

## Toll-Free Harassment Hotline Established

Effective July 14, 2022, the New York State Division of Human Rights established a toll-free confidential hotline to assist and counsel individuals with complaints about sexual harassment in the workplace.

Call **1-800-427-2773 (1-800-HARASS-3)** to speak with an attorney.

**Note:** The hotline is staffed with pro bono attorneys affiliated with the New York State Bar Association and other attorney organizations.



ST. JOHN'S  
UNIVERSITY

# Discrimination and Sexual Harassment Prevention Training

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# Discrimination and Sexual Harassment in the Workplace

**Discrimination and sexual harassment will not be tolerated.**

**Today's training will:**

- Help you better understand discrimination and sexual harassment
- Show you how to report discrimination and sexual harassment
- Provide you with external reporting options

# What is Discrimination?

University Policy No. 704 prohibits bias, discrimination, and harassment (including discriminatory harassment and sexual harassment)

- Bias incident: A verbal or physical action committed against or directed toward a person or to a person's property because of the person's actual or perceived personal characteristics that are protected by law.
- Discrimination: This includes employment and educational decisions made on the basis of personal characteristics that are protected by law.
- Discriminatory harassment: Any conduct that creates an unwelcoming or hostile environment for people because of their personal characteristics that are protected by law.

## Protected Classes

- Race
- Religion
- Color
- National or ethnic origin
- Age
- Marital or partnership status
- Alienage or citizenship status
- Disability
- Genetic predisposition
- Gender or sex (including sexual harassment and sexual violence)
- Gender identity or expression
- Sexual orientation
- Status as a victim of domestic violence/sex offenses/stalking
- Status in the uniformed services of the United States (including veteran status)

# Discriminatory Harassment

**Any harassment based on a protected characteristic is prohibited in the workplace and may lead to disciplinary action up to and including termination from employment.**

- Age, citizenship status, color, criminal history, disability, domestic violence victim status, gender identity, genetic information, marital status, military status, national or ethnic origin, race, religion, sex, and sexual orientation.

**Much of the information presented in this training applies to all types of workplace harassment, including discriminatory harassment and sexual harassment.**

**Discrimination-related harassment consists of words, signs, jokes, pranks, intimidation, physical actions or violence directed at someone due to any protected characteristic.**





- All harassing behavior will be investigated.
- Disciplinary action may be taken, up to and including termination.
- Repeated behavior will be dealt with accordingly.

## **Sex discrimination includes:**

- Any type of bias on the basis of sex
- Sexual harassment
- Sex stereotyping
- Discrimination on the basis of sexual orientation
- Discrimination on the basis of gender identity or gender expression
- Discrimination on the basis of pregnancy

## **Defined as:**

Harassing a person because that person does not conform to gender stereotypes.

**Sex stereotyping is sexual harassment.**

**Harassment because someone is performing a job that is usually or was previously performed mostly by persons of a different sex, is sex discrimination**

# Example of Sex Stereotyping

Leonard likes to wear jewelry and his attire frequently includes earrings and necklaces. His boss, Margaret, thinks it's "weird" that, as a man, Leonard wears jewelry. She frequently makes sarcastic comments to him about his appearance. Leonard applies for an open promotional position that would involve working in a "front desk" area, where he would interact with the public. Margaret tells Leonard that if he wants that job, he had better look "more normal."

Margaret is also "suspicious" that Leonard is gay, which she says she "doesn't mind," but she thinks Leonard is "secretive." She starts asking him questions about his private life, such as "Are you married?" "Do you have a partner?" "Do you have kids?" Leonard tries to respond politely "No" to all her questions but is becoming annoyed. Margaret starts gossiping with Leonard's coworkers about his supposed sexual orientation.

## **Sexual harassment:**

- Is a form of sex discrimination and is unlawful under federal, state and New York City law
- Includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

## **Some Types:**

- Hostile Environment
- Quid Pro Quo

**It includes unwelcome conduct, 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;
- 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.

## Includes:

- Sexual or discriminatory displays or publications anywhere in the workplace
- Hostile actions taken against an individual because of that individuals' sex

# Example of Sexual Harassment

Sharon transfers to a new location with her employer. Her new supervisor, Paul, is friendly and helps her get familiar with her new job duties. After a few days, when no one else is around, Paul comes over to Sharon's work area to chat. Paul talks about what he did last night, which was to go to a strip club. Sharon is shocked that Paul would bring up such a topic in the workplace and says nothing in response. Paul continues talking and says that all the women in the office are so unattractive that he needs to get out and “see some hot chicks” once in a while. He tells Sharon he is glad she joined the staff because, unlike the others, she is “easy on the eyes.” Sharon feels very offended and demeaned that she and the other women in her workplace are being evaluated on their looks by their supervisor.



# Quid Pro Quo Sexual Harassment

- Occurs when a person in authority trades, or tries to trade, job benefits for sexual favors.
- Occurs between an employee and someone with authority, who has the ability to grant or withhold job benefits.
- Occurs in an academic setting, when a student and someone with authority (e.g., a professor) offers or grants better academic conditions (e.g., better grade) in exchange for a sexual relationship.

# Example of Quid Pro Quo Sexual Harassment

Tatiana is hoping for a promotion to a position that she knows will become vacant soon. She knows that her boss, David, will be involved in deciding who will be promoted. She tells David that she will be applying for the position. Tatiana and David then travel together on business to a conference, including an overnight hotel stay. Over dinner, David tells Tatiana that he can “pull some strings” to get her into the job. Later, David suggests that they go to his hotel room for “drinks and some relaxation.” Tatiana declines his “offer.” After they return from the trip, Tatiana asks David when the job will be posted. He says that he is not sure, but there is still time for her to “make it worth his while” to pull strings for her. Then he asks, “How about going out to dinner this Friday and then coming over to my place?” Tatiana reluctantly accepts, believing David will block her promotion otherwise. Thereafter, they go out almost every Friday and engage in sexual activity. Tatiana ultimately receives the promotion. She then breaks things off with David and he gives her a bad evaluation, causing her to be removed from her new position.

# Who can be the Target?

- Sexual harassment can occur between any individuals, regardless of their sex or gender.
- The law protects all members of the University community from sexual harassment and discrimination including students, employees, administrators, faculty, unpaid interns, and non-employees who work in the workplace.

## Anyone in the workplace:

- A coworker
- A supervisor, manager, faculty member, employee, or student
- Any third-party (non-employee, intern, vendor, customer, etc.)

**Whenever and wherever members of the University community (or third parties) are fulfilling their work responsibilities or interacting, including:**

- Employer-sponsored events
- Conferences
- Office parties
- Off-campus locations
- After-hours
- Social media



# Retaliation

**Any employee engaged in “protected activity” is protected by law from being retaliated against.**

**Protected activities include:**

- Making a complaint about harassment or suspected harassment internally or with an agency such as the NYC Commission on Human Rights
- Providing information during an investigation
- Testifying in connection with a complaint
- Opposing a discriminatory practice
- Filing a lawsuit alleging unlawful discrimination or sexual harassment
- Assisting an administrative agency in its investigation of a complaint

**Any conduct reasonably likely to deter a person from engaging in protected activity.**

**Examples:**

- Sudden change in work schedule or work location
- Demotion
- Isolating or “freezing out” an employee who complains of discrimination or assists an administrative agency in its investigation of a complaint



# What is Not Retaliation?

**A negative action is not retaliatory merely because it occurs after an individual engages in protected activity.**



# Supervisor's Responsibility

## **Supervisors and managers are held to a high standard of behavior. They are:**

- Required to report any discrimination (including harassment) reported to them or which they observe.
- Responsible for any discrimination or harassment they should have known about.
- Expected to model appropriate behavior.

**Supervisors must report any discrimination (including harassment) that they observe or know of, even if no one is objecting to it.**

- Harassment must be promptly reported to the employer.
- Supervisors and managers will be subject to discipline for failing to report suspected sexual harassment, or for allowing sexual harassment to continue.
- Supervisors and managers will also be subject to discipline for engaging in retaliation.



# What Should I Do If I Am Harassed?

# What Should I Do If I Am Harassed?

We will provide you with a complaint form to report harassment and file complaints. Submit it to:

**Office of Human Resources**

Equal Opportunity &  
Compliance

(718) 990-1865 (press #4)

[stjohns.edu/reportbias](http://stjohns.edu/reportbias)

Or

**Office of Human Resources**

**Danielle Haynes**

Director of Equal Opportunity,  
Compliance and Title IX  
Coordinator

(718) 990-2660

[haynesd1@stjohns.edu](mailto:haynesd1@stjohns.edu)

[stjohns.edu/reportbias](http://stjohns.edu/reportbias)

Verbal complaints will also be investigated.

Anyone who witnesses or becomes aware of potential instances of sexual harassment or discrimination should report it to a supervisor, manager, or to the Office of Human Resources' Equal Opportunity & Compliance Section.

It is unlawful for anyone to retaliate against you for reporting suspected sexual harassment or discrimination, for assisting in any investigation, or opposing discrimination.

# Bystander Intervention

- If you see discrimination or sexual harassment, speak out and report it
- Bystanders who take action often play an important role in disrupting discrimination and sexual harassment and improving the work environment
- For more resources and information about bystander intervention, visit [ihollaback.org](https://ihollaback.org).



- Anyone who engages in sexual harassment, discrimination, or retaliation will be subject to remedial and/or disciplinary action.
- An investigation of any complaint should be completed within a reasonable timeframe.
- The investigation will be kept confidential to the extent possible.
- Any member of the University community may be required to cooperate, as needed, in an investigation. The failure to cooperate may result in disciplinary action, up to and including termination.

# Investigation Process

- HR's Equal Opportunity and Compliance Section will conduct an immediate review of the allegations and take any interim actions.
- Relevant documents, email or records may be requested, obtained, and preserved.
- Interviews may be conducted.
- The individual who complained and the individual(s) accused of sexual harassment or discrimination are notified of the final determination and that appropriate administrative action has been taken.

# Additional Protections and Remedies

# Filing Complaints

**A complaint alleging unlawful discrimination (including sexual harassment) may be filed with . . .**

New York State	New York City	US Equal Employment Opportunity Commission (EEOC)
File either with Division of Human Rights (DHR) or in NYS Supreme Court	File with the NYC Commission on Human Rights (CCHR)	File with the EEOC <b>before you can file in federal court</b>
Complaints may be filed with DHR any time <b>within one year</b> of the alleged sexual harassment or discrimination.	Complaints may be filed with CCHR <b>within one year</b> of the last alleged act of sexual harassment or discrimination.	An individual can file a complaint with the EEOC anytime <b>within 300 days</b> from the alleged sexual harassment or discrimination.
You do not need to have an attorney to file.	You do not need to have an attorney to file.	You do not need to have an attorney to file.
More information: <a href="http://www.DHR.ny.gov">www.DHR.ny.gov</a>	More information: <a href="http://www.nyc.gov/humanrights">www.nyc.gov/humanrights</a>	More information: <a href="http://www.EEOC.gov">www.EEOC.gov</a>

**Many localities enforce laws protecting individuals from sexual harassment and discrimination.**

- The NY City Commission on Human Rights (CCHR)

**Harassment may constitute a crime if it involves things like physical touching, coerced physical confinement or coerced sex acts.**

- Contact the local police department.
- Contact St. John's Office of Public Safety at (718) 990-5252.

# St. John's University Policies and Resources

**It is the responsibility of all University members to familiarize themselves with the following St. John's policies that relate to sexual harassment and discrimination. Click on the links to the following policies:**

- [Policy #703 – Title IX and N.Y. Education Law Article 129-B Sexual Misconduct Policy and Procedures](#)
- [Policy #704 - Policy Against Bias, Discrimination and Harassment](#)
- [Policy #707 - Sexual Abuse of Minors](#)
- [Policy #810 - Pregnant Workers Fairness](#)

# Non-Fraternization Policy

**The University considers it a violation of this policy for any member of the faculty, administration, or staff to offer or request sexual favors, make sexual advances, or engage in sexual conduct, consensual or otherwise, with a person who is:**

- Enrolled in a class taught by the faculty member or administrator;
- Receiving academic advising or mentoring from the faculty member or administrator;
- Working for the faculty member, administrator or staff member;
- Subject to any form of evaluation by the faculty member, administrator or staff member.





# Summary

# Summary of Main Points

- Sexual harassment is inappropriate behavior and unlawful under Federal, State and New York City law.
- Harassment because of any protected characteristic is prohibited and unlawful under Federal, State, and New York City law.
- Workplace harassment is employment discrimination.
- All harassment should be reported.
- Supervisors and managers have a special responsibility to report harassment, but anyone can and should report instances of harassment.
- Retaliation is inappropriate and unlawful under Federal, State, and New York City law.

- Find the Complaint Form at: [stjohns.edu/reportbias](http://stjohns.edu/reportbias)
- St. John's Employee Assistance Program - Corporate Counseling Associates
- St. John's Center for Counseling & Consultation

**Please complete the,**

- **Quiz**
- **Acknowledgement Form**
- **Evaluation**



*Thank you!*

You have completed the Sexual Harassment  
and Discrimination Prevention Training.