



## **STATEMENT OF POLICY CONCERNING DISCRIMINATION AND HARASSMENT**

### **EQUAL EMPLOYMENT OPPORTUNITY**

New York State Association for College Admission Counseling (“NYSACAC”) is committed to the policy of equal employment opportunity. This policy expressly prohibits discrimination on the basis of sex, race, color, religion, creed, national origin, age, marital status, sexual orientation, disability, genetic predisposition or carrier status, veteran status, gender identity or expression, familial status, domestic violence victim status, criminal conviction or status as a member of any other protected group or activity. Furthermore, NYSACAC will reasonably accommodate qualified individuals with known disabilities unless doing so would result in an undue hardship to NYSACAC. NYSACAC’s equal employment opportunity policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

### **HARASSMENT**

In keeping with this commitment, harassment by or against anyone -- including any director, manager, supervisor, employee, vendor, non-employee<sup>1</sup>, or client of NYSACAC -- is also prohibited and will not be tolerated.

Harassment consists of unwelcome conduct, whether verbal, physical or visual. Harassment that is based upon a person’s status as a member of a protected group or activity is prohibited. NYSACAC will not tolerate harassing conduct that affects tangible job benefits, that interferes with an individual’s work performance, or that creates an intimidating, hostile, or offensive working environment. Any individual who is found to have engaged in such harassment is subject to disciplinary action.

Under New York law, employers are required to have a policy regarding sexual harassment. This policy applies to all forms of harassment, including sexual harassment, and references to “harassment” include “sexual harassment.”

In particular, unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based upon sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or

<sup>1</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, intern, volunteer, and temporary worker or anyone providing services in the workplace.

offensive working environment. Sexual harassment may include, but is not limited to: repeated offensive or unwelcome sexual flirtations, advances, or propositions; continual or repeated verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; unwelcome physical contact of a sexual nature; sexually degrading words used to describe an individual; the display in the workplace of sexually-suggestive objects or pictures; or other offensive or unwelcome verbal, written, or physical conduct of a sexual nature.

### **COMPLAINT PROCEDURE**

All individuals are responsible for helping to avoid and prevent discrimination and harassment. A person who experiences or witnesses any form of discrimination or harassment should immediately notify the Executive Assistant, or any member of the Executive Board. Reports of discrimination, harassment, or retaliation may be made verbally or in writing. A form for submission of a written complaint is available through the Executive Assistant. Any person in a management position who has knowledge of an incident of discrimination or harassment shall immediately report the incident to the Executive Assistant or any member of the Executive Board. Managers will be subject to corrective action for failing to report suspected discrimination or harassment or otherwise knowingly allowing discrimination or harassment to continue. NYSACAC forbids retaliation against anyone on the basis of reporting or participating in the investigation of an incident of discrimination or harassment.

NYSACAC's policy is to investigate all such complaints promptly and, to the extent practical, conduct investigations in a sensitive and confidential manner. If an investigation confirms that harassment has occurred, NYSACAC will take corrective action to immediately stop the objectionable conduct, as well as prevent its re-occurrence. Depending upon the severity of the conduct, corrective action may result in discipline up to and including termination of employment, membership, volunteer status, or other relationship with NYSACAC as appropriate.

### **ADDITIONAL PROTECTIONS AND REMEDIES**

NYSACAC encourages individuals to report claims of alleged discrimination and harassment (including sexual harassment) so that we can investigate and respond. Nevertheless, discrimination and harassment (including sexual harassment) is unlawful under federal, state, and (where applicable) local law. In addition to the resources available internally, individuals may also contact the agencies identified below.

New York State Division of Human Rights (DHR): A complaint alleging violation of the New York State Human Rights Law may be filed either with the DHR or in NYS Supreme Court. For more information, visit: [www.dhr.ny.gov](http://www.dhr.ny.gov) or call 1-888-392-3644.

United States Equal Employment Opportunity Commission (EEOC): An individual can file a charge alleging a violation of Title VII of the Civil Rights Act of 1964 with the EEOC within 300 days from the alleged harassment or discrimination. A charge must be filed with the EEOC before a complaint can be filed in federal court. For more information, visit: [www.eeoc.gov](http://www.eeoc.gov) or call 1-800-669-4000.

Some local agencies (including the New York City Commission on Human Rights (“NYCCHR”) in New York City) also enforce laws protecting individuals from harassment and discrimination. For more information on NYCCHR, visit: [NYC.gov/HumanRights](https://www.nyc.gov/humanrights) or call 212-306-7450.

Individuals may also contact the county, city, or locality in which they work for additional information.

Legal remedies for harassment claims vary depending on the nature of the claims and the forum.

Harassment may constitute a crime if it involves things like physical touching, coerced physical confinement or coerced sex acts. In these circumstances, individuals may also contact the local police department.