employment opportunities.
- 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 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 intentional 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. Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, retention, or grades, recommendations, etc.
6. 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.
7. Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

3.4 EMPLOYEE RESPONSIBILITIES

Any employee 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 employees are expected to cooperate with the investigation undertaken pursuant to Paragraph VI. of this policy. Failure to cooperate in an investigation may result in disciplinary action, up to and including termination.

3.5 SUPERVISOR RESPONSIBILITIES

Supervisors should make every effort to maintain a work 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. All supervisors receiving complaints or unlawful discrimination/harassment must immediately advise the Affirmative Action and Workplace Compliance Officer of the complaint.

3.6 COMPLAINT PROCESS:

Ramapo College has procedures in place for reporting, investigating, and where appropriate, remediating claims of discrimination/harassment. The College is responsible for designating an individual or individuals to receive complaints of discrimination/harassment, including sexual harassment, investigate such complaints and recommend appropriate remediation of such complaints. In addition to the Affirmative Action Officer the College should have alternate persons designated to receive claims of discrimination/harassment.

All investigation of discrimination/harassment claims will be conducted in a way that respects, to the extent possible, the privacy of all persons involved. The investigations will be conducted in a prompt, thorough and impartial manner. The results of the investigation will be forwarded to the President to make a final decision as to whether a violation of the policy has been substantiated.

Where discrimination/harassment is found to have occurred, the College will take prompt and appropriate remedial action to stop the discrimination/harassment and deter its reoccurrence.

The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including termination of employment.

The College shall maintain a written record of the discrimination/harassment complaints received. Written records will be maintained as confidential records to the extent practicable and appropriate.

3.7 PROHIBITION AGAINST RETALIATION:

Retaliation against any employee who alleges that she/he was the victim of discrimination/harassment or against any employee 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 employee bringing a complaint, providing information for an investigation, or testifying in any procedure under this policy will not be subjected to adverse employment consequences based upon such involvement or be the subject of retaliation.

3.8 FALSE ACCUSATIONS AND INFORMATION:

If any employee 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.

3.9 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.

3.10 DISCIPLINARY ACTION:

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.

3.11 TRAINING:

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