

NON-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION POLICY

A separate policy controls in the event of sex discrimination, sexual harassment, and/or sexual violence against students. (See University's Policy for the Prevention of and Response to Sex Discrimination, Sexual Harassment, and Sexual Violence against Students).

POLICY STATEMENT

The Rockefeller University is committed to maintaining a work environment in which each individual is treated with respect and dignity. Every member of the University community, including an employee and/or a person with an academic appointment ("University member"), has the right to work in a professional atmosphere that promotes equal employment opportunities and is free from bias, prejudice, and harassment.

The Rockefeller University prohibits and will not tolerate discrimination or harassment on the basis of race; creed; color; national origin; religion; sex/gender (including sexual orientation; self-identified or perceived sex; gender expression; gender identity; status of being transgender; status as a victim of domestic violence, sexual violence, or stalking; sexual and reproductive health decisions; and pregnancy); age; disability; alienage or citizenship status; military status; marital or partnership status; caregiver status; genetic information; or any other characteristic protected under applicable law. The University also prohibits and will not tolerate retaliation against any individual who has engaged in protected activity, as defined below.

DEFINITIONS

Discrimination involves treating a person (an employee or job applicant) unfavorably because of his or her race; creed; color; national origin; religion; sex/gender (including sexual orientation; self-identified or perceived sex; gender expression; gender identity; status of being transgender; status as a victim of domestic violence, sexual violence, or stalking; sexual and reproductive health decisions; and pregnancy); age; disability; alienage or citizenship status; military status; marital or partnership status; caregiver status; genetic information; or any other characteristic protected under applicable law (each a "protected characteristic"). This policy and the law forbid discrimination in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Harassment, in the employment context, is a form of discrimination that is a serious violation of this policy and is illegal under applicable federal, state, and local laws. Harassment is defined as unwelcome physical, verbal, or visual conduct that denigrates or shows hostility or aversion toward an individual because of one or more protected characteristics. Harassment becomes unlawful where:

- the offensive conduct is explicitly or implicitly made a term or condition of employment or continued employment, or is used as the basis for an employment decision; or

- the conduct is severe (in which case a single incident may be sufficient) or pervasive enough so as to create a work environment that a reasonable person would consider intimidating, hostile, or offensive.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes or the display or circulation (including through email) in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of a protected characteristic.

Sexual harassment is defined as unwelcome conduct (i) of a sexual nature or (ii) which is directed towards an individual because of that individual's sex/gender (including sexual orientation; self-identified or perceived sex; gender expression; gender identity; status of being transgender; status as a victim of domestic violence, sexual violence, or stalking; and pregnancy).

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different sex. Depending on the circumstances, these behaviors may include, but are not limited to: unwelcome sexual advances or requests for sexual favors; sexual jokes or innuendoes; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering or catcalls; inappropriate touching; insulting or obscene comments or gestures; inappropriate sex stereotyping; display or circulation (including through email) in the workplace of sexually suggestive objects or pictures; or other physical, verbal, or visual conduct of a sexual nature; threatening, intimidating, or other hostile acts of a sexual nature or against an individual because of the individual's sex or gender. A form of sexual harassment, also called "*quid pro quo*" harassment, occurs when a person in authority makes unwelcome sexual advances or requests for sexual favors in exchange for job benefits.

Protected activity is defined as activity by an individual who (i) makes a complaint of discrimination or harassment, internally or to a government agency; (ii) testifies, assists, or otherwise participates in a proceeding or an investigation of discrimination or harassment; (iii) makes an oral or informal complaint or simply informs a supervisor of discrimination or harassment; (iv) reports that another University member has been discriminated against or harassed; or (v) encourages another University member to report discrimination or harassment.

Retaliation is defined as an action that could discourage an individual who has engaged in protected activity from coming forward to make or support a claim of discrimination or harassment, including sexual harassment, and is a serious violation of this policy and illegal under applicable federal, state, and local laws. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours). An individual is protected from retaliation if the individual had a good faith belief that the alleged conduct was unlawful, even if the alleged conduct does not rise to the level of a violation of the law. An individual who makes intentionally false charges of harassment, however, is not protected from retaliation.

INDIVIDUALS AND CONDUCT COVERED

This policy applies to applicants, employees, and persons with academic appointments at the University. This policy prohibits discrimination, harassment including sexual harassment, and retaliation, whether engaged in by or towards a fellow employee, a supervisor or manager, a person with an academic appointment, or someone not directly connected to the University (*e.g.*, an outside vendor, consultant, or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, or business-related social events. Calls, texts, emails, and social media usage by employees may constitute illegal workplace harassment, even if they occur outside of the workplace premises, on personal devices or during non-work hours.

COMPLAINT PROCEDURE

A. Reporting an Incident of Discrimination, Harassment, and/or Retaliation

The Rockefeller University strongly urges the reporting of all incidents of discrimination, harassment, and/or retaliation, regardless of the offender's identity or position. Individuals who have experienced conduct that they believe is contrary to the University's policy or who have concerns about such matters should immediately report their complaints, before the conduct becomes severe and pervasive. A complaint may be reported to an individual's immediate supervisor or to one of the University's designated representatives, who are (1) the Vice President of Human Resources, and (2) the Dean of Graduate and Postgraduate Studies. Individuals are not required to report a complaint to their immediate supervisor before bringing the matter to the attention of one of the University's designated representatives. Others who witness or become aware of sexual harassment should report the behavior to a supervisor or one of the University designated representatives. A complaint may be made orally or in writing. (A complaint form for reporting a sexual harassment claim is available at: <https://www2.rockefeller.edu/forms/reporting-sexual-harassment/>. See also Section D for additional external avenues of redress for sexual harassment claims.) In addition, any individual in a supervisory capacity having information about or reason to suspect such acts or patterns of behavior must bring the behavior to the attention of one of the University's designated representatives and not try to "handle the matter" alone.

Early reporting and intervention have proven to be effective in resolving actual or perceived incidents of discrimination or harassment. Therefore, while no fixed reporting period has been established, the University strongly urges the immediate reporting of complaints or concerns so that rapid and constructive action can be taken. The University will make every effort to stop alleged discrimination or harassment before it becomes severe or pervasive, but it can do so only with the cooperation of the University community. Failure to adhere to the suggested reporting procedure in this policy could affect an individual's future right to pursue legal action under federal, state, and local discrimination laws, which have specific time frames for initiating a legal proceeding pursuant to those laws and are described further below in Section D.

The availability of this complaint procedure does not preclude individuals who believe that they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued. However, such action will not constitute a report under this policy. In addition, employees may choose at any time to file a formal grievance in accordance with the University's Grievance Procedure.

B. The Investigation

Any reported allegations of discrimination, harassment, or retaliation will be investigated promptly, thoroughly, and impartially, with due process for all parties. Primary investigation will be conducted under the supervision of the Vice President of Human Resources or her/his designee in a manner that respects, to the extent possible, the privacy of all of the persons involved. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The investigation also will include a review of relevant documents and records. Records of the investigation will be maintained, as appropriate.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

C. Responsive Action

Conduct covered by this policy will be addressed by the Human Resources office in consultation with the University administration as appropriate. Responsive action will be taken against individuals, including University members, who engage in discrimination or harassment including sexual harassment, or retaliate against another individual who has engaged in protected activity. Supervisors who knowingly allow sexual harassment to continue will be subject to responsive action. Responsive action may include, for example, training, referral to counseling, monitoring of the offender, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension (with or without pay), or termination, as the University deems appropriate under the circumstances. Appeal of the responsive action may be made through the University's Grievance Procedure.

Finally, this policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender or any other protected characteristic, from participating in business or work-related social activities or discussions. The law and policy of The Rockefeller University prohibit disparate treatment on the basis of sex or any other protected characteristic with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against discrimination, harassment, and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

D. Additional External Avenues of Redress for Sexual Harassment Claims

In addition to the internal procedures described above, an employee may pursue a sexual harassment claim with the following governmental agencies.

1. Federal Civil Rights Act of 1964

An employee may seek redress under the federal anti-discrimination laws, including Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* A sexual harassment complaint may be filed with the United States Equal Employment Opportunity Commission (EEOC) and thereafter with a federal district court.

2. New York State Human Rights Law

An employee may seek redress under the New York State Human Rights Law, N.Y. Executive Law, Art. 15, § 290 *et seq.* A sexual harassment complaint may be filed with the New York State Division of Human Rights and/or with the New York State Supreme Court.

3. New York City Human Rights Law

There may be applicable local laws protecting individuals from sexual harassment. The county, city, or town in which the employee lives or works may provide information about existing laws. For example, an employee may seek redress under the New York City anti-discrimination laws protecting individuals from gender-based harassment, including the New York City Human Rights Law, Title 8 of the Administrative Code of the City of New York, N.Y.C. Admin. Code § 8-101 *et seq.* A sexual harassment complaint may be filed with the New York City Commission on Human Rights.

4. Contact the Local Police Department

An employee may report sexual harassment involving physical conduct to local law enforcement and/or state police.

* * * * *

Individuals who have questions or concerns about this policy should speak with the Vice President of Human Resources.

Amended by Executive Officers Group on September 29, 2015; updated by Administrative Working Group on October 8, 2018; further updated by Administrative Working Group on April 16, 2019 (amendment effective May 20, 2019)