



Policies and Procedures

Sexual Harassment, Assault, and Violence Prevention Policy

Philosophy Statement

The College of Environmental Science and Forestry (hereafter referred to as the College or ESF) is committed to maintaining a learning and working environment which is free from all forms of harassment, discrimination, intimidation, or violence including that of a sexual nature. Every member of the College community should be aware that the College strongly opposes sexual harassment and that such behavior is prohibited by law and by the College. It is the responsibility of the College to prevent these incidents if possible, to correct them when they occur, and to take appropriate action against behavior that is a violation of this policy. The scope of this policy applies to all students, employees, applicants in the admission or employment processes, and visitors.

Title IX Policy Statement

Title IX is the federal anti-discrimination law that states, “No person in the United States shall, on the basis of sex, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid.” (Title IX of the Educational Amendments, 1972.) This applies to all College programs and activities including, but not limited to, academic and athletic programs, financial aid and student records and accounts, health and counseling services, and housing and residence life programs.

Title IX prohibits sex discrimination against students, employees, or third parties. Sex discrimination includes sexual harassment, sexual assault, and sexual violence.

Definitions

Sexual Harassment is defined as unwelcome, gender-based verbal, non-verbal, or physical contact that is sexual in nature and sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the University’s educational program and/or activities, and is based on power differentials, the creation of a hostile work environment, or retaliation.

Sexual Assault is a physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as “rape” (including what is commonly called “date rape” and “acquaintance rape”), fondling, statutory rape, and incest. For statutory rape, the age of consent in New York State is 17 years old.

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Sexual Violence is defined as physical sexual acts perpetuated against a person's will or perpetrated where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence is prohibited by state and federal law, by SUNY policy, and by College policy.

Response and Complaint Procedures

This policy applies to all members of the College community. It is written to explain and prohibit all forms of sex discrimination, including but not limited to, sexual harassment, sexual assault, and sexual violence.

For the purposes of this policy, the term "College community" includes current students, all employees (faculty, staff, and others employed by the College), and individuals accepted for admission but not yet matriculated. The term "non-College community" includes all others, including but not limited to, parents/family/guardians, visitors, former students and alumni/ae, vendors and contractors, members of the public, and volunteers.

The College has distinct procedures for the investigation and resolution of cases of sex discrimination:

- For complaints against students, refer to the [Student Handbook](#)
- For complaints against College employees (faculty and staff) contact the Human Resources Office at (315) 470-6611. The Human Resources Office will provide options for filing complaints including the ESF Discrimination Complaint Procedure at http://www.esf.edu/hr/documents/Discrimination_Complaint_Procedure.pdf

Confidentiality and Retaliation

In accordance with existing policies and laws, every effort will be made to protect the privacy of all individuals throughout all phases of the complaint investigation and resolution process. Information about complaints will be maintained in confidence to the fullest extent possible. College policy and laws prohibit retaliation against any individual who opposes sexual harassment, files a complaint, or assists or participates in any manner in an investigation or proceeding conducted by the College or an external agency.

Responsibilities for Reporting and Responding

- Responsible Employees who become aware of an incident of sexual assault, sexual violence and/or sexual harassment, have a legal responsibility to report it to those at ESF who are responsible for handling such incidents (as identified earlier).



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- Responsible Employees at ESF include all faculty and Staff who should therefore:
 - ADVISE the individual in advance that while you will make every effort to maintain privacy to the greatest extent possible, that you cannot keep the incident confidential.
 - REFER individual to those resources designated as responsible for handling incidents (including those resources that are confidential.
 - REPORT the incident to one of the individual at ESF designated as responsible for handling incidents.

Policy Oversight and Responsibility

The College has an appointed Title IX Coordinator who has responsibility for overseeing the College's Sexual Harassment, Assault, and Violence Prevention Policy. The Coordinator has responsibility for educating the College community, for developing initiatives, and for responding to incidents of gender inequality.

Joseph Rufo

Vice President for Administration and Title IX Coordinator

208 Bray Hall

(315) 470-6622

jlrufo@esf.edu

The following individuals also have key responsibilities related to Title IX:

For complaints of student-to-student violations of the *Code of Student Conduct*, and complaints from an employee against a student:

Anne E. Lombard

Dean for Student Affairs

110 Bray Hall

(315) 470-6660

aelombard@esf.edu

For discrimination-related complaints, including sexual harassment, involving College employees (complaints from an employee against another employee and complaints from a student against an employee):

Marcia Barber

Director of Human Resources

216 Bray Hall

(315) 470-6611

mabarber@esf.edu



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For law enforcement and criminal complaints:

Thomas LeRoy

Chief of University Police

19 Bray Hall

(315) 470-4992 (or x6667)

tjleroy@esf.edu

For athletics equity complaints:

Anne Lombard

Dean for Student Affairs

110 Bray Hall

(315) 470-6660

aelombard@esf.edu

In addition, this link provides additional employees who report to the above individuals and may also assist: <http://www.esf.edu/administration/titleix/>

Additional Resources

Students seeking assistance may contact the Office of Student Affairs (315-470-6660) or ESF Counseling Services, 105 Bray Hall, (315-470-4716). Employees seeking assistance may contact the Employee Assistance Program (315-470-6847 or 315-470-4730).

Some cases of sex discrimination, including those involving sexual assault or sexual violence, may constitute crimes. By filing a complaint with the College, a complainant does not forgo the right to file and pursue a criminal complaint with local law enforcement. ESF University Police (315-470-6666) can assist members of the College community with the filing of a criminal complaint.

Questions or concerns may be directed externally to:

Office of Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue SW

Washington, DC 20202-1100

Customer Service Hotline: 800-421-3481

Fax: 202-453-6012

TDD: 877-521-2172

www.ocr.gov