

**(Draft for the Committee of the Whole – Faculty Meeting, October 5, 2007)
(Derived from Working Group Draft dated 9/27/07)**

EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY PART SIX

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I. INTRODUCTION

This document communicates the philosophy and perspective of Skidmore College regarding issues of equal employment opportunity and diversity. It also presents the College's policies, objectives, and plans for maintaining its status as an equal opportunity employer and educator and for supporting its goal of extending the diversity of our community.

Equal Employment Opportunity laws and regulations prohibit discrimination of employees or applicants for employment based on race, color, religion, gender, age, national or ethnic origin, physical or mental disability, veteran status, marital status, sexual orientation, or any other characteristic protected by applicable federal, state, or local laws. The College fully supports these prohibitions and has adopted policies reflecting its commitment to non-discrimination and equal opportunity in its employment and educational practices.

For more information on Equal Employment Opportunity laws please visit these sites: (<http://www.eeoc.gov/policy/laws.html>) or (<http://search.access.gpo.gov/eeoc/SearchRight.asp?ct=eeoc&q1=Title+IX>)

Skidmore College's non-discrimination policy further applies to the recruitment and admission of its students, to the administration of its educational policies and programs, and to the recruitment and retention of its faculty and staff. It applies, in addition, to all individuals and organizations associated with, or doing business with or for, Skidmore College.

The programs outlined in this document are subject to periodic review, evaluation, and modification (see Article IV, A). The policy and philosophy, however, constitute a firm commitment to the principles of equal opportunity for all members of the college. <[Top](#)>

II. ACADEMIC FREEDOM

In the context of the policies outlined in Part Six, the College reaffirms its commitment to its long tradition of supporting the academic and personal freedom of all members of the community. In particular, the policy against harassment shall not be applied in a manner that contradicts the principle of academic freedom: faculty and other members of the community are entitled to freedom in research and faculty members are entitled to freedom in the classroom to pursue controversial matters related to their disciplines. However, this right to teach controversial material entails the responsibility that it be carried out in a way that would be judged by peers as not violating the College's anti-harassment policy. (For the College's complete statement on "Academic Freedom," see Part One, Article III of this *Handbook*.) <[Top](#)>

III. SUMMARY STATEMENTS OF POLICY

A. Policy on Equal Employment Opportunity

Skidmore College affirms that its community members have the right to be free from acts of unlawful discrimination. The following statement of policy on "Equal Employment Opportunity" affirms Skidmore College's commitment to the principle of equal employment opportunity in education and employment:

Equal Employment Opportunity Policy

Skidmore College is committed to being an inclusive campus community and an Equal Opportunity Employer. The College therefore prohibits discrimination against any individual or group of its students, prospective students, employees, or candidates for employment on the basis of race, color, religion, age, national or ethnic origin, physical or mental disability, veteran status, marital status, sex, sexual orientation, gender identity or expression,^[1] or any other category protected by applicable federal, state, or local laws. <[Top](#)>

B. Policy on Diversity

The principal mission of Skidmore College is the education of predominantly full-time undergraduates – a diverse population of talented students who are eager to engage actively in the learning process (*Skidmore College Mission Statement*). Fulfillment of this mission entails building an academic community based upon mutual respect and openness to ideas, one in which individuals value differences in perspective. Fostering such a community requires the active recruitment and retention of students, faculty, and staff members of diverse backgrounds and cultural heritages.

To read the *Skidmore College Mission Statement* in its entirety, please visit the Skidmore website at: <http://www.skidmore.edu/planning/index.htm>

Appreciation of diversity is fundamental to a liberal arts education that aims to foster the growth of the whole person in an environment of respect and understanding for others who have different experiences and backgrounds. A diverse community provides us with the opportunity to learn from the experiences of others and to submit our own values and assumptions to critical examination. We learn to understand ourselves in a richer environment that encourages deepened appreciation of other individuals, cultures, perspectives, and lived experiences. <[Top](#)>

The following statement of “Diversity Policy” affirms the College’s commitment to increasing the diversity within the various groups that constitute our academic community:

Diversity Policy

Skidmore College’s learning and working communities are strengthened by the diversity of their members. Accordingly, the College is committed to acting affirmatively to enhance the diversity of every population within the campus community: students, faculty, and staff.

To place the commitment to diversity within the context of the College’s strategic goals and objectives, and as a further guide to hiring practices, please see the statement on “*Diversity in Hiring: Strategic Considerations*” ([link](#))

As a matter of policy, Skidmore College will work actively to increase the diversity of our community. We will address imbalances in both student and employee populations and meet our diversity-related objectives by recruiting the best candidates from as broad a pool as possible. And, as always, we will continue to be guided by our fundamental educational values – leading our students to develop robust cognitive abilities, enhanced critical and intercultural skills, and an appreciation of their individual and social responsibilities as citizens of the United States and the world. Meeting these objectives is crucial to our achieving new levels of excellence as one of the nation’s premier liberal arts colleges. <[Top](#)>

C. Policies on Accessibility and Accommodations

Skidmore College is committed to supporting accessibility, with respect to both physical access and other forms of access, to all programs on campus.

Accessibility and Accommodations Policy

In accordance with applicable federal^[2] and state laws protecting qualified individuals with documented disabilities, Skidmore College will reasonably accommodate such individuals (except in the rare case when doing so would create an undue hardship for Skidmore College).

Any student with a disability who requires accommodations to function effectively in his or her residential or academic life on campus should contact the Coordinator for Students with Disabilities to disclose his or her condition and to request accommodation. Any faculty member with a disability who requires accommodations to perform his or her duties effectively should contact his or her department chair, the Dean’s office, or the Assistant Director for Equal Employment Opportunity and Workforce Diversity (ADEWD). Any staff member with a disability who requires accommodations to perform his or her duties effectively should contact his or her supervisor or the ADEWD. <[Top](#)>

D. Policy on Anti-Harassment

Skidmore College affirms that its community members (faculty, staff, and students) have the right to be free from acts of harassment that constitute unlawful, offensive, and hostile behavior; such acts (based on the protected characteristics of an employee or student) include (but are not limited to) sexual or racial harassment. In general, such harassment can consist of (but is not limited to) words, signs, jokes, pranks, acts of intimidation, or physical violence that unreasonably interfere with an individual's work or educational pursuits or that create a hostile, offensive, or intimidating work or learning environment. By College policy, all members of the Skidmore community are prohibited from engaging in any such acts of harassment. This policy applies especially (but not exclusively) to instances of such actions that are directed intentionally against a specific individual or group. Applicable federal and state laws also prohibit harassment in the workplace. The complete statement of College policy may be found in the "Anti-Harassment Policy" statement, Article VI.

To read Skidmore College's "Anti-Harassment Policy" statement in its entirety please visit the Skidmore website at: <http://cms.skidmore.edu/hr/upload/Anti-harrasmentpolicy-procedures-2.pdf>

E. Policy on Retaliation

Skidmore College prohibits any and all retaliation against any person who submits a report of harassment or discrimination or who cooperates in any investigation arising from such a report. Any individual who retaliates against the accuser or those involved in the investigation will be disciplined, up to and including separation from the College.

F. Policy on Consensual Sexual Relationships Involving Students

As an academic community, Skidmore College stands by principles of fairness, equal opportunity, and non-discrimination. These principles take on special meaning in the relationship between students and members of the faculty or others in an advising or evaluative relationship. Specifically, all students have the right to be treated fairly, held to the same requirements and standards, and afforded equal opportunities based on their individual accomplishments. All employees are expected to maintain professional relationships with all College students, to act in accordance with standards of professional conduct, and to avoid conflict of interest, favoritism, bias, or creation of a hostile environment for any student of the College.

Sexual relationships between faculty members and students are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the actual or apparent authority of the professor, make voluntary consent by the student suspect. Even when both parties have in fact consented, the development of a sexual relationship renders both the faculty member and the College vulnerable to subsequent allegations of harassment. <Top>

Policy

1. Consensual Sexual Relationships with Current Students:

Sexual relationships, whether consensual or not, between College employees and their students (those whom they currently teach, advise, supervise, coach, evaluate, or hold authority over in any way) violate the integrity of the College's academic community and constitute grounds for disciplinary action up to and including discharge.

2. Consensual Sexual Relationships with Students when there is no authority over the student:

Even if a College employee does not currently hold a position of authority over a student, any sexual relationship between an employee and a student of the College potentially jeopardizes the integrity of the academic or living environment of the Skidmore community. The College, therefore, discourages in the strongest possible terms any sexual relationship between an employee and any student of the College. In the event that any such relationship is found to undermine the trust, respect, and fairness that are essential to the success of Skidmore's educational mission, the College will take appropriate disciplinary action, up to and including discharge. <Top>

IV. IMPLEMENTATION AND LIABILITY

A. Implementation

To implement these policies, Skidmore College has developed programs that may be modified by the President based upon recommendations by, and consultation with, members of the President's Cabinet, the Director of Human Resources, the ADEWD, and the Intercultural and Global Understanding Task Force. The College leadership shall periodically review its practices and procedures regarding admissions, recruitment, hiring, promotion, and other areas of concern to students, employees, and the College, as an employer, and shall seek to redress any inequities or conditions related to prohibited practices that come to its attention.

B. Employees' Liability for Violations of these Policies

Any employee of Skidmore College who violates the policies described above is subject to disciplinary action, up to and including discharge from employment. Additionally, any supervisor or manager who has information regarding possible violations of these policies, and takes no action to stop the misconduct or fails to report the possible violation to an appropriate individual, may also face disciplinary action, up to and including discharge from employment. Employees who violate these policies and supervisors or managers who fail to address or report such possible violations may also be subject to civil or criminal liability.

Employees of the College are further advised that violation of any College policy by definition entails actions that fall outside the scope of their duties. This means that they may not be eligible for the College's insured or uninsured protection should they incur civil or criminal liability as a result of their actions. <Top>

V. PROCEDURES REGARDING EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY

The policies regarding equal employment opportunity and diversity, as well as prohibitions of discrimination or harassment, apply to the entire educational and employment environment of the College. This Article establishes procedures that implement the applicable policies.

A. Scope

1. Educational Environment:

In accordance with its policy on equal opportunity, Skidmore College prohibits discrimination against any students on the basis of race, color, religion, gender, age, national or ethnic origin, physical or mental disability, veteran status, marital status, sexual orientation, gender identity or expression,[3] or any other characteristic protected by applicable federal, state, or local laws.

For more information on Equal Employment Opportunity law please visit these sites:
(<http://www.eeoc.gov/policy/laws.html>) or
(<http://search.access.gpo.gov/eeoc/SearchRight.asp?ct=eeoc&q1=Title+IX>)

2. Employment Environment:

As stated above, the College prohibits discrimination on the basis of race, color, religion, gender, age, national or ethnic origin, physical or mental disability, veteran status, marital status, sexual orientation, gender identity or expression,* or any other category protected by applicable federal, state or local laws. To implement this policy, guidelines have been established to ensure equal opportunity in all employment policies and practices – especially in recruitment and hiring. These guidelines apply across the institution:

- a. All position vacancies will be subject to equal employment opportunity search standards, which establish procedures for internal posting and external advertisement appropriate to a position's relevant labor market. In academic searches, the scope of a search is determined by the ADEWD in consultation with the Dean of the Faculty (DOF) or Vice President for Academic Affairs (VPAA) as appropriate. The nature of the position dictates whether a qualified pool of candidates may most appropriately be recruited from a local, regional, or national market.
- b. In some situations, the ADEWD may waive the requirement for a full search. Normally, a waiver-of-search may be approved if one of the following three actions is proposed: filling a vacancy by promotion; filling a vacancy on a temporary basis (non-recurring appointment for a maximum of one year); or filling a vacancy as a result of internal reorganization. In these cases, or in the case of other extenuating circumstances, a full search may not be desirable, and the ADEWD will give careful consideration to requests for search waiver.
- c. In academic searches, the ADEWD, in collaboration with the DOF or VPAA, as appropriate, reviews the position description and all components of the proposed search plan before approving an academic search.
- d. The Department of Human Resources maintains and updates lists of recruitment resources for both academic and nonacademic searches.
- e. The Department of Human Resources routinely sends announcements of position vacancies to local and regional organizations that represent historically underrepresented groups. Heads of departments, offices, and programs are strongly encouraged to network through their own personal and/or professional contacts in an effort to broaden the diversity of candidate pools for all positions. Such outreach should occur on a regular basis, even in the absence of an immediate position vacancy.

- f. All applicants for academic and nonacademic position vacancies will receive an acknowledgment of their interest in employment at Skidmore through a postcard, e-mail, or letter.
- g. Before any candidate in an academic search is invited for an interview (whether on- or off-campus), the office or department responsible for hiring will contact the ADEWD and the DOF or VPAA, as appropriate, to review the applicant pool. If the pool is not sufficiently inclusive, the DOF or VPAA and the ADEWD may recommend further steps.
- h. At the conclusion of the interviewing phase, the office or department responsible for hiring will contact the ADEWD and the appropriate Dean or Vice President to discuss the candidates interviewed and the rank ordering of final candidates. No oral or written commitment may be made to a candidate until the ADEWD, and, in the case of academic searches, the Dean of the Faculty and the Vice President for Academic Affairs have agreed that appropriate equal employment opportunity procedures have been followed. If such policies and procedures have been violated, the search may be deferred.

B. Administration

1. Roles and Responsibilities:

- a. Members of President's Cabinet are responsible for the coordination of institutional efforts and resources to advance the strategic goals of increasing and retaining a diverse faculty and staff and of fostering an inclusive campus climate.
- b. The ADEWD, in consultation with the DOF, the VPAA, and others as appropriate, is charged with providing leadership in recommending and implementing strategies to secure and maintain a diverse campus community of faculty and staff; coordinating institution-wide equal opportunity and diversity employment efforts, including equal employment opportunity strategies and activity on all searches; planning and initiating all education for faculty and staff on matters of equal employment opportunity, unlawful discrimination, and harassment; and coordinating this activity with related student education provided by Student Affairs staff. The ADEWD is responsible for coordinating and disseminating to the community a qualitative and quantitative annual report on the state of diversity at the College.
- c. The ADEWD provides counsel to the President and President's Cabinet on issues of equal employment opportunity and diversity. The ADEWD communicates as appropriate with the President, members of President's Cabinet, the Associate Vice President for Finance and Administration and Director of Human Resources, and members of Academic Staff. The ADEWD is also available for consultation with any other member of the Skidmore community.

2. Communication of Policies and Programs:

The College's Equal Employment Opportunity and Diversity Policies will be communicated to all College constituencies and will appear on-line, in the *College Bulletin*, the *Student Handbook*, the *Faculty Handbook*, the *Employee Handbook*, and other appropriate publications of the College as identified by the ADEWD.

The Equal Employment Opportunity and Diversity Policies will be made available to all candidates for admission and employment, to all students, to all employees, and to all professional organizations involved with Skidmore College. In addition, they shall be communicated to all sources of referral for applicants for admission and employment. All candidates for employment will be advised that Skidmore College is an equal employment opportunity employer. The College's employment application form and all recruitment advertising shall include the Equal Employment Opportunity Policy. <[Top](#)>

VI. ANTI-HARASSMENT POLICY

Skidmore College is committed to maintaining a positive learning and working environment for all of its students and employees. In accordance with applicable laws, including Title VII of the Civil Rights Act of 1964 as amended, Title IX of the Education Amendments of 1972, the Pregnancy Discrimination Act of 1978, the Americans with Disabilities Act, the Civil Rights Act of 1991, and applicable federal, state, or local laws prohibiting sexual assault and abuse, the College prohibits sexual harassment and harassment of any individual or group of its students, prospective students, employees, or candidates for employment on the basis of race, color, religion, age, national or ethnic origin, physical or mental disability, veteran status, marital status, sex, sexual orientation, gender identity or expression, [4] or any other category protected by applicable federal, state, or local laws. Any harassment, regardless of whether it violates the law, will not be tolerated by the College.

These policies apply to all persons affiliated with the College including administrators, faculty members, staff members, and students. It is unlawful (and therefore prohibited by the College) for any person to sexually harass any other person. Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment

of a subordinate by a supervisor, or harassment of a supervisor by a subordinate. This policy prohibits harassment of a student by a member of the faculty, staff, or by another student; it also prohibits harassment of a member of the faculty or staff by a student. It further prohibits harassment of any member of the Skidmore community by persons doing business with or for Skidmore College. <Top>

A. Sexual Harassment Defined

Applicable state and federal law defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature. In particular, sexual harassment occurs when

- submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement (*quid pro quo* harassment),
- submission to, or rejection of, the conduct is used as the basis for employment or academic decisions affecting the individual (*quid pro quo* harassment), or
- the conduct has the purpose or effect of unreasonably interfering with an employee's or student's work, professional or educational performance, productivity, physical security, participation in living arrangements, extracurricular activities, academic or career opportunities, services or benefits-or of creating an intimidating, hostile, or offensive working or learning environment.

This definition includes verbal, non-verbal, and physical harassment. The following examples of sexual harassment are intended to be instructive but not inclusive:

Verbal Harassment (oral or written):

- Profanity
- Sexual jokes
- Sexually-oriented teasing
- Threats
- Repeated request for a date after being told "no"

Non-verbal Harassment:

- Staring
- Whistling, cat calls
- Blowing kisses
- Winking
- Displaying sexually suggestive material such as pin ups or other inappropriate pictures in the work area, in the classroom, in lockers, or as screen savers on one's computer

Physical Harassment:

- Touching
- Bumping
- Grabbing
- Cornering or blocking passage

Sexual harassment can occur on or off campus, including, but not limited to, the classroom (student to student, faculty to student, student to faculty) and the work setting (supervisor to employee, employee to supervisor, employee to employee, student to faculty or employee). Skidmore's policy applies to all employees and students of the College whenever they are interacting with one another. Off-campus violations can occur at campus-sponsored events or programs, such as athletic events, internship arrangements, and professional meetings, or at private events such as a party. In addition, a faculty member, staff, or student may experience sexual harassment from a salesperson or vendor, the parent of a student, an alumna/us, visitor, or any other member of the extended College community who has contact with Skidmore faculty, staff, or student populations. Sexual harassment can take place in person, by phone, or by means of print or electronic media.

The fact that someone did not intend to sexually harass another individual may not constitute an adequate defense in response to a complaint of sexual harassment. Regardless of intent, it is the characteristics and effect of the behavior that determine whether the behavior constitutes sexual harassment.

B. Third-Party Sexual Harassment

It is important to recognize that sexual harassment may be injurious to a third party when that person is negatively affected by unwelcome or welcome sexual conduct between other individuals in that third party's work space or classroom – or any other setting that requires a Skidmore College employee or student be present for purposes of work or learning.

C. Other Types of Harassment Defined

Harassment on the basis of race, color, religion, gender, age, national or ethnic origin, physical or mental disability, veteran status, marital status, sexual orientation, gender identity or expression,[5] or any other category protected by federal, state, or local laws occurs when

- an individual or group of individuals is targeted with oral, written, visual, or physical insults based on that person's or group's protected status; and
- such conduct has the purpose or effect of unreasonably interfering with an employee's or student's work, professional or educational performance, productivity, physical security, living arrangements, extracurricular activities, academic or career opportunities, services or benefits- or of creating an intimidating, hostile, or offensive working or learning environment.

When both circumstances identified above are present, examples of conduct constituting harassment may include (but are not limited to) the following:

- intimidation, hostility, or rudeness
- oral or written threats, derogatory comments, name-calling, or slurs
- displaying derogatory posters, photographs, cartoons, drawings
- making offensive gestures
- Assault, unwanted touching, or blocking normal movement

The fact that someone did not intend to harass another individual may not constitute an adequate defense in response to a complaint of harassment. Regardless of intent, it is the characteristics, context, and effect of the behavior that determine whether the behavior constitutes harassment. In addition, a faculty member, employee, or student may experience harassment from a salesperson or vendor, the parent of a student, alumna/us, visitor, or any other member of the extended College community who has contact with Skidmore faculty, staff, or student populations. Harassment can take place in person, by phone or by means of print or electronic media. Skidmore's policy applies to all employees and students of the college whenever they are interacting with one another. Off campus violations can occur at campus sponsored events or programs such as athletic events, internship arrangements and professional meetings or at private events such as a party. <Top>

[1], [3], [4], [5] Gender identity and expression, while protected under Skidmore College policy, are not currently protected under federal, state, or local laws.

[2] <http://www.eeoc.gov/policy/laws.html>