

# EMPLOYEE ANTI-HARASSMENT/ DISCRIMINATION POLICY & COMPLAINT PROCEDURE

## STATEMENT OF POLICY

Long Island University (“LIU” or the “University”) is committed to maintaining a working environment that is free of bias, prejudice, discrimination and harassment and an environment that supports, nurtures, and rewards career advancement purely on the basis of ability and performance. Discrimination or harassment based upon race, color, religion, genetic information, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability or any other legally protected basis is prohibited by law and undermines the character and purpose of the University. Such discrimination or harassment is illegal, against University policy, and will not be tolerated.

This policy covers all employees of the University community – student workers, faculty and staff – as well as those who interact with members of the University community such as contract workers, vendors or visitors. The University encourages everyone to report all incidents of discrimination or harassment, regardless of who the offender may be.<sup>1</sup>

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## DEFINITION OF PROHIBITED CONDUCT

**Discrimination** is adverse treatment of any employee based on the protected class or category of persons which he/she belongs, rather than on the basis of his/her individual merit, with respect to the terms, conditions, or privileges of employment including, but not limited to hiring, firing, promoting, disciplining, scheduling, training, work assignment and compensation.

**Harassment** is unwelcome verbal or physical conduct prohibited by law directed toward, or differential treatment of, an employee because of his/her membership in any protected group or on any other prohibited basis (e.g., race, color, religion, genetic information, sexual

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<sup>1</sup> Title IX/129-B discrimination/harassment complaints based on gender in the educational setting will be processed through the University’s separate Sexual Violence and Harassment Policy. For information about Title IX/129-B discrimination/harassment complaints, (click here: <http://www.liu.edu/About-LIU/University-Policies/Sexual-Respect>).

orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability), where such conduct interferes with the employee's work performance or creates an intimidating, hostile or offensive working environment. The harasser can be the employee's supervisor, a supervisor in another area, a co-worker or someone who is not an employee of the University, such as a contract worker, vendor or visitor.

Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, mocking, degrading or ridiculing another person or group, racial slurs, derogatory remarks about a person's accent, or the display of racially offensive symbols.
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands.
- Physical assault or stalking.
- Displays or electronic transmission of derogatory, demeaning or hostile materials.
- Unwillingness to train, evaluate, assist, or work with an employee.

### **Sexual Harassment**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should file a complaint so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, poking another employee'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 the Complainant'/s's job performance evaluation, a promotion or other job benefits or detriments;
  - 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 work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, 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 workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and/or the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

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. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

All forms of harassment or discrimination are unacceptable in the workplace and in other University-related settings, such as University-sponsored social functions and events. This behavior violates University policy even when it may not be sufficiently severe or pervasive to constitute a violation of law.

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## **CONSENSUAL RELATIONSHIPS**

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, amorous, dating or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between: i) co-workers, ii) a faculty, staff, student or community member or iii) any person for whom an employee has a professional or academic responsibility. These dangers can include:

- That a student or employee may feel coerced into an unwanted relationship because he or she fears the refusal to enter into the relationship will adversely affect his or her education or employment;
- That conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make personnel or academic decisions about a person with whom he or she is having a romantic relationship;
- That students or employees may perceive that a fellow student or co-worker involved in a romantic relationship will receive an unfair advantage, or
- That if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty, supervisors and other members of the University community who are professionally responsible for other individuals, must remain aware that any romantic or sexual involvement with a student or employee for whom they have any academic or professional responsibility will raise questions about their integrity, the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are not permitted.

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## **REPORTING A DISCRIMINATION OR HARASSMENT COMPLAINT**

Preventing discrimination/harassment is everyone's responsibility. LIU cannot prevent or remedy discrimination/harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute

discrimination/harassment is encouraged to report such behavior to a supervisor, manager or Human Resources. Anyone who witnesses or becomes aware of potential instances of discrimination/ harassment should report such behavior to a supervisor, manager or Human Resources.

Reports of discrimination/harassment may be made verbally or in writing. A form for submission of a written complaint is attached to the end of this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting discrimination/harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

### **Supervisory Responsibility**

All supervisors and managers who receive a complaint or information about suspected discrimination/harassment, observe what may be discriminatory/harassing behavior or for any reason suspect that discrimination/harassment is occurring, **are required** to report such suspected discrimination/ harassment.

In addition to being subject to discipline if they engaged in discriminatory/harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected discrimination/harassment or otherwise knowingly allowing discrimination/harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation as defined below.

The most appropriate recipients of reports are:

1. Acting Executive Director of Human Resources Ronald Edwards, [ronald.edwards@liu.edu](mailto:ronald.edwards@liu.edu), 516-299-4236. Employees are encouraged to utilize the Discrimination/Harassment Complaint Form attached to this Policy and available on the LIU Human Resources Website.
2. The Dean of the appropriate School or College.
3. The employee's immediate supervisor.

4. The University has retained EthicsPoint/NAVEX Global pre-dispute solutions to be available to accept anonymous harassment or discrimination complaints 24 hours a day, seven days a week by an online complaint process which also has a toll free number. Employees can access EthicsPoint/NAVEX Global by clicking [here](https://secure.ethicspoint.com/domain/media/en/gui/13188/index.html) (<https://secure.ethicspoint.com/domain/media/en/gui/13188/index.html>) (click box "file a report" and then enter "Long Island University" in the box that asks for the name of the institution) or by calling 1-866-295-3143.

If a report is made to any of these offices or individuals, and that is not the appropriate recipient of the report, it becomes the responsibility of the recipient to forward the report to the appropriate office. If staff at any of these offices is implicated in the harassment or discrimination, the report should be made to Ronald Edwards.

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## **INVESTIGATION/DISPOSITION OF COMPLAINT**

An investigation of any complaint, information or knowledge of suspected discrimination/harassment will be thorough, commenced promptly and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected discrimination/harassment. LIU will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy. See "RETALIATION" below.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Human Resources will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from

communications with the complainant), as appropriate. If the complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined below.

If it is determined that a violation of this policy has occurred, such findings shall be communicated in writing to each party and sanctions shall be imposed. Sanctions may include, but are not limited to, mandated training, written reprimand, suspension and termination of employment. The University will take steps to prevent the recurrence of any discrimination or harassment, and to remedy its effects.

If the results of an investigation show that the complainant knowingly filed false accusations of discrimination or harassment, or that a witness knowingly gave false statements, such individuals will be subject to the appropriate disciplinary action.

The investigation, and remedial action are strictly internal to the University, so the presence of legal counsel or third parties is not permitted at any stage of the process, unless otherwise explicitly required by law or collective bargaining agreement.

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## RETALIATION

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a discrimination/harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.”

Protected activity occurs when a person has:

- filed a complaint of discrimination/harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving discrimination/harassment under the Human Rights Law or other anti-discrimination law;
- opposed discrimination/harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of discrimination/harassment;
- complained that another employee has been discriminated against or harassed; or
- encouraged a fellow employee to report discrimination/harassment.

The University will take every step necessary to protect the complainant and any witnesses against retaliation for reporting the discrimination and/or harassment or for participating in the investigation of a complaint.

Any employee who retaliates against or harasses an individual who complains of discrimination and/or harassment, witnesses harassment, or participates in the investigation of a harassment complaint violates University policy and may be subject to sanctions. Complaints of retaliation should be reported as violations of this policy.

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## **SEXUAL ASSAULT**

Sexual assault is a sexual act against the will and without the consent of an individual or where the individual is incapable of giving consent. Since the medical, emotional, and legal needs of a sexual assault complainant may differ from those of other harassment complaints, he/she should consider, in addition to filing a University complaint, reporting the assault to the police and/or pursuing counseling and other services available through the University.

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## **LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Discrimination/harassment is not only prohibited by LIU but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at LIU, employees may choose to pursue legal remedies with the following governmental entities.

### **New York State Division of Human Rights**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to discrimination/harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

DHR investigates complaints and determines whether there is probable cause to believe that discrimination/harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination/harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring an employer to take action to stop the discrimination/harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

## **EEOC**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.)

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. The EEOC may be contacted by calling 1-800-6694000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

## **Local Protections**

In addition to the above venues for complaints of discrimination/harassment in violation of Federal and State Law, employees may also make complaints at the local level.

### **New York City**

New York City Commission on Human Rights  
40 Rector Street, 10th Floor  
New York, New York 10007  
Ph: 311 or (212) 306-7450  
Website: [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml)

## **Nassau County**

Nassau County Human Rights Commission  
240 Old Country Road  
6th floor, Suite 606  
Mineola, NY 11501  
Ph: 516-571-3662

Website: <https://www.nassaucountyny.gov/3311/Human-Rights-Commission>

## **Suffolk County**

Suffolk County Human Rights Commission  
PO Box 6100  
Hauppauge, NY 11788  
Ph: (631) 853-5480  
Fax: (631) 853-5478

Website: <http://www.suffolkcountyny.gov/Departments/HumanRightsCommission/ComplaintProcess.aspx>

## **Westchester County**

Westchester County Human Rights Commission  
112 East Post Rd., 3rd Fl.  
White Plains, NY 10601  
Ph: (914) 995-7710  
Fax: (914) 995-7720

Website: <https://humanrights.westchestergov.com/>

## **EDUCATION**

The University supports a complete program for the education of its community with respect to the meaning and implementation of this policy. Training will be scheduled accordingly.

Questions or concerns may be addressed to the Office of Human Resources at (516) 299-2504 or [hr@liu.edu](mailto:hr@liu.edu).

## DISCRIMINATION/HARASSMENT COMPLAINT FORM

If you believe that you have been subjected to any form of discrimination/harassment, you are encouraged to complete this form and submit it to Ronald Edwards, Acting Executive Director of Human Resources, (516)299-4236, [ronald.edwards@liu.edu](mailto:ronald.edwards@liu.edu). Once you submit this form, LIU will follow its discrimination/harassment prevention policy and investigate any claims.

Use of this form is not required to file a complaint of discrimination/harassment. If you are more comfortable reporting verbally or in another manner, LIU will still follow its discrimination/harassment prevention policy by investigating the claims as outlined at the end of this form.

### COMPLAINANT INFORMATION

Name:

Work Phone:

Work Address:

Home Phone:

Home Address:

Email:

Job Title:

Preferred Method of Contact:

### COMPLAINT INFORMATION

1. Your complaint of Discrimination/Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

Relationship to you:

Supervisor    Subordinate    Co-Worker    Other

**INFORMATION ABOUT COMPLAINT**

Type of Complaint:

- Harassment                       Discrimination                       Retaliation

Protected Status that is/are the basis of the alleged behavior:

- Race                       Color                       Religion  
 National Origin                       Ethnicity                       Citizenship Status  
 Genetic Information                       Sexual Orientation                       Gender and/or  
Gender Identity or  
Expression  
  
 Marital  
or Parental Status                       Military Status                       Veteran  
  
 Age                       Disability                       Other  
Specify: \_\_\_\_\_

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) discrimination/harassment occurred:  
Is the discrimination/harassment continuing?                       Yes                       No

Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

***The last question is optional, but may help the investigation.***

4. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complaint or provide information?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_