

# DISCRIMINATION POLICY AND PROCEDURE

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## Policy

### [Policy Statement on Discrimination and Harassment, including Sexual Harassment](#) -

It is the policy of Binghamton University to provide an educational and employment environment free from all forms of intimidation, hostility, offensive behavior and discrimination, including sexual harassment. Such discrimination or harassment may take the form of unwarranted/offensive verbal or physical conduct or verbal or written derogatory or discriminatory statements that may result in decisions affecting status, promotions, raises, favorable work assignments, recommendations, class assignments or grades. Such behavior, or tolerance of such behavior, on the part of an administrator, supervisor, or faculty or staff member violates the policy of the University and may result in disciplinary action including termination. The conduct herein described is contrary to University policy and may be illegal under both state and federal law.

**The United States Equal Employment Opportunity Commission has defined sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:**

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such 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.

**The state of New York has defined sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:**

1. submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations, or public services, education or housing;
2. submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual' s employment, public accommodations or public services, education or housing;
3. such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education or housing or creating an intimidating, hostile or offensive employment, public accommodations, public services, educational or housing environment.

An employee and or student who believes he or she has been subject to illegal discrimination or harassment should report the conduct to his or her immediate supervisor, and in the event the supervisor is the aggrieved party, to the next higher responsible party. If necessary, the discrimination complaint grievance procedure should be utilized. Complaints should be reported to the Office of the Equity and Access in the Division of Diversity, Equity and Inclusion. The Division of Diversity, Equity and Inclusion can be reached at [607-777-4775](tel:607-777-4775) and is located in the Library South Ground Floor, Room 548.

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Discrimination Complaints Policy and Procedure

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