



# Resolving Discrimination, Harassment, and Retaliation Complaints

**Effective Date:** November 1, 2019 (supersedes April 22, 2019 version)  
**Function:** Human Resources  
**Contact:** Vice President for Human Resources

## Basis for Procedure

The Research Foundation for The State University of New York ("Research Foundation" or "RF") has established this procedure, consistent with the [Equal Employment Opportunity and Antidiscrimination Policy](#), to provide individuals with methods for resolving Discrimination, Harassment, or Retaliation complaints as quickly and effectively as possible.

## Procedure Summary

The Research Foundation is committed to promoting a work environment that supports diversity, inclusion, and respect for individual differences, and promotes and maintains a work environment free of Discrimination, Harassment, or Retaliation. This procedure outlines the steps an Employee must take when reporting a potential violation of the [Equal Employment Opportunity and Antidiscrimination Policy](#).

## Procedure for Employee Complaints

Research Foundation employees who believe they have been subjected to Discrimination, Harassment, or Retaliation or who are aware of Discrimination, Harassment, or Retaliation in violation of RF policy must report any such violations to a supervisor, manager, RF campus human resources office ("RF Campus HR"), campus diversity office, RF Operations Manager or Deputy Operations Manager, the RF Central Human Resources Office ("RF Central HR"), the Office of General Counsel, the Office of Internal Audit, the Office of Compliance Services, or anonymously through the [Speak Up RF- Ethics Hotline](#).

All RF supervisors and managers who receive a complaint or information about any alleged violation of this Policy or who observe or suspect conduct that may violate this Policy are required to report such conduct to their Operations Manager or designee, RF Central HR, RF Office of the General Counsel, or RF Campus HR. The RF will enforce disciplinary actions against supervisory and managerial personnel who fail to report or who knowingly allow Discrimination, Harassment or Retaliation to continue.

OM's, Deputy OM's, managers, or supervisors who become aware of suspected or improper conduct must NOT:

- Contact the person suspected to further investigate the matter or demand restitution, unless otherwise directed to do so by RF Central HR or the Office of Compliance Services; or
- Discuss the case with outside attorneys, the media, or anyone other than RF Central HR, RF campus HR, the campus diversity office, RF Counsel, Internal Audit, or the Office of Compliance Services.

The Research Foundation takes complaints about Discrimination, Harassment, and Retaliation very seriously and will ensure a prompt review of such complaints. Employees should provide names of witnesses, supporting documentation (notes, emails, etc.), and any other relevant information to facilitate the investigation to the extent such information is known or available to the individual. Employees are required to participate fully under this procedure and to provide truthful and complete information.

Where there is a Discrimination, Harassment, or Retaliation complaint against an individual who is not on the RF payroll or where there is more than one employer involved, the RF may, at its discretion, refer the complaint to the appropriate employer for review/investigation.

Statement on Confidentiality: Information gathered during any investigation into alleged instances of Discrimination, Harassment, or Retaliation will be handled discreetly. In some instances, however, it may be necessary to disclose information in order to conduct a thorough review. The Research Foundation will take steps to ensure that confidentiality is maintained, where practicable.

If you experience or are aware of an incident involving Sexual Harassment, please refer to the Research Foundation's [Sexual Harassment Prevention Policy](#) immediately.

## Definitions

*Discrimination* – disparate treatment of an individual based on that individual's Protected Trait. Discrimination includes, but is not limited to disparate treatment in hiring, firing, compensation, training/development, or in terms, conditions or privileges of employment because of an individual's Protected Trait. Differences in treatment are not Discrimination under this policy where those differences are permitted or required by law.

*Harassment* - abuse, intimidation/threats/coercion, assault, and/or other unwelcomed conduct related to a Protected Trait, where the conduct has the purpose or effect of:

- a. unreasonably interfering with an individual's work environment;
- b. subjecting an employee to inferior terms, conditions, or privileges of employment; or
- c. creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee.

Such conduct includes verbal, visual, or physical conduct directed at an individual because of a Protected Trait, to include slurs, insults, insulting/derogatory pictures, assault, blocking ingress/egress, and other unwelcome behaviors.

*Protected Trait* –sex, race, color, religion, national origin, citizenship, age, creed, disability, veteran status, marital status, familial status, military status, domestic violence victim status, sexual orientation or gender identity and expression, predisposing genetic characteristics/genetic information, or any other category protected by applicable federal, state, or local law.

*Qualified Person* – an applicant or employee who meets the skill, experience, education, or other requirements of an employment position that s/he holds or seeks and who can perform the essential functions of the position with or without reasonable accommodation.

*Retaliation* - any adverse treatment or action or credible threat of an adverse treatment or action taken by the Research Foundation or any individual doing work for or on behalf the Research Foundation, in response to a complaint of Discrimination or Harassment, participation in an investigation under the Procedure for Resolving Discrimination, Harassment, or Retaliation Complaints, or engaging in lawfully protected activities, such as participating in an external investigation or proceeding.

*Sexual Harassment* – A form of unlawful sex discrimination which includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender. Sexual harassment includes unwelcome conduct that 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, subjecting an employee to inferior terms, conditions or privileges of employment, or creating an intimidating, hostile, or offensive work environment, even if the complaining individual is not the intended target of Sexual Harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejecting of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, videos, photographs, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual Harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or images, or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which subject the employee to inferior terms, conditions or privileges of employment, or which interfere with the recipient's job performance. This can occur even if the derogatory behavior was not intended for a particular individual (i.e. comment directed at employee A (recipient) but offends employee B).

Sexual Harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is called "quid pro quo" harassment.

## Related Information

[Equal Employment Opportunity and Antidiscrimination Policy](#)

## Forms

None

## Change History

Date	Summary of Change
February 5, 2024	Updated Ethics Hotline name and link.
January 7, 2020	Updated to reflect 2019 amendments to New York State Human Rights Law and for consistency with the Equal Employment Opportunity and Antidiscrimination and the Sexual Harassment Prevention policies.
April 22, 2019	Updated for consistency with changes in the EEO Policy.
April 4, 2017	In Responsibilities Section, changed the Responsible Party "Corporate Manager of Employee Relation and Affirmative Action" to "Vice President for Human Resources."
February 2, 2017	Updated to streamline and make more efficient the process for employees to resolve discrimination, harassment, and retaliation complaints.
March 1, 2006	Completely revamped procedure and responsibilities.
June 17, 2004	Updated a link in the Cross References section.