

# Do the Right Thing

## Creating a Safe and Respectful Environment for Colleagues, Students and Visitors

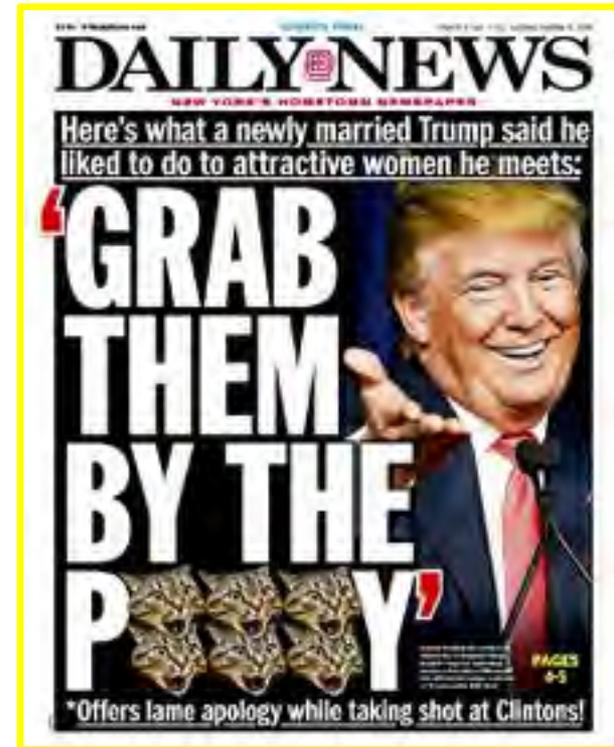
SUNY Cobleskill

August 2018

# The New York Times

January 21, 2017

## Donald Trump Inauguration: A Day of Ceremony, Protests and Celebration



Front page of October 8, 2016, with the headline story reporting on the Access Hollywood recordings of Donald Trump.



January 21, 2017

# At 2.6 Million Strong, Women's Marches Crush Expectations



# The New York Times

October 8, 2017

## Harvey Weinstein Is Fired After Sexual Harassment Reports

The Weinstein Company fired its co-founder Harvey Weinstein on Sunday, after a New York Times investigation uncovered allegations that he had engaged in rampant sexual harassment, dealing a stunning blow to a producer known for shaping American film and championing liberal causes.



# The New York Times

February 8, 2018

## After Weinstein: 71 Men Accused of Sexual Misconduct and Their Fall From Power

- **Matt Lauer, Co-host of “Today”**
  - Sexually inappropriate behavior
- **Charlie Rose, CBS/PBS television host**
  - Sexual harassment of at least eight women, including groping and lewd phone calls
- **U.S. Senator Al Franken of Minnesota**
  - Sexual harassment of several women, including forcibly kissing and groping
- **U.S. Congressman John Conyers Jr. of Michigan**
  - Sexual harassment of employees
- **Louis C.K., Comedian and producer**
  - Sexual misconduct with five women, including exposing himself and masturbating in front of them
- **Kevin Spacey, Actor**
  - Sexual assault of multiple men and sexual misconduct with a minor

# TIME

PERSON OF THE YEAR  
THE SHORT LIST  
NO. 4

# Black Lives Matter

*A new civil rights movement is turning  
a protest cry into a political force.*

“In 2015, Black Lives Matter blossomed from a protest cry into a genuine political force. Groups that embraced the slogan hounded police chiefs from their jobs, won landmark prosecutions and turned college campuses into cauldrons of social ferment. At the University of Missouri, a hunger strike incited a boycott by the football team that drove the president out of office.”

# SUNY Cobleskill

## Non-discrimination Statement

- **We comply with the law**
  - Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI and VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, New York State Human Rights Law and other federal, state, and local laws
- **We don't discriminate**
  - Race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction
- **This includes, but is not limited to**
  - Recruitment, application process, examination and testing, hiring, training, grading, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment, discharge, and all other terms and conditions of employment, educational status, and access to college programs and activities

# SUNY Cobleskill

## Non-discrimination Statement

- Questions or concerns regarding Title IX, the ADA, or any other aspects of SUNY Cobleskill's non-discrimination programs should be addressed to:

Lynn Berger, Director of Human Resources and Affirmative Action  
(Title IX Coordinator)

Knapp Hall 123 / 518-255-5465 / [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu)

- Information about the policies and laws being discussed today can be found at:
  - [www.cobleskill.edu/about/administrative-offices/human-resources/](http://www.cobleskill.edu/about/administrative-offices/human-resources/)
  - <http://www.cobleskill.edu/titleix/>

# Title IX and 129-B: Preventing Sexual Violence, Harassment and Discrimination

# The New York Times

September 28, 2014

## Active Consent Bill Signed in California

California has become the first state to require students on college campuses to receive active consent before all sexual activity.

Gov. Jerry Brown on Sunday signed into law a bill that will impose this new standard for consent at all colleges that receive state funding, including all public universities and many private institutions where students receive state grants.

Consent can be conveyed by a verbal “yes,” or signaled in a nonverbal way, but lack of resistance or objection cannot constitute consent.

# The New York Times

July 8, 2015

## All NY Colleges to Adopt 'Yes Means Yes' Sex Assault Policy

Legislation requiring universities in New York state to adopt a uniform affirmative sexual consent policy was signed by Governor Andrew Cuomo on Tuesday.

The so-called "yes means yes" standard defines sexual consent between people as an affirmative, conscious and voluntary understanding to engage in sexual activity. It is part of a nationwide movement aimed at curbing sexual assaults on college campuses.

# What is New York State Education Law, 129-B?

- 129-B is intended "to combat sexual assault on college and university campuses statewide. The new law requires all colleges to adopt a set of comprehensive procedures and guidelines, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement to ensure the safety of all students attending colleges in New York State."
- The law was signed by Governor Cuomo in July 2015
  - The law is also referred to as "Enough is Enough"

# What Does 129-B Require?

- A uniform definition of affirmative consent, defining consent as a knowing, voluntary, and mutual decision among all participants to engage in sexual activity
- An amnesty policy, to ensure that students reporting incidents of sexual assault or other sexual violence are granted immunity for certain campus policy violations, such as drug and alcohol use
- A Students' Bill of Rights, which campuses are required to distribute to all students in order to specifically inform sexual violence victims of their legal rights and how they may access appropriate resources
  - The Bill of Rights clearly states that students are given the right to know they can report sexual assaults to outside law enforcement, including the State Police
- Comprehensive training requirements for administrators, staff, and students, including at new student orientations
- Reporting requirements for campuses to annually submit aggregate data on reported incidents of sexual violence and their adjudication and handling to the State Education Department

# What is Title IX?

- Title IX of the Education Amendments of 1972 prohibits sex discrimination in educational programs and activities
  - *“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”*

# What Does Title IX Address?

- Sex discrimination
  - Unequal pay based on gender
  - Discrimination on the basis of pregnancy
  - Unequal distribution of athletic funds
  - Unequal admissions and financial aid practices
  - All forms of sexual harassment, including verbal sexual harassment, and sexual violence by employees, students, or third parties against employees, students, or third parties
    - *Whether or not* the incidents of harassment occur on the College campus and *whether or not* the incidents occur during working hours

# What Does This Mean for Us?

- The College has a duty to promptly respond to complaints of sexual harassment and sexual violence in a way that limits its effects and prevents its recurrence
- Victims of sexual harassment or sexual violence might be faculty, staff, students, or third parties
  - Similarly, the accused may be from any of those groups
- Victims and alleged perpetrators can be male or female
  - Harassment can take place between two individuals of the same sex

# What Should I Report?

- Any observed, experienced, or known sex discrimination, including sexual harassment and sexual violence
  - Doesn't matter if it occurred on-campus, off-campus, at a nearby private college campus, on spring break in Mexico, study abroad in China, last week, or two years ago

# Who Needs to Report?

- Anyone who experiences, observes, or hears about an incident of sexual harassment or sex discrimination must report it to the Title IX Coordinator or another campus official as soon as possible
  - This includes deans, department chairs, faculty, staff, students, and third parties
- The Title IX website ([www.Cobleskill.edu/titleix](http://www.Cobleskill.edu/titleix)) provides guidance and a checklist on “What to Do If Someone Tells You They Have Experienced Sexual Violence”
- Victims must be told, “You have the right to make a report to University Police, local law enforcement, and/or State Police, or choose not to report; to report the incident to SUNY Cobleskill; to be protected by SUNY Cobleskill from retaliation for reporting an incident; and to receive assistance and resources from SUNY Cobleskill”

# What Is The Role of the Title IX Coordinator?

- The Title IX Coordinator oversees the processes that address reported concerns or claims of sex or gender based harassment, discrimination, misconduct or violence
- The Title IX Coordinator works closely with Student Development, Academic Affairs, Human Resources, Wellness Center, Student Conduct, University Police and other offices
  - to provide educational programming for the campus community
  - to investigate claims of sexual discrimination, harassment, sexual assault, violence or misconduct
  - to identify the appropriate responses or resolutions as may be prescribed by policy and law
- The Title IX Coordinator also works with the complainant(s) to assist them in accessing any appropriate internal and external support services
  - Our Title IX Coordinator is **Lynn Berger**, Director of Human Resources and Affirmative Action

# Why Can't a Supervisor or Professor or RA Just "Handle It"?

- Penn State example:
  - 15 years of non-compliance with Title IX
  - Title IX protects anyone with a nexus to the college including visitors
  - Coaches and senior administrators had personal knowledge which equals college knowledge
  - Fear of retaliation

# The New York Times

October 28, 2013

## Penn State to Pay Nearly \$60 Million to 26 Abuse Victims

Jerry Sandusky, 69, is serving a 30- to 60-year state prison sentence



# The New York Times

March 24, 2017

## Former Penn State President Found Guilty in Sandusky Abuse Case



Graham B. Spanier, the former Penn State president, outside court in Harrisburg, Pa., on Friday. He was convicted of child endangerment related to the Jerry Sandusky abuse case.

Credit Matt Rourke/Associated Press

# The New York Times

May 17, 2018

## Michigan State's \$500 Million for Nassar Victims Dwarfs Other Settlements



Victims of Lawrence G. Nassar, the Michigan State University physician who [sexually abused young women](#) under the guise of medical treatment, would receive \$500 million from the university in a settlement that is believed to be the largest ever reached in a sexual abuse case involving an American university.

“I think the number being so large sends a message that is undeniable, that something really terrible happened here and that Michigan State owns it,” said John Manly, a lawyer for many of the 332 women who sued the university over abuse by Dr. Nassar. “When you pay half a billion dollars, it’s an admission of responsibility.”

# The New York Times

July 20, 2018

## ‘It Can Happen Even to Guys’: Ohio State Wrestlers Detail Abuse, Saying #UsToo

More than 100 men have now come forward to say they were molested by [Dr. Richard Strauss](#), a team doctor and physician at Ohio State University from the late 1970s to the 1990s



Michael Rodriguez, a wrestler at Ohio State University in the 1990s, says he was abused by Dr. Richard Strauss, including once at the doctor's home.

# How About I Just Tell the Police?

- Law enforcement involvement does not relieve the institution from investigating under Title IX
- You may have a Title IX violation without a criminal violation (standard of proof is different)
- Victim may not want to notify police

# Worst Case Scenario

- Victim A tells the Dean
- Victim B tells the RA
- Victim C tells the Police
- **Why is this a problem?**
  - Available evidence is different in each case
  - A and B may not want to file a criminal complaint
  - The Dean and RA each intend to “handle” the situation however they can
  - **No one knows that there are three alleged victims naming the same accused perpetrator**

# Title IX and 129-B Key Points

- The College is committed to ensuring a community that is safe for all who study, live, work and visit here
- Members of the campus community must always report observed or experienced sex discrimination to the Title IX Coordinator
- We understand that sexual discrimination, harassment, assault, misconduct or violence may be difficult to report but immediate reporting allows for the best possible efforts to support the victims, and to investigate and address the claims

# Affirmative Consent Definition

- Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity
- Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity
- Silence or lack of resistance, in and of itself, does not demonstrate consent
- The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression

# More About Affirmative Consent

- Consent to any sexual act, or prior consensual sexual activity between or with any party, does not necessarily constitute consent to any other sexual act
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol
- Consent may be initially given but withdrawn at any time
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity
  - Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent
  - Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm
- When consent is withdrawn or can no longer be given, sexual activity must stop

# Student's Bill of Rights

- All students have the right to:
  - Make a report to local law enforcement and/or state police
  - Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously
  - Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution
  - Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard
  - Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available
  - Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations
  - Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident
  - Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution
  - Access to at least one level of appeal of a determination
  - Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process
  - Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College

# Reporting Options

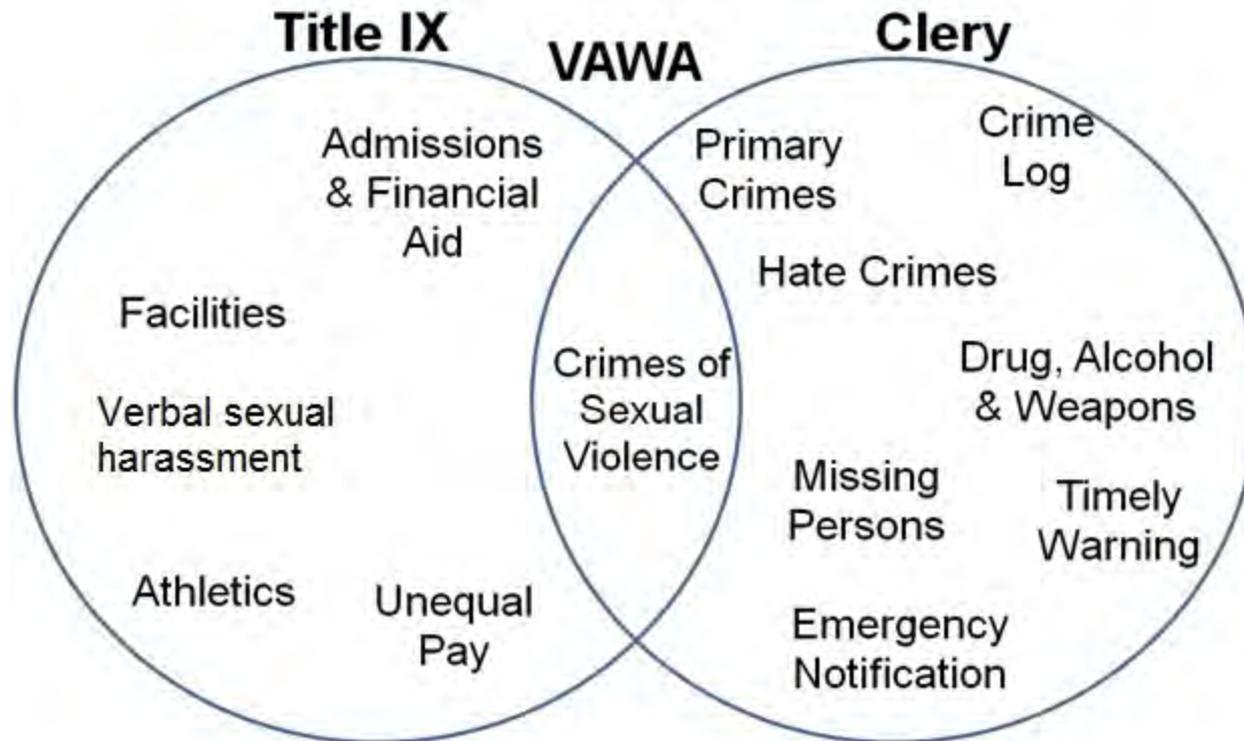
- Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:
  - Receive resources, such as counseling and medical attention
  - Confidentially or anonymously disclose a crime or violation
    - Wellness Center
  - Make a report to an individual with the authority to address complaints, including:
    - Director of Human Resources & Affirmative Action/Title IX Coordinator (Lynn Berger)
    - Director, Student Conduct (Matt LaLonde)
    - University Police
    - Local law enforcement; and/or
    - Family Court or Civil Court

# Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases

- SUNY Cobleskill recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time of an act of violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct
- The College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials
- A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will not be subject to the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault

# Violence Against Women Act (VAWA)

# Violence Against Women Act



# What is VAWA?

- The Violence Against Women Act is a comprehensive legislative package designed to improve criminal justice responses to sexual assault, domestic violence, dating violence, and stalking and to increase the availability of services for victims and survivors
- VAWA was first passed by Congress in 1994, and was reauthorized in 2000, 2005, and 2013

# Federal Requirements for Colleges and Universities

- Under The Violence Against Women Act (“VAWA”), all colleges and universities across the country are required to:
  - Report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandates
  - Adopt certain student discipline procedures, such as for notifying purported victims of their rights
  - Adopt certain institutional policies to address and prevent campus sexual violence
  - Adopt new definitions for sexual misconduct and crimes

# VAWA Definitions of Sex Crimes

- The definitions of sex crimes have been changed to reduce confusion and misreporting of sexual violence, especially in the area of acquaintance sexual assault
  - **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent
  - **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
  - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
  - **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
  - **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent (age 17 in NYS)

# VAWA Required Definitions for Student Conduct Codes

- **Consent:**

- Consent is a voluntary agreement to engage in sexual activity
  - Someone who is incapacitated cannot consent
  - Past consent does not imply future consent; silence or an absence of resistance does not imply consent
  - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another
  - Consent can be withdrawn at any time
  - Coercion, force, or threat invalidates consent
- 
- *Note: Pre-dates “affirmative consent” in NY*

# VAWA Required Definitions for Student Conduct Codes

- **Dating Violence**

- A violent act committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of the relationship shall be determined based on victim's statement with consideration of the length of the relationship, the type of the relationship, and the frequency of the relationship

- **Domestic Violence**

- A violent crime committed by a current or former spouse or intimate partner OR a person sharing a child with the victim; AND
- Has cohabitated with the victim as a spouse or intimate partner

- **Stalking**

- Engaging in a course of conduct (two or more acts) by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils or threatens a person AND
- Causes a reasonable person to fear for his or her safety or the safety of others or causes that person to suffer substantial emotional damage

# Workplace Violence, Sexual Harassment, and Bullying

# The New York Times

April 16, 2007

## Virginia Tech Shooting Leaves 33 Dead

Thirty-three people were killed Monday on the campus of Virginia Tech in what appears to be the deadliest shooting rampage in American history, according to federal law enforcement officials. Many of the victims were students shot in a dorm and a classroom building.

# Number of School Shootings Rise

- More than 400 people have been shot in over 200 school shootings in the US since the Sandy Hook Elementary School shooting in 2012
  - Sixteen of the 239 shootings can be classified as mass shootings, events in which four or more people are shot
- *Source: New York Times, February 15, 2018*

# Workplace Violence

- The College will not tolerate any act or threat of violence made in the workplace, on College property, or while in work status
- Prohibited conduct includes, but is not limited to:
  - **Use of force with intent to cause harm**, e.g. physical attacks, hitting, fighting, pushing, or throwing objects
  - **Behavior that diminishes the dignity of others** through sexual, racial, religious or ethnic harassment
  - **Acts or threats (verbal or physical)** which are intended to intimidate, harass, threaten, bully, coerce, or cause fear of harm whether directly or indirectly
  - **Use of gestures, words, symbols or pictures** that communicate a direct or indirect threat of harm
  - **Stalking an employee** with the intent of causing fear to his or her physical safety and health
  - **Carrying, possession or use** of any dangerous weapon on College property or in College buildings or facilities

# Risk Factors

- **Complacency**
  - "It can't happen here"
  - "If something bad happens, someone else will know how to react"
  - "We don't have the time or money to deal with this now"
- **Incidents aren't reported because:**
  - Excuses are made for the individual's violent or unusual behavior
  - Unwillingness to get involved
  - Concern that complaints won't be taken seriously
  - Fear of retaliation

# Some Practical Tips To Stay Safe At Work

- Know where building emergency exits are located and be prepared to use them if necessary
- Conceal valuables
- Keep emergency numbers handy
- Be aware – pay attention to your surroundings
- Walk and present oneself confidently
- If working late
  - Tell someone where you are
  - Be sure your cell phone is available and fully charged
  - Keep emergency numbers handy
  - Park in a well lit area
  - Call University Police for an escort

# Examples Of Campus Safety Measures

- Campus-wide emergency call system (Blue Lights)
- Presence of University Police 24/7
  - On-campus escort service by University Police
- Annual safety walk-around by Personal Safety Committee
- Maintenance work-order system which prioritizes correction of safety issues
- Employee awareness training
- The Workplace Violence Prevention Program, reviewed annually.  
The program includes:
  - Risk assessments
  - Identification of high risk factors and locations
  - Procedures to report incidents and threats
  - Informational training program

# Recognize Red Flag Behavior:

## Some Warning Signs of Individuals Prone to Violent Behavior

- History of violent behavior
- Makes others feel threatened or uneasy
- Frequently argumentative, uncooperative, abusive or easily angered
- Poor social skills or social relationships
- Feels paranoid, victimized, unfairly treated without reasonable cause
- Has irrational beliefs or ideas
- Behaves in bizarre ways
- Is under significant stress
- Is suffering from debilitating levels of depression or anxiety
- Has problems with alcohol or drug abuse
- Exhibits fascination with weapons, brings weapons into the workplace
- Talks about hurting someone or self

# Defusing A Threatening Situation

- Stay calm – do not raise your voice to match theirs
- Empathize – listen to understand and communicate respect
- Cooperate – watch your body language
- Do not isolate yourself with the person but, if de-escalation seems reasonable, do attempt to remove bystanders
- Walk away if the situation continues to escalate
- Get help – Call University Police
  - Call 911 or 518-255-5555 for emergencies

# Reacting to a Violent Situation

- If violence is occurring:
  - Agree to the person's demands other than those involving personal safety
  - Leave the area – don't be a hero
  - Employees should NOT attempt physical interventions in workplace altercations
  - Call University Police
    - Call 911 or 518-255-5555 for emergencies

# Incident Reporting: Who, What, Where, When

- Report incidents or concerns the first time!
  - Don't wait for a second or third occurrence
- Human Resources is the primary contact for workplace violence concerns
- UPD is the primary contact for physical violence incidents
- The Workplace Violence Prevention Policy can be found on the Human Resources web site



December 6, 2017

**Time's person of the year  
is 'The Silence Breakers'  
of #MeToo movement**

"The Silence Breakers" of the #MeToo movement, who gave a voice to sexual assault and harassment survivors — and showed them that they are not alone — are Time's 2017 Person of the Year



# What Is Harassment?

## Quid Pro Quo Harassment – "This for That"

- *Quid pro quo* harassment generally results in a tangible employment decision based upon the employee's acceptance or rejection of unwelcome sexual advances or requests for sexual favors
- It can also result from unwelcome conduct that is of a religious nature
- Examples:
  - supervisor who fires or denies promotion to a subordinate for refusing to be sexually cooperative
  - supervisor requires a subordinate to participate in religious activities as a condition of employment
  - supervisor offers preferential treatment/promotion if subordinate sexually cooperates or joins supervisor's religion

# What Is Harassment?

## Hostile Work Environment

- A hostile environment can result from the unwelcome conduct of supervisors, co-workers, customers, contractors, or anyone else with whom the victim interacts on the job
- The unwelcome conduct renders the workplace atmosphere intimidating, hostile, or offensive
- Examples of behaviors that may contribute to an unlawful hostile environment include:
  - discussing sexual activities
  - telling off-color jokes concerning race, sex, disability, or other protected bases
  - unnecessary touching
  - commenting on physical attributes
  - displaying sexually suggestive or racially insensitive pictures
  - using demeaning or inappropriate terms or epithets
  - using indecent gestures
  - using crude language
  - sabotaging the victim's work
  - engaging in hostile physical conduct

# Examples of Hostile Environment Sexual Harassment

- **Nonverbal** – May include staring at someone (i.e. “undressing someone with one’s eyes”); blowing kisses; winking; or licking of one’s lips in a suggestive manner; displaying sexually oriented pictures or cartoons; using sexually oriented screen savers; viewing pornographic web sites
- **Verbal** – May include telling jokes; using sexually explicit profanity or threats; describing sexual encounters with others; suggesting sexual activity; whistling in a sexually suggestive manner; using terms such as “honey”, “babe”, “sweetheart”, “dear”; repeated requests for dates, etc.
- **Physical Contact** – May include touching, patting, pinching, bumping, grabbing, cornering or blocking a passageway, kissing, providing unsolicited back or neck rubs
- **Bottom line: If someone thinks you are harassing them, you ARE harassing them!**

# Bullying is Harassment

- Definition of bullying: Repeated aggressive behavior where one person (or a group of people) in a position of power deliberately intimidates, abuses, or coerces an individual with the intention to hurt that person physically or emotionally\*
- Types of bullying (can occur separately or simultaneously)
  - Physical bullying - kicking or pushing
  - Verbal bullying - name-calling or yelling
  - Relational bullying - excluding or rumor-spreading
  - Cyberbullying - sending hurtful messages via computers and/or cell phones
- Bullying is addressed in the Workplace Violence policy
  - Prohibited behavior includes:
    - Acts or threats which are intended to intimidate, harass, threaten, bully, coerce, or cause fear of harm whether directly or indirectly
    - Acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical or mental harm

*\*Source: PromotePrevent.org*

# When Does Harassing Conduct Violate the Law?

- Unlawful harassing conduct must be unwelcome AND based on the victim's protected status AND
- The conduct must be:
  - subjectively abusive to the person affected; and
  - objectively *severe and pervasive* enough to create a work environment that a *reasonable person* would find hostile or abusive
- Whether an instance or a pattern of harassing conduct is *severe or pervasive* is determined on a case-by-case basis, with consideration paid to the following factors:
  - the frequency of the unwelcome discriminatory conduct
  - the severity of the conduct
  - whether the conduct was physically threatening or humiliating, or a mere offensive utterance
  - whether the conduct unreasonably interfered with work performance
  - the effect on the employee's psychological well-being
  - whether the harasser was a superior within the organization

# What Happens If You Are Harassed or Observe Harassment?

- What Do I Do?
  - Tell your supervisor
    - Management has a duty to report
  - Tell HR
  - File a written report
- What Happens Next?
  - We will explain the victim's options and available resources
  - We will conduct an investigation
  - We will maintain confidentiality
  - We will take action so that it does not happen again

# Domestic Violence/Dating Violence

# The Washington Post

August 30, 2012

## George Huguely V sentenced to 23 years for Yardley Love murder



George Huguely V found guilty of second degree murder: A jury convicted the former U-Va. lacrosse player in the 2011 death of his onetime girlfriend Yardley Love



August 5, 2014

## **CNY Man Sentenced for Killing Girlfriend inside SUNY Brockport Dorm**

A 22-year-old man has been sentenced to 25 years to life in prison for killing his girlfriend inside her western New York college dorm room two years ago.

Local media report that Clayton Whittemore wept while being sentenced to the maximum prison term Tuesday in state Supreme Court in Rochester.

Whittemore was found guilty of second-degree murder in May for fatally beating 18-year-old Alexandra Kogut inside her room at the State University of New York College at Brockport on Sept. 29, 2012.

Whittemore and Kogut were from New Hartford, near Utica.

Whittemore was enrolled at Utica College when he killed the former high school swimming star by beating her with his fists and a curling iron.

January 19, 2016

## **3 Found Dead Near SUNY Geneseo Campus in Suspected Murder-Suicide**

A murder-suicide left the upstate village known as the home of SUNY Geneseo heartbroken as classes resumed Tuesday.

Police said “distraught” ex-boyfriend Colin Kingston, 24, a former student, stabbed his ex-girlfriend, Kelsey Annese, 21, and her fellow current student Matthew Hutchinson, 24, at Annese’s home near campus early Sunday.

# What is Domestic/Dating Abuse?

- Domestic/dating abuse is ongoing, purposeful behavior that is aimed at dominating one's partner, and often one's children as well
- Domestic/dating abuse involves repeated, ongoing, intentional control tactics used by one partner against the other
  - Those tactics may be physical, sexual, economic, psychological, or all of the above
  - An abuser is someone who engages in a pattern of coercive control, not simply someone who physically assaults a partner
- Victims need domestic violence services, safety planning, orders of protection, and support
  - Victims should not have to deal with domestic abuse all by themselves

# Definition of Domestic Violence (VAWA)

- A violent crime committed by a current or former spouse or intimate partner OR a person sharing a child with the victim; AND
- Has cohabitated with the victim as a spouse or intimate partner

# Definition of Dating Violence (VAWA)

- A violent act committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of the relationship shall be determined based on the victim's statement with consideration of the length of the relationship, the type of the relationship, and the frequency of the relationship

# What is SUNY's Role in Aiding Domestic Violence Victims?

- The College will comply with and assist with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the work site
- Employees are encouraged to bring their orders of protection (OP) to the attention of the Director of Human Resources and Affirmative Action (Lynn Berger)
- The Director of Employee Relations and Affirmative Action will discuss with the employee a plan on how to best proceed to ensure the safest possible work environment for the employee and the rest of the staff
  - This may include providing a copy of the OP and/or photo of perpetrator to front desk personnel; discussion of who should be told if there is no front desk staff, such as a supervisor/colleagues who would be able to assist with the identification of the perpetrator; requests for LOA/FMLA, creating a personal workplace safety plan, etc.
- The employee is responsible to notify the Director of Human Resources and Affirmative Action (Lynn Berger) if there are any changes to the OP
- The College's Domestic Violence Policy can be found on the Human Resources web page

# Child Protection

# Child Sexual Abuse

- On December 17, 2012, the SUNY Board of Trustees adopted a new policy to mandate the reporting of incidents of child sexual abuse on University property and at University-sponsored events, and to take steps to prevent such incidents
  - The purpose of this policy is to protect minors who are present on SUNY campuses or participating in SUNY-sponsored activities
- On June 17, 2014 the SUNY Board of Trustees adopted a System-wide Child Protection Policy applicable to all SUNY State-Operated campuses
  - The SUNY policy goes above and beyond all reporting requirements currently mandated by New York State law
- All members of the University community have a role to play in preventing sexual abuse of children and providing University Police with relevant information about the victim and assailant so that law enforcement consequences will be triggered
- It is a violation of the policy for a member of the University community to attempt to handle a case of sexual abuse “in house” (i.e.: within a department, residence hall, or athletic team)
- All reports must be brought to the attention of University Police for further investigation and handling as a criminal matter
- No retaliation or retribution against anyone based on making a report under this policy

# Child Protection Policy

## Covered Activity Test

### Custody, Control and Supervision

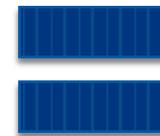
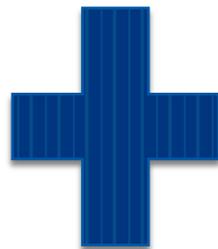
- Parent or legal guardian has *placed the child in the care of the University, University affiliate or third party* for a *duration of time* and *for a specific covered activity*.
- The University/ affiliate/ third party *is exercising its own authority* to guide, manage and supervise the child, *in the place of* the parent or legal guardian.

# Child Protection Policy

## Definition of “Child”



**But NOT**  
a matriculated  
student *or*  
person accepted  
for matriculation



**“Child”**  
for  
purposes  
of the  
Policy

# Child Protection Policy

## Covered Activity Decision Tree

Are participants “children” under the Policy definition? *Under 17, not matriculating students*

YES

(a) sponsored or approved by

- University; ***OR***
- University-affiliated organization; ***OR***
- Vendor – Licensee - Permittee for which a license or permit for use of University facilities has been approved; ***AND***

occurring on or off campus.

YES

(b) for the duration of the activity, custody, control and supervision of children is vested in the University, University affiliate or the approved vendor, licensee or permittee.

YES

COVERED ACTIVITY

NO

NO

POLICY  
NOT  
APPLICABLE

NO

# Duties of a Responsible University Official

**RESPONSIBLE UNIVERSITY OFFICIALS must do the following for all “Covered Activities”:**

**BEFORE the “Covered Activity”**

1. **COMMUNICATION:** Confirm that policy requirements have been communicated as required;
2. **TRAINING:** Confirm that all “Covered Persons” have completed training;
3. **SEARCHES:** Confirm completion of Sex Offender Registry Searches;
4. **THIRD PARTY:** Confirm (if applicable) that third party acknowledgements have been submitted.

**DURING the “Covered Activity”**

5. **REPORT:** Report incidents of child abuse;
6. **NOTIFY AND COORDINATE:** Notify and coordinate with campus offices as required;
7. **IDENTIFICATION:** Ensure that “Covered Persons” are wearing proper identification.

# Child Protection Policy

## Definition of “Covered Person”



Person who is responsible for the custody, control or supervision of children participating in the Covered Activity

who is also either

(i) an employee of the University or University-affiliated

(ii) a University student

(iii) a volunteer of the University or University-affiliated organization

OR

(iv) a vendor, licensee, permittee or other person, who is given permission to come onto campus or to use University facilities for Covered Activities

OR

(v) an employee, agent or volunteer of (iv) above

**Covered Person**

# Required Conduct of a Covered Person

**Reasonable measures of a “Covered Person” to prevent physical and sexual abuse of a child:**

- 1. GET TRAINED**
- 2. WEAR IDENTIFICATION**
- 3. REMOVE THE CHILD FROM ABUSE**
- 4. REPORT SUSPECTED ABUSE**

# Third Party Use of University Facilities

## **REVOCABLE PERMIT REQUIRED**

- Third parties must sign a revocable permit for the use of University facilities for a “Covered Activity”
- Third parties must follow SUNY’s Child Protection Policy
- Extensive rules and requirements, insurance, etc. required

# Any Exceptions?

- No!
- Policy applies whenever we have custody and control of children:
  - One child or 100 children
  - One hour or one month
  - First time event or event you've held for 10 years
  - In our buildings or on our grounds or off-site

# Who to Contact

- If you are planning an event involving children or hear about an upcoming event involving children
  - Contact your Cabinet member – for event pre-approval
  - Contact Barbara Sprouse for revocable permits (3<sup>rd</sup> party events)
  - Contact Evelyn Davies for Events Coordination
  - Contact Amanda Reinhardt for sex offender registry checks, ID lanyards, and questions about training materials
  - Contact CAS for event ID cards
  - For additional information and training materials:  
<http://system.suny.edu/compliance/topics/childprotection>

# Reasonable Accommodations

# Accommodations for People with Disabilities

- A disability, as defined in the Rehabilitation Act of 1973, is a physical or mental impairment which substantially limits one or more of a person's basic life activities
  - A disability may be visual, auditory, mobility, or other health related impairment, emotional difficulty, or learning disability -- it may be permanent or temporary
- The Americans with Disabilities Act and the Rehabilitation Act of 1973 guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services and telecommunication – including technology/internet access
- We have an obligation to make appropriate academic adjustments and reasonable modifications to policies and practices in order to allow the full participation of students with disabilities in the same programs and activities available to non-disabled students
- At SUNY Cobleskill, AccessAbility Resources is the office which ensures that reasonable accommodations are put in place for students
  - Human Resources is the office which ensures that reasonable accommodations are put in place for employees

# Accommodations for Students with Disabilities

- Students desiring accommodations must provide documentation of their disability, and work with AccessAbility Resources to develop an accommodation plan for each semester
- Important for faculty to honor accommodation requests
- Important for faculty to document what accommodations are being made (or denied)
- There is a grievance process for students who feel that their academic accommodations have not been honored. The grievance procedure can be found at: [http://www.cobleskill.edu/academics/accessability-resources/grievance\\_procedures.asp](http://www.cobleskill.edu/academics/accessability-resources/grievance_procedures.asp)
- Students with disabilities have other rights regarding residence hall living, as protected under the federal Fair Housing Act

## Dos and Don'ts for Working with Students Requesting an Academic Accommodation

### Do

- Keep a copy of the student's accommodation plan (prepared by AccessAbility Resources)
- Read the plan and comply with the plan
- If you have any questions or concerns about the plan, contact AccessAbility Resources
- Keep notes about how you made accommodations for the student, and when you couldn't, note why
- Ensure students who require extra time for testing get the extra time
- Identify vacant nearby classrooms where students who require quiet testing locations can complete their quizzes and tests (or they can take their exams in AccessAbility Resources)
- Recognize that every student's needs are different
- Recognize that the College is legally required to make academic accommodations

### Don't

- Use a student's accommodation plan from a different semester or class for your class
- Assume a student has an accommodation plan just because he/she says so
- Ask the student about why he/she needs the plan or about their medical or mental health history
- Challenge why the accommodation is needed
- Make comments that single out or embarrass the student
- Joke about the student's disability
- Short-cut complying with the accommodation plan

# New York State Ethics Law

# The New York Times

May 3, 2016

## The Many Faces of New York's Political Scandals

In the past decade, more than 30 current or former state officeholders in New York have been convicted of crimes, sanctioned or otherwise accused of wrongdoing. Here are some of them.

### **David A. Paterson, Governor,**

Fined \$62,125 for soliciting and accepting free Yankees tickets, and then lying under oath to cover up his actions.

### **Eliot Spitzer, Governor**

Resigned after patronizing prostitutes.

### **Sheldon Silver, Assembly Speaker**

Convicted of taking in nearly \$4 million in exchange for using his position to help benefit a researcher and two real estate developers.

### **Dean G. Skelos, Senate Majority Leader**

Convicted of bribery, extortion and conspiracy for using his position as majority leader to pressure companies into hiring his son.

### **Alan G. Hevesi, State Comptroller**

Pleaded guilty to using state workers to chauffeur his wife; later pleaded guilty for his role in a corruption scandal involving the state pension fund.

October 11, 2016

## SUNY Polytechnic President Kaloyeros resigns amid criminal trial



Kaloyeros was placed by SUNY on unpaid administrative leave last month after he was hit with federal and state criminal charges that he helped steer lucrative contracts to preferred companies.

# What is the Joint Commission on Public Ethics ?

- The New York State Joint Commission on Public Ethics (“JCOPE”) was established as part of the Public Integrity Reform Act of 2011 (“PIRA”), which comprehensively reformed the oversight and regulation of ethics and lobbying in New York State
- JCOPE was created to restore public trust in government by ensuring compliance with the State's ethics and lobbying laws, regulations, and guidance
- All state employees are expected to comply with NYS ethics laws
- JCOPE’s web site is [www.jcope.ny.gov](http://www.jcope.ny.gov)
- There is a link to ethics law compliance resources on the HR web page

# NYS Code of Ethics

- The Code of Ethics is intended to prevent the use of individuals' official position or authority for the benefit of themselves or another
- The Code of Ethics not only addresses actual conflicts of interest, but also the appearance of such conflicts when performing official duties
- The Code of Ethics embodies the guiding principles of:
  - Impartiality
  - Confidentiality
  - Stewardship of State resources
  - Integrity
- Substantial fines for non-compliance

# Conflicts of Interest

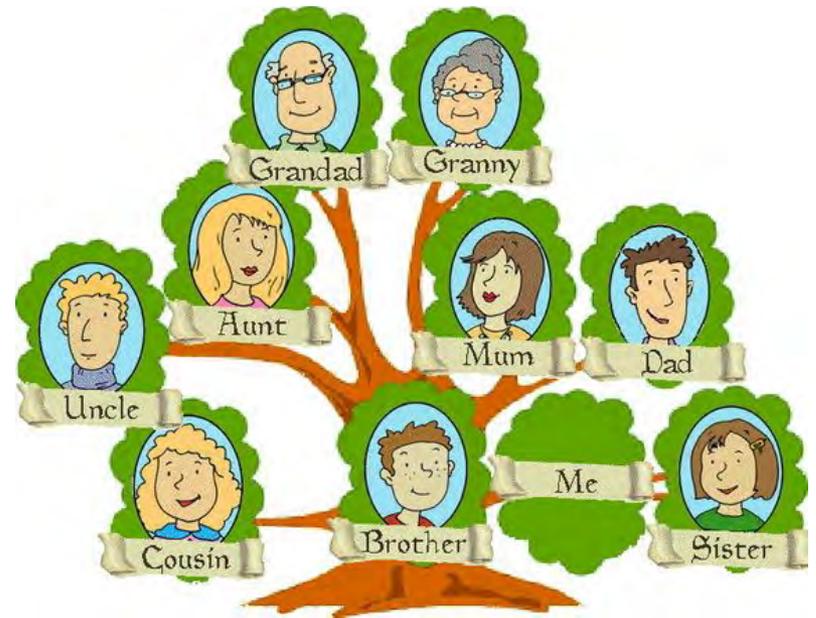
You must avoid any action that conflicts, or appears to conflict, with the performance of your State duties, or which otherwise violates the law.

## **You must:**

- Not hold a financial interest that conflicts with the performance of your official duties
- Abstain from personal investments that conflict with your State duties, and avoid official transactions with any entity in which you have a direct or indirect financial interest
- Maintain independent judgment and act impartially in the performance of your State job
- Not use your public office for private gain or for the benefit of another, and you must avoid any action that could raise suspicion among the public that you are personally benefitting from your official position
- Avoid situations that may create an appearance that you could be improperly influenced in the performance of your State duties
- Not pursue personal or private activities on State time
- You may not use State personnel, equipment, supplies, or other resources for a non-State purpose
- If you entered State service from the private sector, you may be required to recuse yourself, in the course of performing your State duties, from matters directly involving your former private sector employer for a two-year “cooling off” period
- ***Prior to engaging in any outside activities, individuals should seek advice from their Agency Ethics Officer or JCOPE concerning the propriety of such employment under the applicable laws and regulations***

# Family Members

- You must not participate in any decision to hire, promote, discipline or discharge a relative or someone in your household
- You must not award a State contract to a relative or invest public funds in any security in which a relative has a financial interest
- Relatives are defined as:
  - Any person living in the same household as the covered individual, **or**
  - Any person who is a direct descendant of the covered individual's grandparents, or is the spouse of those descendants



# Financial Disclosure

- If you have been designated as a Policy Maker, or earn an annual salary in excess of \$97,448 (threshold increases annually), you are required to file an annual Financial Disclosure Statement with JCOPE regarding the financial interests of you, your spouse, and your unemancipated children
- There are also special training requirements for these employees

# Gifts and Gratuities

- You must not accept a gift from any person or entity under circumstances where it will reasonably appear that the gift is intended to influence you, or that it will influence you, in the performance of your State duties, or to reward you for official action already taken
  - \$15 or less gift exception
- You must not solicit or accept any reward or compensation from a source other than your State employer for the performance of your State duties
  - Complimentary attendance at a “Widely Attended Event” exception (must meet all 4 criteria)
    - Complimentary admission must be offered by the sponsor of the event; **and**
    - 25+ individuals, who are not from your Agency, attend or are in good faith invited to attend; **and**
    - The event is related to your official duties or responsibilities **or** the event allows you to perform a ceremonial function appropriate to your position; **and**
    - You inform your Ethics Officer in writing of the Widely Attended Event *prior* to the event taking place

# Honoraria

- An honoraria is a payment or other compensation offered in exchange for a professional service or activity, such as giving a speech, writing an article, or serving on a panel at a seminar or conference, that is not part of the State employee's official duties
  - An honorarium may include expenses incurred for travel, lodging, and meals
- Different rules for faculty and staff
- Staff cannot accept an honorarium that is based on their area of expertise (i.e. their job)
- Request for approval must be submitted in writing to the Agency's Ethics Officer or other designated person prior to performing the service or activity
- Faculty members, including adjuncts, are exempt from the Honoraria approval procedures (above) provided that the service performed is within the subject matter of their official academic or research discipline
- All State Officers and Employees – even those who are exempt from the Honoraria approval procedures – must report any Honorarium valued in excess of \$1,000

# Limitations on Employment after State Service

- For a period of two years after leaving State service, you must not advocate before your former agency, or provide compensated services related to a matter that is before your former agency
- You must never appear before any State agency, or provide other services, on a transaction in which you were directly concerned and personally participated, or which you actively considered, during your State service

# Leaving State Service

- If you receive a job offer from an entity or individual that has a specific matter pending before you in your State job, or if you wish to pursue a job opportunity with such an entity or individual, you must first wait 30 days from the date the matter before you is closed or the date on which you notified your supervisor and Ethics Officer of your intent to pursue the job and you recused yourself from the matter and any further contact with the entity or individual
- You may not be paid to assist with a matter that is before any State agency, where your service would relate to:
  - the purchase, sale, rental, or lease of real property, or goods or services;
  - any proceeding relating to rate making;
  - the adoption or repeal of any rule or regulation having the force and effect of law;
  - the obtaining of grants of money or loans;
  - licensing or permitting;
  - any proceeding relating to a franchise provided for in the Public Service Law

# Political Activity

- You may not directly or indirectly ask a potential employee to disclose his or her political affiliation, campaign contribution activity, or voting record
- You may not use your official State position or State resources to coerce, intimidate, or otherwise influence others for any political purpose, action or contribution
- If you are designated as a policy maker, you may not serve as an officer, director, or board member of any party or political organization, or as a member, officer, director, board member, or district leader of any party committee

# Confidentiality

- You may not disclose or use confidential, nonpublic State information for any non-State purpose, even after you leave State service
- You must not engage in financial transactions using nonpublic governmental information, or allow the improper use of such information to further any private interest

# Contacting JCOPE

- Call 1-800-87-ETHICS (800-873-8442)
- Press 2 for the “Attorney of the Day”

# Drug, Alcohol and Tobacco Use

# The New York Times

October 26, 2017

## **The Opioid Epidemic: A Crisis Years in the Making**

The current opioid epidemic is the deadliest drug crisis in American history. Overdoses, fueled by opioids, are the leading cause of death for Americans under 50 years old — killing roughly 64,000 people last year, more than guns or car accidents, and doing so at a pace faster than the H.I.V. epidemic did at its peak.

# Alcohol & Controlled Substances

- In accordance with the Federal Drug Free Act of 1988, the State of New York Policy on Alcohol and Controlled Substances in the Workplace, the State of New York Beverage Control Act, and College policies and Student Conduct Codes, the College will not tolerate the presence or use of either alcoholic beverages or controlled substances on campus
  - SUNY Cobleskill has a Drug and Alcohol Free Workplace Policy
- Violations of the State policy on alcohol and substance abuse in the workplace may be the subject of disciplinary action pursuant to Section 75 of the Civil Service Law or the Disciplinary Articles of collectively negotiated agreements
- An employee may be required to undergo medical testing if a supervisor has a reasonable suspicion that he or she is unable to perform job duties because of the use of alcohol or drugs
  - A "reasonable suspicion" must be based upon specific, reliable observation concerning the appearance, behavior, speech or body odor of the employee. Examples include:
    - Unsteady gait, odor of alcohol on the breath, thick or slurring speech, aggressive or abusive language or behavior, disorientation or lethargy
    - The employee's time and attendance patterns, (such as absences around weekends, pass days or payday, excessive use of sick leave, excessive lateness and unauthorized absences)
    - On-the-job accidents, difficulty in recalling instructions or conversation, poor relationships with co-workers and supervisors, and other variations in productivity

# Drug-Free Schools and Campuses Regulations

- SUNY Cobleskill is required to comply with the U.S. Department of Education Drug Free Schools and Campuses Regulations
  - They require that we annually provide students and employees with information about the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on College property or as part of on-campus or off-campus activities
- SUNY Cobleskill's standards of conduct with respect to the Drug Free Schools and Campuses Regulations can be found on the Wellness Center web site:  
<http://www.cobleskill.edu/campus-life/wellness-center/AlcoholEdu-ComplyingDFSCR.pdf>
- Questions about this policy should be referred to the campus offices responsible for student and personnel matters
  - Anne Hopkins-Gross, Vice President for Student Development
  - Lynn Berger, Director of Human Resources

## Drug-Free Schools and Campuses Regulations

# Standards of Conduct

- Students and employees are expected to be compliant with Federal, State and Local laws, as well as College policies and student conduct codes
  - Student conduct codes apply specifically to behavior on College-owned or controlled property, on property and in facilities of the Cobleskill Auxiliary Services, and at college authorized functions off-campus
- Violators can face charges on-campus and/or off-campus depending on the nature of the offense
  - Resolutions of these charges are separate from one another

## Drug-Free Schools and Campuses Regulations

# Legal Sanctions

- Violators are subject to both SUNY Cobleskill's sanctions and criminal sanctions under federal, state, and local law
- Information about these laws can be found on:
  - The Wellness Center web site:
    - <http://www.cobleskill.edu/campus-life/wellness-center/AlcoholEdu-ComplyingDFSCR.pdf>
  - The Drug Enforcement Administration website:
    - <https://www.dea.gov/index.shtml>
  - The SUNY Cobleskill University Police Department website:
    - <http://www.cobleskill.edu/campus-life/university-police/pdfs/annual-report-2016.pdf>

## Drug-Free Schools and Campuses Regulations

### Prohibited Behavior

- Any conviction of a violation of the Penal Law of the State of New York or the United States classified as a “felony,” a “narcotic offense,” a “sex offense,” or a “weapons offense”
- Possession of, sale, distribution, or use or involvement of any kind with non-prescribed narcotics and/or illicit/dangerous drugs
- Being in the presence of one or more persons who possess, sell, distribute, use or are involved in any way with non-prescribed narcotics and/or dangerous or illicit drugs
- Possession of drug-related paraphernalia and/or devices
- Violation of the campus Alcohol Policy

## Drug-Free Schools and Campuses Regulations

# Alcohol Policy

- Alcoholic beverages are not permitted on the campus, in buildings (including the residence halls, except Alumni Commons), grounds, athletic fields, or facilities of the College or of the Cobleskill Auxiliary Services except by special authorization (approval) by the College President or designee
- The possession/control, use, or involvement of any kind with alcoholic beverages and alcohol-related paraphernalia (for example: beer taps, funnels, kegs, or empty or full alcohol containers, etc.) is prohibited

# Health Risks

- The use of alcohol and other substances can lead to many health risks and consequences
  - The risks may vary depending on the substance used, the amount consumed, and other individual factors
- Alcohol:
  - Behavior change, impaired judgment and coordination, and increased risk of accidents and injuries
  - Aggression, impaired memory and learning ability, alcohol overdose, alcohol dependence, addiction and death
- Illicit drug abuse:
  - Seizures, drug overdose, brain damage, liver damage, Hepatitis, addiction and death

# Resources

- Employees who desire assistance with drug and or alcohol issues should contact Marie Gerhardt, EAP Coordinator, [gerharmo@cobleskill.edu](mailto:gerharmo@cobleskill.edu), (518)255-5369
- Students who desire assistance with drug and or alcohol issues should contact the Beard Wellness Center, [wellnesscenter@cobleskill.edu](mailto:wellnesscenter@cobleskill.edu), (518) 255-5225
- Community resources:
  - Schoharie County Chemical Dependency Clinic, 113 Park Pl, Suite 1, Schoharie, NY 12157, (518)295-2031
  - Schoharie County Council on Alcoholism & Substance Abuse, 349 Mineral Springs Rd., Cobleskill, NY 12043, (518)234-8705
  - Alcoholics Anonymous, <http://meetings.aahmbny.org/index.php>

# Tobacco Use

- In August 2014, SUNY established a Tobacco Free goal for all its campuses
  - Tobacco use is the number one preventable cause of death in the United States and in NYS
  - In New York State, over 28,000 adults die from smoking annually
- SUNY Cobleskill's policy is that tobacco may be used only in designated areas on campus
- Tobacco use is defined as: smoking, the use of e-cigarettes, and the use of smokeless tobacco products
- Tobacco use is prohibited in all campus buildings and in college-owned vehicles
- Tobacco use is permitted in designated outdoor areas (gazebos) and campus parking lots
  - Must be at least 25 feet from campus buildings
- Littering of cigarette butts, tobacco packing, and smokeless tobacco in parking lots or any area (indoor or outdoor) is prohibited
- The Tobacco Use Policy is to be enforced by the entire campus community with an emphasis on education
- Violations may be subject to disciplinary procedures consistent with applicable laws, rules, regulations and collective bargaining agreements

# Employee Assistance Program (EAP)

- The New York State Employee Assistance Program is a joint labor-management program open to all State employees and their families
- Services include:
  - Assessment for referral to the most appropriate community resource provider for services related to emotional or physical illnesses, alcohol and other drug-related problems;
  - Assistance with family-related problems;
  - Information on resources for issues such as child care, eldercare, legal, and financial support services;
- Marie Gerhardt is the SUNY Cobleskill EAP Coordinator
  - Your confidentiality will be protected
  - Marie can be reached at extension 5327
  - You may also contact NYS EAP by calling 1-800-822-0244

# What Does “Do the Right Thing” Mean for Me?

- Be self-aware
- Treat your colleagues with respect
- Protect our students from harm
- Comply with College policies and the law
- If you witness or experience unacceptable behavior, you have a duty to act
  - Be an active bystander
  - Say “That’s not OK” or “Don’t do that again”
  - Tell your supervisor and/or Human Resources