



Policy Title:  
Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York

Document Number:  
6502

Effective Date:  
October 09, 2018

This policy item applies to:  
State-Operated Campuses

Category:  
HR / Labor Relations  
Legal and Compliance  
Student Affairs

Responsible Office:  
[University Life](#)

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## Summary

It is the policy of the State University of New York (“the State University” or “SUNY”) that no discrimination against or harassment of individuals will occur on any of the campuses or in the programs or activities of the University. Furthermore, the University provides equal opportunity in employment for all qualified persons; prohibits discrimination in employment; and promotes the full realization of equal employment opportunity through a positive, continuing program for the University as a whole and for each constituent unit of the University.

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## Policy

### **I. Access and Fair Treatment**

It is the policy of the State University that no discrimination against or harassment of individuals will occur on any of the campuses or in the programs or activities of the State University. All judgments about and actions toward students and employees will be based on their qualifications, abilities, and performance. Attitudes, practices, and preferences of individuals that are essentially personal in nature, such as private expression or sexual orientation, are unrelated to performance and provide no basis for judgment. All State-operated campuses are expected to take appropriate action to implement this policy of fair treatment.

### **II. Employment**

A. It is the policy of the State University to provide equal opportunity in employment for all qualified persons; to prohibit discrimination in employment; and to promote the full realization of equal employment opportunity through a positive, continuing program for the University as a whole and for each constituent unit of the State University. This policy:

1. applies to all persons without regard to race, creed, color, national origin, age, sex, except where sex is a bona fide occupational qualification, sexual orientation, military status, disability, or marital status;
2. applies equally to all job classifications and titles in the State University and to all types of appointments under SUNY's jurisdiction, whether full-time or part-time;
3. governs all SUNY's policies, practices, and actions including but not necessarily to recruitment, employment, rate of pay or other compensation, advancement, upgrading, promotion, demotion, renewal, non-renewal, termination, transfer, layoff, leave, training, and employee benefits of whatever nature;
4. applies equally to all SUNY's organizational units; and
5. expects each contractor, supplier, union, public agency or cooperative agent to support this policy by complying with applicable state and federal equal employment opportunity laws and regulations.

B. Full and continuing realization of this policy in the State University shall be undertaken by:

1. Developing Affirmative Action Programs which shall:
  - a. detail actions designed to realize the SUNY's commitment to equal employment;
  - b. analyze employment patterns within SUNY;
  - c. set forth plans to rectify any deficiencies;
  - d. identify and remove impediments to equal employment opportunity;
  - e. establish goals and timetables for affirmative action;
  - f. provide for the internal and external dissemination of SUNY policy;
  - g. pursue the commitment to equal employment opportunity throughout the institution; and
  - h. provide for the review, assessment, evaluation, and improvement of the State University action in carrying out this policy and affirmative action programs.
2. Committing staff and support necessary to make effective equal employment policies and programs of the State University. SUNY-wide liaison and leadership in equal employment opportunity shall be effected through a member of the chancellor's staff. Campus liaison and leadership shall be effected through a member of the president's staff. The liaison and leadership function will embrace such activities as:
  - a. developing policy statements and Affirmative Action Programs;
  - b. developing internal and external communication techniques;
  - c. assisting in the identification of problem areas and establishment of goals and objectives;
  - d. assisting campus administration;
  - e. internally assessing compliance;
  - f. providing liaison among the State University, enforcement agencies, minority organizations, community action groups; and

g. designing and implementing audit and reporting systems required for effective monitoring and operation of affirmative action programs.

C. The State University affirms its right to take appropriate action if it, or other duly constituted authority, should determine that applicable federal and state equal employment opportunity laws and regulations have been violated, or that the effect and intent of this policy has been willfully or habitually abrogated.

### III. Sexual Harassment and Harassment Based on Other Protected Characteristics

A. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the State University to liability for harm to targets of sexual harassment. Sexual harassment is a form of workplace discrimination and employee misconduct, and all employees and students are required to work in a manner that prevents sexual harassment on State University campuses. All employees and students have a legal right to a workplace and a campus free from sexual harassment, and employees and students can enforce this right by filing a complaint internally with the State University, or with a government agency, or in court under federal or state anti-discrimination laws. Sexual harassment of University students or employees will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.

B. It is the policy of the State University to ensure fair treatment to all individuals, including students, consistent with federal and state law. Accordingly, harassment based on sex or other protected characteristics and sexual harassment is prohibited in all areas of the State University activity and programs.

C. Employees and students who believe they have been victims of harassment may use the SUNY's Discrimination and Sexual Harassment Complaint Procedure for review of their allegations.

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#### Definitions

**Harassment on the Basis of Protected Characteristic(s) other than Sex/Gender** – harassment based on race, color, age, religion, national origin, disability, sexual orientation or other protected characteristics is oral, written, graphic or physical conduct relating to an individual's protected characteristics that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities..

**Sexual harassment** – a form of sex discrimination and is unlawful under federal or state 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 reporting 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 includes, but is not limited to, 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 orientation, self-identified or perceived sex, gender expression, gender identity and the status of being

transgender. 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, which interfere with the recipient's job performance. Sexual harassment also occurs when a person in authority tries to trade job benefits, including hiring, promotion, continued employment or any other terms, conditions or privileges of employment, for sexual favors.

Sexual harassment in the educational setting can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the educational institution's program

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#### Other Related Information

[Equal Employment Opportunity Commission](#)

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#### Procedures

[Discrimination and Sexual Harassment Complaint Procedure](#)

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#### Forms

There are no forms relevant to this policy.

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#### Authority

State University of New York Board of Trustees 83 - 216, adopted October 26, 1983.

State University of New York Board of Trustees Resolution 71-202, adopted June 30, 1971 supplemented by statement of Chancellor R.L. King March 14, 2003.

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#### History

This document was updated in October 2018 pursuant to Labor Law §201-g, which requires every employer in the State of New York to adopt a sexual harassment prevention policy that meets or exceeds enumerated minimum standards in order to prevent and combat sexual harassment in the workplace.

Governor Eliot Spitzer repealed Executive Orders No. 33 (1996), No. 96 (1987), No. 19 (1983), and No. 6 (1983) on January 1, 2007.

Memorandum to presidents from the offices of the vice chancellor for employee relations and educational services and the University counsel and vice chancellor for legal affairs dated February 4, 1985 outlined office of employee relations' (OER) memorandum and the final version of the "Policy, Guidelines, and Procedures for Executive Order No. 28."

Memorandum to presidents from the office the University counsel and vice chancellor for legal affairs dated July 18, 1984 informed campuses that the office of employee relations (OER), as directed by Executive Order No.28, had established guidelines and procedures for the investigation of complaints of employment discrimination based on

sexual orientation.

Memorandum to presidents from the offices of the vice chancellor for employee relations and educational services and the University counsel and vice chancellor for legal affairs dated February 24, 1984 regarding nondiscrimination policy relating to sexual orientation.

Memorandum to presidents from the office of the executive vice chancellor dated December 21, 1983 regarding new Executive Orders No. 17 and 19 on the "Conduct of State Business in Private Establishments and on Sexual Harassment."

On October 26, 1983, the Board of Trustees adopted Resolution 83 - 216, which reaffirmed the University's non-discrimination and harassment policy and required fair treatment without regard to personal preferences.

Memorandum to presidents from the offices of University counsel and vice chancellor for legal affairs and assistant vice chancellor for affirmative action dated January 12, 1981 regarding final guidelines from the Equal Employment Opportunity Commission (EEOC) dealing with sexual harassment.

Memorandum to presidents from the offices of University counsel and vice chancellor for legal affairs dated June 21, 1977 regarding "Non-discrimination on the Basis of Handicap." Information was provided about the Department of Health, Education and Welfare regulation issued pursuant to section 504 of the Rehabilitation Act of 1973 governing nondiscrimination on the basis of handicap (45 CFR Part 84; 42 Fed. Reg. 22676), which was effective June 3, 1977.

Memorandum to presidents from the office of the acting deputy to the chancellor for community colleges dated June 5, 1973, regarding Equal Employment Information. Presidents were invited to supply the University with the name of a staff member to receive equal employment opportunity memoranda and bulletins for reference and information only.

Memorandum to presidents from the office of the chancellor dated April 26, 1973, regarding the distribution and implementation of State University's Equal Employment Opportunity Plan.

University Board of Trustees Resolution 71-202, adopted June 30, 1971 outlined the University's policy on equal employment opportunity and designated the chancellor to take all steps necessary and proper to promulgate and implement this policy.

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## Appendices

There are no appendices relevant to this policy.