

BINGHAMTON UNIVERSITY POLICY REGARDING HARASSMENT

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Members of the Binghamton University community have the right to participate in all that the campus offers without being subjected to physical violence, threats, intimidation, or damage to personal property, or any other form of harassing behavior.

Binghamton University is committed to creating a safe and supportive learning environment, to becoming a more inclusive community, and to fulfilling its obligations under federal and state laws, regulations and executive orders. Essential to these objectives is the maintenance of an environment in which individual dignity is respected, the richness of human diversity is welcomed, and harassment is not tolerated.

Accordingly, it is the policy of Binghamton University to prohibit harassment and to investigate allegations of such behavior promptly and thoroughly. This policy applies to students, faculty, staff, employees of the Research Foundation, contractors, vendors and visitors to the campus.

A) What is Harassment?

i) General Description

Harassment is generally understood to occur when the conduct of an individual or group of individuals has the intent or effect of unreasonably interfering with an individual's or group of individual's educational or work environment, or that creates an intimidating, hostile, or offensive environment. Some forms of harassment are prohibited by law. Understanding harassment begins with recognizing

that there is no simple definition of the term, and that there is no finite list of behaviors that covers all potential forms of harassment. Rather, the circumstances of each case will determine whether specific conduct amounts to harassment.

Moreover, while the range of behaviors which may constitute harassment is broad, so is the range of speech protected by the First Amendment, and this is discussed in more depth in section "B" of this document. Finding the balance between harassment and protected speech can be challenging.

ii) Harassment Based on Protected Class.

The Equal Employment Opportunity Commission (EEOC) describes harassment based on protected class (including sexual harassment) as offensive conduct that is so severe, pervasive, or objectively offensive that it creates an unreasonable and substantial interference with the ability of members of a protected class to participate in the academic or employment setting. As with other forms of harassment, an individualized assessment of the circumstances in which the conduct occurred is essential to a final determination.

[SUNY Sexual Harassment Response and Prevention Policy Statement](#) 

iii) Criminal Harassment

Harassment may also take the form of criminal behavior. As with any kind of harassment, the range of behavior that may constitute criminal harassment is broad. The New York State Penal Code, defines criminal harassment as conduct intended to harass, annoy, threaten, or alarm another person.

B) Harassment and First Amendment Considerations

The concepts of academic freedom and an open exchange of ideas are essential to the mission of any educational institution. Binghamton University is committed to these ideals, and as a public institution, is legally obligated to protect its members' First Amendment right of freedom of expression.

Respect for this right requires that members of the University tolerate the expression of views that are contrary to their own, and recognize that the expression of ideas that are intolerant, bigoted, or deeply offensive are entitled to First Amendment protection. Equally important, however, is the understanding that free expression carries with it the responsibility of civility and respect for others. The University views conduct intended to disparage or demean others as contrary to the pursuit of knowledge and rational discourse.

So called "speech codes" have been deemed unconstitutional by the courts. Therefore, while Binghamton University does not condone incivility within the campus community, it has not adopted a policy to prohibit offensive speech. Moreover, Binghamton has a proud history of inviting and encouraging the expression of diverse views.

C) Reporting Procedures

Individuals who feel they have been harassed are advised to seek guidance and information from one of the offices listed in section "E" of this policy before taking direct action on their own. Doing so does not oblige anyone to file a formal complaint. The University strongly encourages anyone who has information regarding an incident of harassment involving violence or the threat of violence, to report it immediately to the University Police. While in some cases, reports of harassment may be resolved through informal means, some circumstances call for the use of formal complaint procedures. Both options are outlined below:

i) Informal Complaint Resolution

Informal complaint resolution is intended to stop the behavior in question and to rectify the situation immediately rather than to determine culpability or intent. For advice in addressing harassment through informal means, inquiries may be directed to any of the offices listed in section "E" of this policy. In addition, the offices of the Employee Assistance Program (EAP), the University Counseling Center, and the University Ombudsman, routinely provide strictly confidential advice on a variety of sensitive topics.

ii) Formal Complaint Resolution

Formal complaint procedures, a more official route of intervention usually requiring a signed statement, are available through a number of campus departments. Departments from across campus often work together to address harassment. However, given that certain types of situations inevitably involve a particular campus department, the University recommends that complaints be addressed as follows:

Formal Complaint Procedures:

- Harassment occurring in residential areas — Appropriate resident/community director or other professional residential life staff
- Harassment involving student conduct outside of residence halls — Office of Student Conduct
- Harassment involving the conduct of an employee — Associate Vice President for Human Resources or appropriate supervisory personnel

- Harassment or discrimination based on protected class — Director of Affirmative Action/Title IX Coordinator
- Any incident of harassment may be reported to the University Police. The University especially encourages the immediate reporting of any incident involving violence or the threat of violence. Any incident may be discussed informally and in the strictest confidence with the University Ombudsman, and at the University Counseling Center or Employee Assistance Program.

D) Prohibition of Retaliation

Retaliation against any person who reports harassment, or who testifies, assists, or participates in an investigation, proceeding, or hearing relating to such a report, is strictly prohibited. False reports knowingly made in bad faith are also prohibited. Violation of the University's policy on harassment policy will subject the offender to the full range of penalties available, including criminal adjudication and separation from the University. In addition, certain types of harassment are criminal offenses and carry enhanced penalties under state and federal laws

E) Campus Resources

- **Residential Life Office**
TU-213
[607-777-2321](tel:607-777-2321)
- **Dean of Students Office**
UUW-204
[607-777-2804](tel:607-777-2804)
- **University Counseling Center**
OO-264
[607-777-2772](tel:607-777-2772)
- **New York State University Police**
AD-G35
[607-777-2393](tel:607-777-2393) (non-emergency)
911 (emergency)
- **Human Resources Office**
607-AD-244

777-2187

- **Office of Student Conduct**

TU-3J

607-777-6210

- **Employee Assistance Program**

IN-B5

607-777-6655

- **Division of Diversity, Equity and Inclusion**

LSG-548

607-777-4775

- **University Ombudsman**

LSG-526

607-777-2388

- **Services for Students with Disabilities**

UU-119

607-777-2686

- **Title IX Coordinator**

AD 217

607-777-2486