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EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY

PART SIX

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VI. ANTI-HARASSMENT POLICY

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,^[1] 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.

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