SEXUAL HARASSMENT POLICY

Date: September 25, 2015
Supersedes: Sexual Harassment Policy, dated August 23, 2011
References: Statement of Non-Discrimination Policy, dated September 25, 2015

I. POLICY AND STATEMENT

New York Medical College is committed to providing all of our students and employees an environment free from conduct constituting harassment and to discipline any student or employee who violates this policy. The College shall not tolerate harassing conduct that affects tangible academic or job benefits, that interferes unreasonably with an individual’s performance, or that creates an intimidating, threatening, hostile, coercive or offensive environment.

It is the policy of New York Medical College to investigate all such complaints thoroughly and promptly. To the fullest extent possible, the College will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, the College will take corrective action as the facts and circumstances warrant, which may include disciplinary action up to and including immediate suspension or termination, as is appropriate depending upon the severity of the offense.

New York Medical College affirms that it is the responsibility of faculty and management to create an atmosphere free of sexual harassment. It is also the duty of each student and employee to respect the rights of fellow students and employees.

II. SCOPE

This Policy applies to all faculty, employees and students of New York Medical College. This Policy does not apply to sexual or gender-based misconduct under the Policy on Sexual and Gender-Based Misconduct regarding faculty, employees and third parties or the Policy on Sexual and Gender-Based Misconduct and Policy for Alcohol and Drug Use Amnesty in Sexual Violence Cases regarding students.

III. Definition

According to the U.S. Equal Opportunity Commission, Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person’s protected status, such as sex, color, race, religion, national origin, age, medical condition, disability, marital status, veteran status, citizenship status, or other protected group status. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or
lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

**Sexual harassment** is a form of discrimination that violates College policy. It is also illegal under state and federal law and includes unwelcome sexual advances, requests for sexual favors, and other physical, verbal, visual or communicated in writing or electronically conduct based on sex when (1) submission to the conduct is an explicit or implicit term or condition of academic decision or employment, (2) submission to or rejection of the conduct is used as the basis for academic or employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual’s academic or work performance or creating an intimidating, hostile, or offensive environment. Sexual harassment that includes circumstances where one person has authority over another is particularly serious because it may unfairly exploit the power inherent in a faculty member’s or supervisor’s position. Sexual harassment may include explicit sexual propositions, sexual innuendoes, suggestive comments, sexual oriented “kidding” or “teasing,” “practical jokes,” jokes about gender-specific traits, obscene language or gestures, displays of obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another’s body. This does not refer to occasional comments of a socially acceptable nature.

The specific context of the situation is critical to the determination as to whether particular conduct constitutes sexual harassment including the participants’ reasonable understanding of the situation, their past dealings with each other, the nature of their professional relationship (e.g., supervisor-subordinate, etc.) and the specific setting.

**IV. Complaint Procedures**

If an employee or student believes that he/she has been sexually harassed, he/she can pursue a number of response options, both formal and informal. If an informal procedure is ineffective, the formal procedures remain open to such employee or student. The College’s Coordinators listed below are available to assist students, faculty and staff with sexual harassment issues, be they general or specific, formal or informal.

**Informal Procedures**

If the employee or student feels comfortable dealing with the situation without assistance, he/she can:

1. Clearly say “no” to the person whose behavior is unwelcome.
2. Communicate either orally or in writing with the person whose behavior is unwelcome.
   The most useful communication will have three parts:
   
   • A factual description of the incident(s) including date, time, place and specific action.
   • A description of the writer’s feelings, including any consequences of the incident.
   • A request that the conduct cease.
Frequently, such a communication will cause the unwelcome behavior to stop, particularly where the person may not be aware that the conduct is unwelcome or offensive.

**Formal Procedures**

A formal sexual harassment grievance proceeding can be initiated by filing a written complaint. This process may lead to an investigation to establish whether there is a reasonable basis to conclude that the alleged violation of this Policy has occurred. The investigation conducted will involve the interview of complainant, the accused and other witnesses and persons with relevant factual knowledge. The investigation affords the accused with full opportunity to respond to the allegations. The Coordinators listed below can assist in filing a complaint.

**Coordinators**

If you feel that you have experienced or witnessed harassment,

- Employees can contact Ms. Theresa R. Haviland, Deputy Title IX Coordinator, in Human Resources at (914) 594-4560 or by email at TERRI_HAVILAND@NYMC.EDU
- Students can contact Mr. Tony Sozzo, the Deputy Title IX Coordinator, in Student Affairs in Valhalla at (914) 594-4491 or by email at SOZZO@NYMC.EDU
- Employees and students can also contact Ms. Katherine Dillon Smith, M.S.W., the Title IX Coordinator at (914) 594-4527 or by email at Katherine_Dillon@NYMC.EDU

**V. Possible Sanctions**

Possible sanctions for a person found guilty of behavior in violation of this Policy include but are not limited to the following:

- Oral or written reprimand, placed in the personnel or education record file
- Required attendance at a sexual harassment sensitivity program
- An apology to the victim
- Transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim.)
- Demotion, suspension, probation, termination, dismissal or expulsion.

While counseling is not considered a sanction, it may be offered or required in combination with sanctions. Where alcohol is involved in the sexual harassment, such counseling may include an alcohol abuse program.

**VI. Reporting Obligations**

The College can respond to specific instances and allegations of harassment only if it is aware of them and therefore encourages anyone who believes that he or she has experienced sexual harassment to promptly come forward with inquiries, reports or complaints and to seek assistance from the College. In addition, any College employee who becomes aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority
must report it to those charged with responding to such allegations and reports: the appropriate
dean, director or department head or other similar administrator or to the Coordinators or Title
IX Coordinator listed in Article IV of this Policy. It shall be the responsibility of these
Coordinators to respond to allegations and reports of sexual harassment or refer them to other
College officials for such response.

Any dean, director or department head or other similar administrator who becomes aware of
information indicating a significant likelihood of sexual harassment must report such information
to the aforementioned Coordinators or the Title IX Coordinator. These administrators must
respond not only when they receive a specific complaint or report alleging improper activity, but
also when such matters come to their attention informally. Unconfirmed or disputed allegations
should be clearly labeled as such and reports should indicate any steps already taken to
investigate or otherwise respond. Administrators may wish to consult with the Coordinators or
prior to responding to any situation involving alleged harassment.

VII. EFFECTIVE DATE

This Policy shall be effective immediately.

VIII. POLICY RESPONSIBILITIES AND MANAGEMENT

Responsible Executive: Chancellor and CEO, Vice President of Operations and the respective
Deans of the School of Medicine, the School of Health Sciences and Practice, and the
Graduate School of Basic Medical Science
Responsible Officer: The Title IX Coordinator and Deputy Title IX Coordinators
Responsible Department: Office of Student Affairs and Human Resources Department

Questions relating to the interpretation and implementation of this Policy are to be directed to the
the Office of the General Counsel.

APPROVED:

Edward C. Halperin, M.D., M.A.
Chancellor and Chief Executive Officer

Date