

Title IX/Section 504 Coordinator

Manager, Staff Development and Training
North Hall, Room 121
Telephone: 718-636-3546
Fax: 718-399-4506

CONFIDENTIALITY

All complaints will be kept as confidential as possible, provided doing so will not interfere with the Institute's ability to investigate or take corrective action.

RETALIATION

Pratt Institute expressly prohibits any form of retaliatory action against anyone availing him/herself of this procedure. Such retaliation, or encouraging others to retaliate, shall be considered a serious violation of this policy. As such, persons found in violation of this paragraph are subject to appropriate disciplinary action up to and including discharge (for employees) and expulsion (for students).

KNOWINGLY FALSE COMPLAINTS

Knowingly false accusations of sexual harassment can have serious effects on the person or persons accused. Accordingly, if, after investigating any complaint of harassment, Pratt determines that an individual has knowingly provided false information regarding the complaint, or knowingly has filed a false complaint, appropriate disciplinary action will be taken against the individual up to and including discharge (for employees) and expulsion (for students).

BARGAINING UNIT MEMBERS

Institute employees who are members of a bargaining unit may have other procedural rights pursuant to a collective bargaining agreement. Please contact your union representative for further information.

According to guidelines issued by the U.S. Department of Education Office of Civil Rights and Equal Employment Opportunity Commission, behavior constitutes sexual harassment in an academic setting when **the person engaging in such behavior explicitly or implicitly makes your submission to it a term or condition of your employment or academic standing.**

Vice President for Student Affairs
718-636-3639

Director of Human Resources
718- 636-3787

Title IX/Section 504 Coordinator/Manager, Staff Development and Training: 718-636-3546

Pratt *Pratt Institute*
200 Willoughby Avenue
Brooklyn, NY 11205

SEXUAL HARASSMENT

POLICY

2009-2010

Pratt Institute Office of Publications and Communications (4506)

Pratt

SEXUAL HARASSMENT POLICY AND PROCEDURES

Pratt Institute's mission is to educate men and women to become creative, responsible professionals who will contribute fully to society. The Institute upholds values and standards that support that mission and maintains high expectations regarding the conduct of its students, faculty, staff, and administrators. Therefore, the Institute is committed to providing a learning and working environment in which all interpersonal relationships are based upon respect and dignity and are free from sexual harassment. It is the Institute's policy that sexual harassment in any form will not be tolerated. Administrators, staff, faculty, and students are all responsible for taking reasonable and necessary action to prevent and eliminate sexual harassment. This policy applies to all members of the Pratt community, who are encouraged to promptly report conduct that could be in violation of this policy. Persons found to be in violation of this sexual harassment policy shall be subject to appropriate disciplinary action up to and including termination of employment of employees and suspension or expulsion of students.

DESIGNATION OF RESPONSIBLE OFFICIAL

In accordance with Title IX of the Education Amendments of 1972 ("Title IX"), the Institute has designated a Title IX/Section 504 coordinator. The office is located at North Hall, Room 121, and the phone number is 718-636-3546. The Coordinator is available to assist all members of the Institute's community with questions and concerns regarding their rights under Title IX and the Institute's Human Rights Policy and Sexual Harassment Policy.

LEGAL AUTHORITY

Sexual harassment is a form of sex discrimination. Pratt's policy prohibiting sexual harassment is consistent with and fully supported by Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the New York State Human Rights Law, and the New York City Administrative Code.

AMOROUS RELATIONSHIPS

Consensual sexual and/or romantic relationships between a supervisor and a subordinate, or a faculty or staff member and a student, while not expressly prohibited by the Institute, are deemed to be inappropriate, unprofessional, and unwise. The Institute will be unsympathetic and unsupportive of any supervisor, faculty member, or anyone in a position of authority who enters into such a relationship. The supervisor or faculty member who claims that the relationship was voluntary by the student or subordinate will not be supported by the Institute if faced with a charge of sexual harassment. In fact, he or she may be subject to discipline up to and including dismissal.

DEFINITION OF PROHIBITED SEXUAL HARASSMENT

Sexual harassment may involve the behavior of a person of either sex against a person of the same or opposite sex. It can occur between or among students, faculty, staff, and administrators. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic advancement or access to the rights, privileges, programs, and activities generally accorded or made available to the academic community; or
2. submission to or rejection of such conduct is used as the basis for employment or academic and other collegiate decisions affecting such individual; or
3. such conduct has the purpose or effect of interfering with an individual's welfare, academic or work performance, productivity, physical security, participation in living arrangements, extracurricular activities, academic or career opportunities, services or benefits of institutional programs, or creates an intimidating, hostile, offensive or demeaning educational or work environment.

EXAMPLES OF PROHIBITED BEHAVIOR

Prohibited acts that constitute sexual harassment take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- unwelcome sexual propositions, invitations, solicitations, and flirtations.
- threats or insinuations that a person's employment, wages, promotional opportunities, work assignments, academic grade, classroom assignments, or other conditions of employment or academic or other collegiate life may be adversely affected by not submitting to sexual advances.
- unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene phone calls, mail, or email.
- sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed on the work or study area, if not used solely for a legitimate educational purpose.
- unwelcome and inappropriate touching, grabbing, groping, pinching, or other physical contact.
- spreading sexual rumors.

COMPLAINT RESOLUTION PROCEDURE

Pratt urges every student and employee to report any and all violations of this policy. Student complaints may be made to the Vice President of Student Affairs, respective Dean or Department Chair as the complainant sees fit. Employee complaints may be reported to the respective Vice President, School Dean, Chair, Department Director or Associate/Assistant Director, Supervisor, Title IX/Section 504 Coordinator, or Director of Human Resources, as the complainant sees fit. Pratt encourages students and employees to report complaints promptly so that rapid and constructive action may be taken as soon as possible.

Students and employees may also choose to pursue informal means of resolving workplace disputes related to this policy. For example, an employee who believes he or she is being harassed may simply inform the offender that the conduct is unwelcome and request that the conduct stop immediately. It is understood, however, that it may be difficult or impossible to confront an offender directly. If for any reason the employee or student is unwilling or unable to raise the issue with the offender, or the unwelcome behavior continues, the employee or student should report the conduct immediately.

Pratt will take appropriate action with regard to all complaints of violations of this policy, including conducting an investigation if necessary. Depending on the severity of the complaint, in some situations it may be appropriate to resolve the situation informally. Any Pratt official in the positions referred to above should first advise Human Resources of the existence of a complaint before attempting to resolve the situation informally.

A. INVESTIGATION OF COMPLAINT

If an investigation is necessary, a prompt, thorough, and fair investigation will take place, protecting the rights and dignity of all parties involved. To protect the privacy of all persons involved, confidentiality of the complainant's identity and any witness's identity will be maintained to the extent practical and appropriate under the circumstances. If an investigation is necessary, however, the alleged harasser will need to be informed of the specific allegation(s), which may directly or indirectly reveal the identity of the complainant. The investigation will be conducted by the Vice President for Student Affairs for student complaints and the Director of Human Resources or designee, for employee complaints, unless that is not possible or appropriate, in which case an investigator will be assigned, either from the Pratt staff or an outside person. Upon completion of the investigation, the investigator will communicate the findings and intended actions to the complainant and respondent. Pratt will discipline any employee or student who is determined, after an investigation, to have engaged in a violation of this policy. Discipline of an employee

may include oral or written warning, reprimand, withholding of a promotion, demotion, re-assignment, suspension with or without pay, compensation adjustment, or discharge. Discipline of a student may include suspension or expulsion.

B. RIGHT TO APPEAL

If either the complainant or respondent is dissatisfied with the outcome of a complaint, s/he may file an appeal in writing, including the basis for the appeal, with the Title IX/Section 504 Coordinator within twenty (20) working days after the date the decision is rendered. Appeals are limited to assertions that a) there is additional evidence that was not considered in the investigation, b) the procedures outlined in this policy were not followed, c) the ultimate finding of the investigation is not supported by the facts, and/or d) the level of discipline, if any, is not appropriate. The Institute's Human Rights Committee will be convened to consider the appeal. There must be a minimum of five (5) members of the Human Rights Committee, not including the Title IX/Section 504 Coordinator, Vice President for Student Affairs, or Director of Human Resources, present to hear an appeal and to rule on the outcome. The Title IX/Section 504 Coordinator will convene the appropriate committee and be present at the meeting to facilitate discussion and to ensure that proper procedures are followed and recorded but will not participate in deliberations or findings during the proceedings. The Vice President for Student Affairs and/or Director of Human Resources may be present at the meeting at the request of the Committee but will not participate in deliberations or findings during the proceedings.

The Committee shall first review the record and findings to determine if there is a legitimate basis of appeal under one of the reasons outlined above. If not, the appeal will be denied. If the Committee finds that there is a basis for appeal, it may conduct further inquiry, call witnesses, and gather information it deems necessary to address the issue under appeal. Within fifteen (15) days of the conclusion of its inquiry, the Committee will make its own findings, which may sustain, overturn, or modify the findings of the initial investigation. The Committee may recommend to the President of the Institute any action (e.g. imposition or modification of discipline) consistent with such findings. The President will consider the Committee's recommendation, in consultation with the Director of Human Resources or Vice President for Student Affairs as appropriate, and make a final determination based on the record of the investigation and appeal.

In the event the investigation results in a finding of discrimination, Pratt will take steps to prevent recurrence of any discrimination and correct any discriminatory effects on a complainant and others.