

COLLEGE POLICIES

The following is an alphabetical abbreviated listing of college policies. The Human Resource Management Office and the Equity and Campus Diversity Office are the two primary resources for promulgating notice and compliance of these policies. Refer to the following Web sites for additional information, updates, and useful links. Refer also to *Directory of Policy Statements (DOPS)*, available in the deans' offices and at www.buffalostate.edu/academicaffairs/x560.xml.

Human Resource Management: www.buffalostate.edu/offices/hr/policies.asp

Equity and Campus Diversity: www.buffalostate.edu/equity

The first section below lists general college policies, while the second section lists policies under the purview of Equity and Campus Diversity.

GENERAL COLLEGE POLICIES

Alcohol and Drug Use in the Workplace

www.buffalostate.edu/offices/hr/drugs.asp

In compliance with the federal Drug-Free Workplace Act of 1988 and the Drug Free Schools and Communities Act Amendments of 1989, employees of Buffalo State College must be aware of and must adhere to the policy stated below:

- The unlawful use, possession, manufacture, dispensation, or distribution of controlled substances in all Buffalo State College work locations is prohibited. The term “controlled substance” means a controlled substance in Schedules I through V of Section 202 of the Controlled Substances Act (21USC812).
- Employees who unlawfully manufacture, distribute, dispense, possess, or use a controlled substance will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective-bargaining agreements.
- Employees must notify the Human Resource Management Office of any criminal conviction for a drug-statute violation occurring in the workplace or at a work site no later than five working days after such conviction. An employee so convicted will be required to satisfactorily participate in a state-approved drug-abuse assistance or rehabilitation program as a condition of continuing employment.
- No employee will report for work or will work impaired by any substance, drug or alcohol, lawful or unlawful. “Impaired” means under the influence of a substance such that the employee’s motor senses (i.e., sight, hearing, balance, reaction, or reflex) or judgment either are or may be reasonably presumed to be affected.
- Medical testing may be done if the college has a reasonable suspicion that an employee is unable to perform job duties due to the misuse of alcohol, controlled substances, or prescription drugs.

The Employee Assistance Program (EAP) is available on campus for employees who wish to seek assistance in dealing with drug- or alcohol-related problems as well as a variety of other concerns. A list of current EAP coordinators can be found on the Web site at www.buffalostate.edu/offices/hr/eap.asp.

Questions regarding the Policy on Alcohol and Drug Use in the Workplace should be referred to Emmanuel J. Hillery, associate director, Human Resource Management, at ext. 4822.

(Policy updated: February 2008)

(Source: *Bulletin*, Vol. 54, No. 19, February 5, 2009)

Campus Confidentiality Statement

www.buffalostate.edu/offices/hr/confidentiality.asp

All student, faculty, and staff personal and academic information is private and confidential and is protected by various state and federal laws. Buffalo State College employees must, by law, protect the privacy of this information.

Failure to protect personal and academic information may result in legal action against offending employees. Employees accused of failure to protect confidential information that results in harm to an individual may not be covered by the Public Officer's Law, and therefore not defended by New York State.

Examples of personal information that must be kept confidential: Social Security number, health information, disability status, etc. Faculty and staff must ensure that information contained on the employee change form is kept confidential.

Examples of academic information that must be kept confidential: grades, class schedule, student ID number, etc. Faculty and staff members may not post test scores or grades using any portion of a student's name, Social Security number, or student ID number. Faculty and staff must refrain from providing students' parents with information related to their students' academic performance or other personal information, unless given permission to do so by the student.

For more information:

State and Federal Laws:

- Gramm-Leach-Bliley Act (confidentiality of financial information): see www.buffalostate.edu/offices/hr/information.asp, and the Federal Trade Commission Web site, www.ftc.gov/privacy/privacyinitiatives/glbact.html.
- HIPAA (confidentiality of health information): see http://bscintra.buffalostate.edu/bulletin/archives/05_06/september29_05.html#hipaa, and www.goer.state.ny.us/train/onlinelearning/HIP/intro.html.
- FERPA (confidentiality of student/academic information): see www.buffalostate.edu/academicaffairs/x571.xml, and www.ed.gov/policy/gen/guid/fpco/ferpa/library/hunter.html.
- Restrictions on Use of Student Social Security Numbers: see <http://public.leginfo.state.ny.us/menuf.cgi>; search for Education Law 2-b.
- New NYS law on Notification of Information Security Breach: see <http://public.leginfo.state.ny.us/menuf.cgi>; search for Article 39-F of GBS (General Business Law)

Questions regarding the privacy of the employee change form, employee contracts, official employee files, etc., contact Susan Earshen, associate vice president, Human Resource Management, 878-3042.

Questions regarding privacy of student information and FERPA, contact Mark Bausili, registrar, 878-4907.

Questions regarding health information and HIPPA, contact Rock Doyle, assistant director, medical systems, 878-6711.

Questions regarding legal liability and any legal action against the college or an employee, contact James Thor, comptroller, 4117.

(Source: *Bulletin*, Vol. 54, No. 20, February 12, 2009)

Disclosure of Student Information

www.buffalostate.edu/academicaffairs/x571.xml

Listed below is an extract from the FERPA Notice published in the college catalogs. See the Web site listed above for the full version.

Family Educational Rights and Privacy Act (FERPA)

Under the Family Educational Rights and Privacy Act (FERPA) of 1974 as amended, Buffalo State designates the following categories of student information as public or directory information. Such information may be disclosed by the institution for any purpose, at its discretion.

- Name, address, electronic mail address, telephone listing, dates of attendance, enrollment status (e.g., undergraduate or graduate, part-time or full-time), class level, academic adviser.
- Most recent educational agency or institution attended; major field of study; degrees, honors, and awards received.
- Participation in officially recognized activities and sports, weight and height of members of athletic teams, date and place of birth, photographs.

Currently enrolled students may withhold disclosure of any category of information under FERPA by providing written notification to the Registrar's Office by September 15. Nondisclosure of information will commence thereafter and be effective until September 14 of the following year. Written notification to withhold disclosure must be made each academic year. This information is provided to students via the *Undergraduate Catalog* and *Graduate Catalog*.

Class rosters, attendance sheets, and grades.

- Students' scores and grades cannot be displayed publicly where someone else can match the student with the score or grade. Student ID numbers are considered "personally identifiable" information, and as such, must not be used in public displays in whole or in part. The one exception to the prohibition on posting scores/grades is when a unique identifier is known only to the instructor and the student. If this method is chosen, the identifier cannot be composed of personally identifiable information such as birth date, phone number, etc., and the list cannot be in alphabetical or seating order. If all grades in a course are the same, those grades should not be posted.
- If class rosters or attendance sheets are passed around class to take attendance, they must not have student ID numbers attached. Students should be advised to not add their ID numbers.
- Grades or degree audits distributed for purposes of advisement should not be placed in plain view in open mail boxes located in public areas.

Papers. Graded papers or tests should not be left unattended on a desk in plain view in a public area, nor should students sort through them to retrieve their own work. Returning work to a student using a sealed envelope taped to a door with the student's name on it is inappropriate, as it makes student information available in a public place.

Parents. Information cannot be provided to parents without written permission from the student.

For reference, below is a summary of some items that cannot be disclosed to others without student consent. This list is not exhaustive.

- Student ID number, includes Banner ID, SSN, or any unique number assigned to a student.
- Grades, scores, and GPAs.
- Attendance.
- Locations or times of courses in which students are currently enrolled.
- Courses students have taken.
- Credit hours earned.
- Probation/dismissal status.
- Gender.
- Ethnicity.
- Country of citizenship.
- Financial aid or veteran's status.
- Test results; includes ACT/SAT results.

Contact the Registrar's Office, Moot Hall 210, 878-4907, for further information on FERPA.

Listed below are the most relevant circumstances under which information can be shared if you have a personal concern about a student.

Disclosure to other school officials

Without the student's consent, you can disclose personally identifiable information to other Buffalo State College officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record to fulfill his or her professional responsibility. (A school official is a person employed by the college in an administrative, supervisory, academic or research, or support staff position.) For example, an instructor could share a student composition that contained disturbing text or illustrations with the department chair or director, dean's office, and the Counseling Center or University Police, as appropriate.

Disclosure in health of safety emergencies

In an emergency, FERPA permits colleges to disclose information from education records to appropriate parties, including parents, if knowledge of the information is necessary to protect the health and safety of the student or others. This exception is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student's education records. In new regulations effective January 9, 2009, colleges are given autonomy in determining if a health or safety emergency exists.

All health or safety emergencies should first be referred to University Police at extension 6333. The new regulations require the college to record the “articulable and significant threat” that formed the basis for the disclosure, so it is important that all relevant information be shared with University Police at the time of notification.

Disclosure to provide timely warning of crimes

FERPA does not preclude campuses from complying with the Cleary Act, which requires timely warnings of crimes that represent a threat to the safety of students or employees.

Anyone who becomes aware of a crime or attempted crime should immediately report the circumstances to University Police at extension 6333.

Disclosure of personal observations

Information that is based on a school official’s observation or personal knowledge, and not based on a student’s education records, may be shared with parents. Therefore, FERPA would allow an instructor or other school official to advise a parent of his or her concern about their son or daughter that is based on personal knowledge or observation.

A school official, based on his or her own observations, may also notify law enforcement officials of suspicious activity or behavior. For Buffalo State College, “law enforcement officials” means University Police at extension 6333.

If you have concerns about the behavior of a student, you are encouraged to advise appropriate officials on campus, beginning with your departmental chair or director and including the Counseling Center, Dean of Students, Weigel Health Center, Disability Services Office, or University Police, depending on the nature of your concerns. The issues need not be life threatening to advise appropriate offices on campus. If a student’s behavior is inappropriate or troubling, or a student appears to be disturbed or in distress, those in the best position to assist the student should be notified. Intervention can assist in supporting a student’s personal and academic life, enabling him or her to achieve personal success, or in more serious cases, initiate referral for internal or external judicial action.

Disclosure to parents of a dependent student

School officials may share any information from a student’s education records with parents without a student’s written consent when it is determined that the son or daughter is a dependent according to IRS regulations. Contact the Registrar’s Office if you believe this option is needed.

Electronic Resources

www.buffalostate.edu/offices/hr/electronics.asp

Introduction

Buffalo State electronic resources (including such services as e-mail, Internet access, and file and print services) are made available to employees to facilitate the official work of the college. These electronic resources are provided for employees and persons legitimately affiliated with the college for the efficient exchange of information and the completion of assigned responsibilities consistent with the mission of the college.

The use of campus electronic resources by any employee or other person authorized by the college must be consistent with this electronic resources policy and other applicable policies.

Principles of acceptable use

Buffalo State users of campus electronic resources are required:

- To respect the privacy of other users: for example, users shall not intentionally seek information on, obtain copies of, or modify files or data, belonging to other users, unless explicit permission to do so has been obtained.
- To respect the legal protection provided to programs and data by copyright and license.
- To protect data from unauthorized use or disclosure as required by state and federal laws, and SUNY and college regulations.
- To respect the integrity of computing systems: for example, users shall not use or develop programs that harass other users or infiltrate a computer or computing system or damage or alter the software components of a computer or computing system.
- To safeguard their accounts and passwords. Accounts and passwords are normally assigned to single users and are not to be shared with any other person without authorization. Users are expected to report any observations of attempted security violations.

Unacceptable use

It is not acceptable to use Buffalo State electronic resources:

- For activities unrelated to the college mission.
- For activities unrelated to official assignments or job responsibilities.
- For any illegal purpose.
- To transmit threatening, obscene or harassing materials or correspondence.
- For unauthorized distribution of NYS data and information.
- To interfere with or disrupt network users, services, or equipment.
- For private purposes such as marketing or business transactions.
- For solicitation for religious or political causes.
- For unauthorized not-for-profit business activities.
- For private advertising of products or services.
- For any activity meant to foster personal gain.

E-mail privacy and access

E-mail messages are not personal or private. E-mail system administrators will not routinely monitor individual staff members' e-mail and will take reasonable precautions to protect the privacy of e-mail; however, program managers and technical staff may access an employee's e-mail:

- For a legitimate business purpose (e.g., the need to access information when an employee is absent for an extended period of time).
- To diagnose and resolve technical problems involving system hardware, software, or communications.
- To investigate possible misuse of e-mail when a reasonable suspicion of abuse exists or in conjunction with an approved investigation.

Staff members are prohibited from accessing another user's e-mail without his or her permission.

E-mail messages sent or received in conjunction with college business may:

- Be releasable to the public under the Freedom of Information Law.
- Require special measures to comply with the Personal Privacy Protection Law.

All e-mail messages including personal communications may be subject to discovery proceedings in legal actions.

Management and retention of e-mail communications

Applicable to all e-mail messages and attachments: Since e-mail is a communications system, messages should not be retained for extended periods of time. If a user needs to retain information in an e-mail message for an extended period, the message should be transferred from the e-mail system to an appropriate electronic or other filing system.

Applicable to records communicated via e-mail: E-mail created in the normal course of official business and retained as evidence of official policies, actions, decisions or transactions are records subject to records management requirements under the New York State Arts and Cultural Affairs Law (Article 57-A) and specific program requirements.

The college has developed electronic letterhead to be used for the electronic distribution of official college documents (records). The letterhead is available at www.buffalostate.edu/collegerelations/x550.xml and should be used in Word or e-mail documents that are to be distributed in electronic format only. Questions regarding electronic letterhead usage should be directed to the College Relations Office, Cleveland Hall 307, ext. 4201, or collrel@buffalostate.edu.

Examples of messages sent by e-mail that typically are records include:

- Policies and directives.
- Correspondence or memoranda related to official business.
- Work schedules and assignments.
- Agendas and minutes of meetings.
- Drafts of documents that are circulated for comment or approval.
- Any document that initiates, authorizes, or completes a business transaction.
- Final reports or recommendations.

Some examples of messages that typically do not constitute records are:

- Personal messages and announcements.
- Copies or extracts of documents distributed for convenience or reference.
- Phone message slips.
- Announcements of social events.

Record retention

Records communicated using e-mail need to be identified, managed, protected, and retained as long as they are needed to meet operational, legal, audit, research, or other requirements. Records needed to support program functions should be retained, managed, and accessible in existing filing system outside the e-mail system in accordance with the appropriate program unit's standard practices.

Users should:

- Dispose of copies of records in e-mail after they have been filed in a record keeping system.
- Delete records of transitory or little value that are not normally retained in record keeping systems as evidence of college activity.

Agency rights

Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq), notice is hereby given that there are NO facilities provided by this system for sending or receiving private or confidential electronic communications.

The college reserves the right to log network use and monitor file server space utilization by users and assumes no responsibility or liability for files lost due to violation of file server space allotments.

The college reserves the right to remove a user account or device from the network.

The college will not be responsible for any damages that result from the use of campus electronic resources. This includes the loss of data resulting from delays, non-deliveries, or service interruptions caused by negligence, errors, or omissions. Use of any information obtained is at the user's risk.

Enforcement and violations

This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the electronic facilities and is not necessarily exhaustive. Questions about specific uses related to security issues not enumerated in this policy statement and reports of specific unacceptable uses should be directed to the associate vice president for computing and technology services. Other questions about appropriate use should be directed to your supervisor.

The college will review alleged violations of the Policy on the Use of Electronic Resources on a case-by-case basis. Clear violations of the policy that are not promptly remedied may result in termination of network access for the person(s) at fault, and referral for disciplinary actions as appropriate.

(Policy Date: September 2002)

(Source: *Bulletin*, Vol. 54, No. 11, October 30, 2008)

Emergencies on Campus

www.buffalostate.edu/offices/police/safety

For all emergencies on campus, call University Police directly at ext. 6333. Calls to 911 will be redirected by the City of Buffalo 911 operator to University Police and could waste valuable response time. The Blue Light Phones located throughout the campus and in most campus parking lots are a direct link to University Police and will ensure an immediate response. Call University Police at ext. 6333 with questions or concerns regarding campus safety.

See section 11, "Campus Resources," page **11.2** for more information on University Police and campus safety.

Emergency College Closings

www.buffalostate.edu/offices/police/safety/default.asp?sub=erp&sec=61

This serves as a notice to new employees and a reminder to others of the procedures to follow during snow emergencies and other extraordinary circumstances. Offices and other facilities operated by the state may be closed only by order of the governor; however, the college president or his designee is authorized to cancel classes and recommend that all but essential service* employees not report to work.

Policy and procedures

The president has delegated the authority to cancel classes and services to the vice president for finance and management. University Police is responsible for monitoring all relevant weather conditions and reporting to the vice president for finance and management.

If the decision to close and cancel classes is made before the start of the workday, the vice president for finance and management will inform University Police. If the decision to close is made once classes are in session, the vice president for finance and management will consult with the vice president for academic affairs and notify University Police of the decision. University Police will notify the following broadcast stations in either case:

AM Radio	FM Radio	Television
WBEN-AM 930	WBFO-FM 88.7	WGRZ-TV 2
WNED-AM 970	WBNY-FM 91.3 (campus)	WIVB-TV 4
WECK-AM 1230	WBUF-FM 92.9	WKBW-TV 7
WHLD-AM 1270	WBLK-FM 93.7	
WLVL-AM 1340	WNED-FM 94.5	
WJLL-AM 1440	WJYE-FM 96.1	
WWKB-AM 1520	WGRF-FM 96.9 (97 Rock)	
	WKSE-FM 98.5	
	STAR-FM 102.5	
	WEDG-FM 103.3	
	WHTT-FM 104.1	
	WYRK-FM 106.5	

University Police also will inform the following:

1. All vice presidents' offices.
2. The college switchboard operator, ext. 4000.
3. The Campbell Student Union Information Desk, ext. 6511.
4. The residence life director, ext. 3000.
5. United Students Government Office, ext. 6701.

An early decision to close and cancel classes will be relayed to the stations listed above by about 6:00 a.m. For information concerning cancellation of classes, check the main page of the Buffalo State Web site, www.buffalostate.edu, or call the school closing information number, 878-5000. Please do not call any other number for this information.

Attendance policy under emergency conditions

If classes and services are canceled before the workday begins, employees designated essential service* are required to report. All other employees are excused under emergency conditions but must charge the absence to appropriate leave accruals. Employees who elect to come to work may do so; however, the college cannot guarantee that they will be able to work at their usual locations or perform their normal duties. (See instructions below for employees who choose to report for work under emergency conditions.)

Should the closure occur during the workday, the vice president for finance and management will convey the decision to the other vice presidents, who will ensure that the announcement is communicated throughout their respective areas. Again, essential service* employees are required to remain on the job or report to work as scheduled in this instance. Following official closure, employees may leave their work sites and charge the remainder of their workdays to appropriate leave accruals or continue working until their regular departure time.

Absences that result from the cancellation of classes and services must be charged to appropriate leave accruals as described below:

1. Vacation, personal, compensatory, or holiday leave.
2. Sick leave, but only in event of personal or family illness.
3. Leave without pay. (A written request must be submitted to the Human Resource Management Office no later than the end of the pay period in which the attendance record is due.)

*Essential services are those that must be maintained to ensure the well-being and protection of those who reside on campus, as well as the maintenance and security of college property. The following functions are considered essential services. Employees assigned to these areas are required to report to work under emergency conditions:

- The law enforcement division of University Police.
- Campus services and facilities operations (all employees).
- Student health services (designated staff only).
- Residence Life Office (designated staff only).
- The dean of students.
- Staff responsible for the care and feeding of animals or maintenance of greenhouse facilities.

All employees who are designated essential service will be notified in writing by their department heads.

Directed absences

Any employee who has reported to work and because of extraordinary circumstances beyond the employee's control (e.g., extremely hazardous conditions or physical plant breakdown) is directed by the college president or his designee to leave work, shall not be required to charge this absence to leave accruals. Any such release of employees shall not create any right to equivalent time off to employees who are not directed to leave work. Supervisors, regardless of their good intentions, may not direct such absences.

Instructions for non-essential service employees who elect to report for work under emergency conditions

Note: Parking may be severely restricted during periods of temporary emergency. Employees who report to work under these conditions must park in the Grant Street lot so that other lots may be cleared of snow.

1. Employees must report to University Police, Chase Hall 110, to sign the Attendance Record/Emergency Conditions sheet. Employees also must sign the sheet before leaving campus.
2. Employees report to regular work locations and perform regular duties, even if their supervisor is absent.
3. If the employee's regular work location is not accessible, he or she must report to the director of Campus Services and Facilities, Clinton Center, ext. 6111, or the director of Residence Life, Porter Hall, ext. 3000, for assignment.

(Source: *Bulletin*, Vol. 54, No. 13, November 13, 2008)

Emergency Contact Protocol

In the event that an injury occurs after normal business hours that requires the college to contact an employee's emergency designee, the following procedure will be used: (1) The employee's supervisor, co-worker, or other college employee will contact the University Police Department and provide all available and necessary information about the incident and injury, (2) University Police will secure appropriate medical assistance and notify the employee's emergency contact or provide emergency contact information to the supervisor to make the notification (During normal business hours, call Human Resource Management for emergency contact information.), (3) University Police also will advise all appropriate college officers of the injury/incident as soon as possible.

This procedure is separate from the workers' compensation reporting process and should only be used when an employee's emergency contact must be notified. It is very important that all college employees keep emergency contact information up-to-date. If you are uncertain whether the name, address, and phone number of your emergency contact is current, please call the Human Resource Management Office.

Access www.buffalostate.edu/offices/hr/emergency.asp at any time to update your emergency contact information.

Emergency Response Plan

www.buffalostate.edu/offices/police/safety

Please refer to the college's emergency response plan at the above noted Web site. The emergency response plan includes information on evacuation procedures and emergency response procedures for civil disturbances, criminal or violent behavior, explosion or bomb threats, hazardous materials including suspicious mail, and other emergency situations.

Ethics Law (A Plain Language Version)

Employees of state departments, public authorities, and public benefit corporations or commissions, where at least one of whose members is appointed by the Governor, should know about the key parts of the Public Officers Law ("POL"). The actual law is complex, and there are some exceptions. Contact the New York State Commission on Public Integrity at 518-408-39767 for clarification, or visit the Commission's Web site at www.nyintegrity.org.

Visit www.buffalostate.edu/offices/hr/ethics.asp, which details the following 21 sections of the Plain Language Version of the New York State Ethics Law.

- Gifts Over \$75.
- Gifts Under \$75.

- Matters Before State Agencies.
- Communications With State Agencies.
- Sales to State Agencies.
- Sales to Regulated Entities.
- Conflicts of Interest.
- Confidential Information.
- Misuse of Office.
- Appearance of Impropriety.
- Violation of Trust.
- Dealing With Yourself or Your Company.
- Investments.
- Moonlighting.
- Honoraria and Travel Reimbursement.
- Outside Activities.
- Political Activities.
- Contingent Fees.
- Court of Claims.
- Post-Employment Two-Year Ban.
- Post-Employment Lifetime Ban.

Fees, Charges, and Deposits (University Policy)

University policy prohibits the assessment of general science fees, laboratory fees, and fees for course materials, i.e., texts and/or supplies. These fees are prohibited, as university tuition guarantees students access to the facilities and supplies considered necessary for their courses. However, campuses may establish deposits in science courses requiring laboratory work as collateral against which replacement costs for damage may be assessed.

University policy also requires that students purchase supplies and materials necessary for credit bearing courses at the campus store or other appropriate commercial outlet. When this is not feasible in terms of efficiency, cost containment, or method of distribution, a request may be submitted to establish a course-related fee if students will retain the end product of the laboratory course work, e.g., sculpture/ceramics, photography.

Faculty should review their department fee schedules for compliance with university fee policy. Fees not in accordance with the above directives should be discontinued. Contact James Thor, associate vice president and comptroller, at ext. 4117 with questions concerning this policy.

(Source: *Bulletin*, Vol. 54, No. 21, February 19, 2009)

Freedom of Information Law

The Freedom of Information Law (Public Officers Law § 84-90) requires that the State University of New York make certain records available to the public. The law requires each campus and the system administration of the University to designate records access officers. Requests for information from the campus or the system administration should be directed to the respective records access officer at each location, as appropriate.

A request for access may be submitted in writing to the duly authorized records access officer who is available in the Vice President for Finance and Management Office, Cleveland Hall 505, from 8:30 a.m. to 4:30 p.m. Monday through Friday.

Honoraria Reporting

www.buffalostate.edu/offices/hr/honoraria.asp

To comply with the New York State Ethics Commission regulations (Title 19 NYCRR Part 930 of the Public Officers Law), the college is required to annually report honoraria received by full-time faculty and professional and management/confidential employees. An honorarium is defined as “a payment, fee, or other compensation given to an individual for services rendered not related to the individual’s official state duties.” It also includes payment for travel expenses when the expenses incurred are unrelated to the employee’s duties.

Examples of honoraria include compensation for delivering a speech, writing an article, or attending a meeting. Honoraria do not include salary, wages, or fees earned from outside employment. Faculty members are not required to declare honoraria received within their academic disciplines.

Although reporting honoraria is required, obtaining prior approval of requests to receive honoraria is optional rather than mandatory. However, the college encourages employees to seek prior approval from the president’s designee (your vice president), before engaging in activities that lead to the receipt of honoraria.

If you receive honoraria during the period April 1, 2009, through March 31, 2010, and do not request prior approval from your vice president, you will be required to report the source, date, and amount of honoraria received to your vice president by May 8, 2010.

Information regarding honoraria reporting can be found at www.dos.state.ny.us/ethc/rules/Part930.htm. Questions should be directed to Susan Earshen, director, Human Resource Management, at ext. 3042.

(Source: *Bulletin*, Vol. 54, No. 24, March 12, 2009)

Internal Control Standards, Public Officers Law, Grading (Internal Controls)

Internal control standards

The Internal Control Act of the State of New York requires Buffalo State College to communicate the information on agency responsibilities and standards. The statement was posted in the *Bulletin* on January 29, 2009. Please refer to www.buffalostate.edu/bulletin/announcements.xml?aid=1640, “Internal Control Standards” for the statement.

(Source: *Bulletin*, Vol. 54, No. 18, January 29, 2009)

Public Officers Law

In addition, all state employees must abide by the laws governing ethical behavior contained in the Public Officers Law.

While many private companies and professional associations have their own codes of ethics, state code differs from these in that the state code is also the law. Like private codes of ethics, state code is a list of proscribed activities. The following is a summary of its provisions:

New York State employees are prohibited from engaging in any activity that is in substantial conflict with the proper discharge of their duties in the public interest, accepting other employment that would impair their judgment in the exercise of their official duties, or disclosing confidential information gained from their state positions.

State employees cannot use their official positions to secure unwarranted privileges for themselves or others. State employees with financial interests in a business entity should not engage in any transaction between the state and that entity that might be in conflict with the proper discharge of the employee's official duties. State employees also must avoid making personal investments in enterprises that might directly involve decision making or that might create a conflict of interest.

State employees cannot, by their conduct, leave the impression that they can be influenced based on their family relationship, rank, position, or influence. Nor should they act in a way that raises a suspicion among the public that they are likely to be engaged in acts that are in violation of their public trust.

No full-time state employee, any firm or association of which he or she is a member, or any corporation that he or she owns or controls can sell goods or services to any person, firm, or association that either is licensed or has its rates set by the state agency in which that employee is employed.

Violations of certain restrictions on business and professional activities or the financial-disclosure filing requirement may result in a maximum fine of \$10,000. In lieu of a fine, the commission may refer the matter for criminal prosecution. Upon referral and conviction, a violation may be punished as a Class "A" misdemeanor.

Under Section 94(13) of the Executive Law, assessment of a civil penalty is final unless modified, suspended, or vacated within 30 days of imposition.

For any violations of Sections 73, 73-a, or 74, the Ethics Commission also may recommend that the appointing authority take disciplinary action, up to and including dismissal from employment. Where applicable, discipline must be taken in accordance with the provisions of Section 75 of the Civil Service Law or the particular collectively negotiated agreement between the employee's union and the state.

Call James Thor, associate vice president for finance and management and comptroller, at ext. 4117 with questions about the Internal Control Act or Public Officers Law.

(Source: *Bulletin*, Vol. 53, No. 19, January 31, 2008)

Internal controls: grading

See Section 3, Instruction Policies and Procedures, Grading (Internal Controls), page 3.17.

Political Activities Involving State Employees

www.buffalostate.edu/offices/hr/political.asp

Federal Election Law and New York State law regarding political activities provide:

- No employee is to conduct political activities on paid state time.
- A state employee may participate in an election as a candidate and, if elected, serve in the office, provided such service will not interfere with state duties or create a conflict of interest.
- A state employee may engage in political activities in support of, or in opposition to, a candidate for elected office or a political issue, provided such activities do not interfere with state duties and provided the employee does not associate political activities with his or her official position or state affiliation.
- State equipment, vehicles, and office space are to be used only for official state business.
- State employees may not use their official positions to procure either campaign contributions or volunteer assistance.
- No appointments, promotions, demotions, or salary increases are to be made on the basis of political affiliation.

The above provisions also pertain to individuals employed by the state whose salary is financed in whole or part by any federal loan or grant. Questions on the above may be referred to Susan Earshen, director, Human Resource Management, ext. 3042.

(Source: *Bulletin*, Vol. 54, No. 3, September 4, 2008)

Receipt of Legal Papers Served on the College

The SUNY Office of University Counsel advises that all college offices should be notified of the procedures to follow regarding the receipt of legal papers of any kind by a campus employee. Accordingly, Buffalo State's procedures are as follows:

The associate vice president for finance and management/comptroller is the college's official liaison to Office of University Counsel for the purpose of receipt of service of service of legal papers on the college, notification of the area of the college affected (required to respond), and the decision about who should notify SUNY counsel, the attorney general, or other parties. When legal papers of any kind are served upon a campus employee or the college, the campus liaison should be contacted immediately and the legal papers should be forwarded to the liaison.

If the associate vice president for finance and management/comptroller is unavailable, the referral should be made to the assistant vice president for finance and management.

This procedure is especially important when legal papers request personnel files or information on students or are requests made under the USA Patriot Act. Various other rights, such as those afforded by FERPA (Family Educational Rights and Privacy Act), the Personal Privacy Protection law, and collective bargaining agreements, are involved in those situations.

(Source: *Bulletin*, Vol. 54, No. 19, February 5, 2000)

Right to Know Law

Environmental Health and Safety Office, Clinton Center 206, 878-6113
www.buffalostate.edu/environmentalhealth

The Environmental Health and Safety Office is responsible for institutional compliance with the federal Right to Know Law. Employee training programs are offered regularly to provide staff with information on the location and properties of toxic substances to which they may be exposed; the name or names, including trade, generic or chemical names, of such substances; the symptoms and effects of exposure at hazardous levels; potential for flammability, explosion, and reactivity; appropriate emergency treatment; procedures for cleanup of leaks and products; and appropriate protective equipment to be used by employees with specific products or chemicals.

Faculty members should check with their departments regarding procedures for use and proper disposal of toxic substances within their areas, or they may contact the Environmental Health and Safety Office directly if they have questions or concerns. Access www.labor.state.ny.us for additional information on the New York State Right to Know Law.

Security, Confidentiality, and Integrity of Customer Information (Guidelines for Maintaining the)

www.buffalostate.edu/offices/hr/information.asp

In compliance with the Gramm-Leach-Bliley Act and the rules promulgated therein by the Federal Trade Commission, Buffalo State College requires that all employees receive the following guidelines to ensure the security and confidentiality of customer records and information:

Control access to rooms and file cabinets where paper records are kept:

- All doors to office areas must be locked during nonbusiness hours.
- Work areas where customer information is processed must be behind locked doors or otherwise secured during business hours.
- Guests should be escorted in areas where customer information is being processed.
- Guests should be restricted to areas that do not have customer information in plain view. Conversely, customer information should be kept out of areas accessible to students and the public.
- File cabinets used to store customer information must be secured in locked areas.
- The fireproof cabinets used to store promissory notes must be locked during nonbusiness hours.
- Records containing customer information are to be retained only as long as they are valid, useful, and required to be retained. When no longer needed, paper, microfilm, and microfiche records must be destroyed by shredding. Electronic records must be destroyed according to current guidelines available from Computing and Technology Services. Retention guidelines are available from the Campus Services Office.

Control access to information stored electronically:

- Workstations should be behind locked doors or otherwise secured.
- Employees should “minimize” any computer windows not in use, to prevent inadvertent breaches.
- Employees are encouraged to password-protect their workstations when not in use.

- Employees should use strong passwords for all systems (at least eight characters, alphanumeric).
- Employees should change their passwords every 60 days or less.
- Employees must not post passwords on or near their computers.
- Access to student and employee records systems will be granted only to those employees whose job duties require them to access customer information.

Protect our customers' information:

- Employees should respond to requests for customer information in accordance with the Family Educational Rights and Privacy Act (FERPA). FERPA questions or potential violations should be referred to the Registrar's Office.
- Refer to the appropriate security policies as needed to ensure compliance.
- Employees must report any fraudulent attempt to obtain customer information to management, who should then report the attempt to the Vice President for Finance and Management's Office.

(Source: *Bulletin*, Vol. 54, No. 12, November 6, 2008)

Smoking Policy

www.buffalostate.edu/offices/hr/smoking.asp

Preamble

The New York State Clean Indoor Air Act became effective July 24, 2003. This law, which amends Public Health Law Article 13-E (Regulation of Smoking in Certain Public Areas), requires every employer in the state to provide smoke-free work areas for all employees in the workplace.

Policy

In accordance with the New York State Clean Indoor Air Act, the college smoking policy, originally in effect since January 5, 1990, was revised effective July 24, 2003. It is the college's policy to comply with all sections of the Act, and therefore, smoking is prohibited in all college buildings and vehicles.

Compliance

It is the responsibility of all members of the college community to observe this smoking policy. Since the college is legally responsible for compliance with state law, the following enforcement system will be used if necessary:

The person with direct supervision of an area is responsible for requesting compliance. If a person refused[s] to stop smoking in a nonsmoking area, after receiving such a request, University Police will be notified. University Police will assess the situation and, if necessary, complete a State Incident Report (SIR).

Copies of the SIR will be sent to the Environmental Health and Safety Office and as follows:

Students. A copy is forwarded to the Student Judicial System for review and action.

Faculty/Staff. A copy is forwarded to the individual's supervisor, who will be responsible for speaking to the individual regarding his or her violation of college policy. Violations of the college policy may result in disciplinary action pursuant to applicable collective bargaining agreements.

Visitors/Guests. In the event of noncompliance, University Police will be notified and will take appropriate action.

(Source: *Bulletin*, August 21, 2003)
(Revised: June 14, 2007)

Software Installation Policy

See www.buffalostate.edu/cts/x809.xml.

Telephone Use Policy

www.buffalostate.edu/offices/hr/telephone.asp

This policy describes the assignment, use, and management of desk and cellular telephones by employees of Buffalo State College.

Policy

Desk and cellular telephones are to be used for official business-related activities only. Personal use should be limited to emergency calls. Payment for reimbursement of personal desk or cellular telephone calls should be forwarded to the Accounting Office, Cleveland Hall 414.

Cellular telephones

Cellular telephones may be assigned only to employees whose duties and responsibilities require immediate or remote communications capabilities. The assignment of cellular telephones must be approved by the vice president for finance and management, who will review assignments annually to assure compliance with this policy.

Each employee assigned a cellular telephone shall be primarily responsible for its security and maintenance, and must immediately report any theft, loss, damage, or vandalism of the unit.

New York State law prohibits the use of hand-held cellular phones while driving.

(Source: *Bulletin*, Vol. 54, No. 23, March 5, 2009)

Travel Procedures for Employees

Accounting Office, Cleveland Hall 414, 878-4117

Travel forms and links: <http://bscintra.buffalostate.edu/accounting>

A *Travel Manual* is published by the Accounting Office to assist faculty and staff in preparing travel arrangements. Each department office should have a copy. Employees who have not previously traveled on college business should review the manual before making travel arrangements. The travel manual answers many of the questions people have about travel and college procedures. Specific information includes procedures for airline ticket reservation; allowable reimbursement rates for meals, lodging, and personal car mileage; rental cars; payment of conference registration fees; foreign travel; submission of travel vouchers; etc. Updates to the manual are published in the *Bulletin*. Faculty should direct additional travel-related questions to the Accounting Office.

General travel information

Travel within New York State must be authorized in advance by a department chair or supervisor. If expenses are being funded by a different department, e.g., a dean's office, the approval of that office also is necessary. Out-of-state travel must also be authorized by a dean, a vice president, or the president for those offices that report to the president. State Division of the Budget policy requires this level of approval to certify the essentiality of out-of-state travel. Approvals are obtained on a

“Travel Authorization/Estimated Expenses” form, which is available from the Accounting Office and at the above Web site. The amount of estimated expenses to be incurred should be listed on this form. The approved travel estimate form is used to reserve department funds pending the actual trip and subsequent processing of a travel voucher.

Travel should always be conducted in the most economical manner consistent with scheduling requirements. The purpose of travel should be substantiated by a conference brochure, meeting agenda, or other correspondence when available. If written documentation is not available, the travel voucher should provide sufficient explanation to demonstrate the business purpose of the trip. Travel expenses should be for actual and necessary expenses and be within the allowances established by the State Comptroller’s Office. The travel voucher is an official document that will be filed for payment with the state of New York. A supervisor must approve and attest to the accuracy of your travel vouchers.

Use of College Resources

College resources, including equipment, supplies, services, and facilities, shall be used for official college business only. Use of college resources for commercial purposes or for personal gain is prohibited. Any loan of college property (other than library materials) to any party for personal use is prohibited. Please direct questions regarding this policy to James Thor, associate vice president and comptroller, at ext. 4117.

(Source: *Bulletin*, Vol. 54, No. 20, February 12, 2009)

Workers’ Compensation, Accident Reporting System

Human Resource Management, Cleveland Hall 403, 878-4822 or 878-4821
www.buffalostate.edu/offices/hr/worker.asp

Accident Reporting System

Any employee suffering a personal injury or illness while on the campus is required to report such to his or her immediate supervisor, who will subsequently submit an Employee Personal Illness/Injury Form to the Human Resource Management Office. Classified employees (e.g., members of CSEA and Council 82) are required to call the Accident Reporting System (ARS) at 888-800-0029 to report injury incident specifics. Any injury or illness sustained at the college must be reported within 30 days of the accident. The Human Resource Management Office will contact the insurance carrier to coordinate workers’ compensation benefits. Any questions pertaining to the workers’ compensation should be referred to Human Resource Management.

Benefits

Workers’ Compensation benefits provide protection for employees relative to medical expenses and loss of salary resulting from an occupational injury or illness. Basic protection is provided under the Workers’ Compensation Law. Other benefits may be available; contact Human Resource Management at the above phone numbers. Employees absent for one cumulative year due to occupational injury or illness may be terminated from State service under Section 71 of the Civil Service Law, which also provides certain re-employment rights if the employee subsequently recovers.

EQUITY AND CAMPUS DIVERSITY

Equity and Campus Diversity Office

Cleveland Hall 415, 878-6210

www.buffalostate.edu/equity

The Equity and Campus Diversity Office is the official designee of the college president to ensure that the campus abides by all federal and state laws and SUNY policies with regard to discrimination on the basis of race; sex; ethnicity; national origin; sexual orientation; religion; age; disability, marital, or veteran status.

Complaints related to policies administered by the Equity and Campus Diversity Office should be reported to Dolores E. Battle, senior adviser to the president for equity and campus diversity, Cleveland Hall 415, ext. 6210. **Complaints also can be reported to any vice president, dean, director, or department chair. The senior adviser to the president is the college ADA (Americans with Disabilities Act) and Section 504 compliance officer.**

Complaints or concerns regarding treatment by the Equity and Campus Diversity Office should be referred to the interim college president, Dennis Ponton, Cleveland Hall 517.

Statement of Principle on Diversity

Buffalo State College supports diversity of thought, diversity of experiences, and diversity of values. The college is dedicated to a visible commitment to these ideals by affirming and respecting differences in all interactions. Toward this goal, the college provides equitable opportunity and access through innovative recruiting, professional development, and education programs that enrich the total academic experience and enhance the quality of life.

(Approved April 8, 2008)

Equity and Campus Diversity mission statement

The mission of the Equity and Campus Diversity Office is to ensure that the college community understands and complies with both federal and state laws with the respect to equal employment opportunity and affirmative action.

While equal employment opportunity is the law, affirmative action and diversity issues require the college not only to provide access to employment and educational programs, but also to provide equitable opportunities to enhance success.

The primary goal of the Equity and Campus Diversity Office is to create a campus climate that is favorable to the development of the human potential of all faculty, staff, administrators, and students. To achieve this goal, the office has three major responsibilities: compliance, equity of services, and diversity.

- **Compliance.** Compliance addresses issues of affirmative action and equal employment opportunity. The office seeks to ensure that the campus complies with all federal and state laws and SUNY policies and procedures and does not discriminate on the basis of race, sex, ethnicity, national origin, sexual orientation, religion, age, disability, or marital or veteran status.
- **Equity.** Equity seeks to redress issues of inequities and discrimination by providing necessary services and programs to enhance access, retention, and success of faculty, staff, administrators, and students in a collegial environment.

- **Diversity.** Diversity seeks to address issues of campus climate and how diverse groups can learn and live in a pluralistic and multicultural environment.

The Equity and Campus Diversity Office sponsors workshops, video conferences, consultants and guest lecturers to educate the campus community on issues of equal employment opportunity, affirmative action, equity, and diversity. Students, faculty members, or employees who have questions about equal employment opportunity, discrimination, or issues of diversity are encouraged to contact the office at the above information.

Any student or faculty or staff member who believes that there has been a violation of any of the following policies is encouraged to discuss his or her concerns with the Equity and Campus Diversity Office. Resolution of grievances will be handled according to the Buffalo State College Procedure for Review of Allegation of Discrimination.

Equity and Campus Diversity Policies

Each of the policies listed below can be accessed at www.buffalostate.edu/equity/x460.xml.

General policy against discrimination and harassment

Buffalo State College is committed to proper treatment of all members of the college community. The college can achieve its educational mission only in an atmosphere of mutual respect that is free from intolerance and that offers equal opportunity to all. Every member of the college community shares the responsibility for addressing incidents of disrespect for the dignity of others and acts of discrimination, racism, bigotry, harassment, exclusion, abusive language, or mistreatment of individuals or groups.

Among the goals of the college is the empowerment of a diverse population of students to succeed as citizens of a challenging world. The college is dedicated to maintaining an atmosphere of intellectual vitality, collegiality, and collaboration. It will not have attained its goal until and unless all in its midst obtain fair and equitable treatment in employment and education. For this reason, Buffalo State condemns and pledges itself to fight against all acts of invidious discrimination, bias, intolerance, or harassment.

Racial discrimination is a particularly serious problem. The goals of the college are undermined and human dignity is offended where employment or educational benefits, opportunities, or privileges are denied or restricted on the basis of race, religion, color, or national origin, or where a racially hostile environment exists. Racial discrimination and illegal discrimination of any sort limits the opportunity for individuals to realize their potentials and denies them the rigors, joys, and fulfillment of intellectual curiosity.

Therefore, it is the policy of Buffalo State College to provide an employment and educational environment free from invidious discrimination on the basis of race, religion, color, age, national origin, gender, sexual orientation, disability, or marital or veteran status. It shall be a violation of this policy for any agent, student, or employee of Buffalo State to discriminate on the basis of race, religion, color, age, national origin, gender, sexual orientation, disability, or marital or veteran status against any individual with respect to terms of employment, education, or benefits of any program or activity at Buffalo State.

To implement this policy:

- All college faculty, staff, and students are expected to comport themselves in a manner that does not convey to others in the college community any disrespect, intolerance, or rude behavior

based on age, race, religion, color, national origin, gender, sexual orientation, disability, or marital, veteran, or socioeconomic status.

- All members of the college community are expected to contribute to the college environment to move the college community in the direction of respect for all.
- All persons within the college community who perceive that they have been subjected to discrimination or harassment based on age, race, religion, color, national origin, gender, disability, marital or veteran status, or sexual orientation are urged to present their concerns to the Equity and Campus Diversity Office.
- All faculty, staff, and students who know of a member of the community who believes that he or she has been subjected to discrimination or harassment are expected to encourage that person to go to the Equity and Campus Diversity Office and, if need be, to offer personal assistance to help that person do so.
- All supervisory and management staff have the responsibility to educate faculty, staff, and students about the value of diversity to the institution. To meet this responsibility, supervisors, department heads, and management staff are expected to:
 - Regularly communicate with employees and students under their supervision about the college's policy against discrimination, its commitment to diversity, and the need for civility in the community.
 - Monitor their own behavior to ensure that they offer an appropriate model regarding the policy for employees and students under their supervision.
 - Promptly and thoroughly respond to all reports or incidents of invidious discrimination or harassment in their areas of responsibility.
 - Identify and respect the needs of the victims of discrimination and attempt to restore collegiality and equity following reported incidents of discrimination.
 - Confer directly with the Equity and Campus Diversity Office whenever reports or complaints of discrimination or harassment are brought to their attention in their areas of responsibility or if they have concerns about appropriate responses to a concern or complaint.

(Source: *Bulletin*, January 27, 2005)

Affirmative Action Policy

See www.buffalostate.edu/equity/documents/Affirmative.doc for full statement.

It is the policy of Buffalo State to provide equal employment and educational opportunities to all and to ensure that no discrimination occurs against any employee or student. This institution subscribes to all applicants, students, or employees regardless of race, sex, ethnicity, national origin, sexual orientation, religion, age, disability, marital or veteran status, and arrest and/or conviction record. The policy includes all aspects of recruitment, hiring, training, promotions, and all other terms and conditions of employment as well as admissions, access to programs, and all other services and privileges of student status. Affirmative action will be taken to ensure that traditionally disadvantaged, protected classes of employees and students are given an equitable opportunity for progress.

Buffalo State College is an institution where women, members of minority groups, persons with disabilities, and any other protected group should feel welcomed, challenged, and respected, and

where the human values underlying this policy are transmitted to our students, both in and outside the classroom.

(Policy: VI:01:00, *Directory of Policy Statements*. Rev. November 1987)
(Source: www.buffalostate.edu/equity/x460.xml)

Bias and hate crimes

According to the New York State Hate Crimes Act of 2000, a person commits a hate crime when he or she commits a specified offense and either:

- (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

It is a violation of college policy and the code of Rights, Freedoms, and Responsibilities for Students to engage in harassment or threats of violence based on a person's race, ethnicity, national origin, religion, creed, sexual orientation, disability, age, or gender that is intended to create a situation on college property or at college-sponsored activities that produces mental discomfort, harm, or injury. Persons who believe they are the victims of a bias-related or hate crime should immediately report the incident or offense to University Police, Chase Hall 110, ext. 6333, or to the Equity and Campus Diversity Office, Cleveland Hall 415, ext. 6210.

For additional information, see the University Police Web site at www.buffalostate.edu/offices/police, or the Equity and Campus Diversity Office Web site at www.buffalostate.edu/equity.

(Source: *Bulletin*, September 16, 2004)

Refer to www.buffalostate.edu/equity/documents/BiasCrime.doc for further information on bias crime prevention.

Consensual sexual and amorous relations

Students should be free to develop relationships that supplement formal classroom instruction, and employees should be free to develop friendships and engage in social contact with supervisors and fellow employees. In most cases, social interaction among supervisors and employees, between fellow employees, and among faculty and staff members and students will benefit the entire academic community by promoting the interchange of ideas, building mutual trust and respect, facilitating communication, and reducing misunderstandings.

However, when a person in a position of power and authority abuses or appears to abuse that position, mutual trust and respect are lost and the academic environment suffers. Buffalo State faculty, staff members, and supervisors exercise power and authority over Buffalo State College students and employees over whom they have current or potential evaluative, supervisory, instructional, or other professional responsibility. This inherent power imbalance makes consent within any sexual or amorous relationship between a supervisor and employee or between a faculty or staff member and student suspect, and may impede the real or perceived freedom of the student or employee to thereafter terminate or otherwise alter the relationship. The relationship may create

real or apparent impropriety, loss of objectivity, and a conflict of interest in any evaluative, supervisory, instructional, or other professional role that the faculty or staff member may have, or may develop in relation to the student or employee, and may expose the individual faculty or staff member, as well as Buffalo State college, to possible legal charges and liability.

Therefore, to avoid the breakdown of mutual trust and respect, which may result within the academic community from such sexual or amorous relationships, **it is the policy of Buffalo State College that:**

- **Commencement, upon either person's initiative, of a sexual or amorous relationship between a Buffalo State College faculty or staff member and a student with respect to whom such faculty or staff member has current professional responsibility shall be prohibited.** Any Buffalo State College faculty or staff member who, nevertheless, engages in a sexual or amorous relationship shall be required to remove himself or herself from any evaluation of the student and from any activity or decision that may or may appear to reward, penalize, or otherwise affect the student or student employee, and to otherwise take appropriate action to minimize any potential preferential or adverse consequences to the student, or to other members of the college community from any such sexual or amorous relationship. It shall also be the responsibility of the administrative head of the faculty or staff member's academic or administrative unit, if he or she is aware or is made aware of the relationship, to ensure that the foregoing steps are taken.
- In addition to being required to take the foregoing steps, any faculty or staff member who engages in a sexual or amorous relationship with a student or student employee shall be subject to but not limited to counseling, reprimand, probation, suspension, discharge, or other action consistent with applicable collective bargaining agreements, contracts, and procedures.
- A student shall not be subject to sanction for such a relationship. A student employee may be transferred from his or her position to a similar position, without demotion or other adverse effect on the benefits, terms, or conditions of employment, and making alternative arrangements, if feasible, to prevent interference with educational opportunities, which gives the faculty or staff member current professional responsibility for the student.
- If such a relationship exists or existed before any current professional responsibility arose for the faculty or staff member in relation to the student, the faculty or staff member shall be prohibited from thereafter undertaking professional responsibility for the student with whom he or she has or has had a sexual or amorous relationship. In no case, however, shall such prohibition result in a demotion or otherwise adversely affect the benefits, terms, or conditions of employment. In the case of the student, reasonable alternative arrangements shall be made, if feasible, to prevent interference with educational opportunities.
- **Sexual or amorous relationships between faculty or staff members and a student to whom the faculty or staff member does not have any current professional responsibilities are strongly discouraged.**
- **Sexual or amorous relationships between a supervisor and a non-student employee to whom such supervisor has current or reasonable foreseeable professional responsibilities are strongly discouraged.** Where such a relationship exists, previously existed, or develops, it shall be the responsibility of the supervisor (and his or her supervisor) to remove the supervisor from any evaluation of the employee, and from any activity or decision that may or may appear to reward, penalize, or otherwise affect the employee, and to otherwise take appropriate action to minimize any potential preferential or adverse consequences to the employee or to other members of the college community from any sexual or amorous relationship. An employee shall

not be subject to sanction for such a relationship, but may be removed or transferred from a position (without demotion or adverse effect on the employee's benefits, terms, or conditions of employment) that gives the supervisor the power to evaluate, reward, penalize, or otherwise affect the employee.

- **If a student or employee makes a complaint of sexual harassment against a faculty or staff member or supervisor that arises from a sexual or amorous relationship between the faculty or staff member and the student or employee, the faculty or staff member or supervisor charged with sexual harassment shall have the burden of proving by preponderance of evidence that the relationship was entirely consensual and uninfluenced by the faculty or staff member's or supervisor's professional relationship with the complainant.** If a sexual harassment complaint is made by a third person with respect to the sexual or amorous relationship of a faculty member or supervisor to a student or employee who is not the complainant, consent to the relationship between the faculty member or supervisor and the student or employee shall not constitute a defense to the third person's complaint, insofar as the allegations concerning the relationship between the faculty member or supervisor and student or employee support the complaint of the third person.

Grievance procedure (for policy on consensual sexual and amorous relationships)

- **This policy with respect to sexual and amorous relations should be enforced consistently but with a high degree of flexibility and discretion, with minimal intrusion upon the personal privacy of the participants and with initial reliance upon confidential counseling with an appropriate professional.** Any decision to impose sanctions should be made in light of the policy considerations set forth in Section A above as they apply to the particular circumstances being considered.
- **Any person may make an inquiry or request for consultation to the Equity and Campus Diversity Office concerning an alleged violation of this policy, and any person may file a complaint alleging a violation of this policy with the Equity and Campus Diversity Office, pursuant to the Buffalo State College Grievance Procedure for Review of Allegations of Discrimination.**

(Policy: July 29, 1997)

(Source: *Bulletin*, February 10, 2005)

Disabilities (Persons with)

It is the policy of Buffalo State that no otherwise qualified person with a disability shall, solely by reason of the disability, be excluded from participation in employment or access to programs of the college.

Statements:

- The State University College at Buffalo will not discriminate against any employee, applicant for employment, or student because of physical or mental disability with regard to any position or program for which that person is qualified. This commitment is applicable in all employment practices including, but not limited to, employment upgrading, demotion or transfer, recruitment, layoff or termination, rates of pay or other forms of compensation, and selection for training.

(Policy Number VI:01:03 1985)

- Although the statement pre-dates the Americans with Disabilities Act of 1990, it does express the college policy with regard to persons with handicapping conditions, which can

be related to persons with disabilities as in the more recent federal legislation. In carrying out this policy, the college shall make a good faith effort to reasonably accommodate the physical and/or mental limitations of an employee, applicant for employment, or student unless such accommodations would impose undue hardship on the operation of the college.

- The college will not deny an employment opportunity to an individual because the individual has a relationship or association with an individual who has a disability.
- The college will not knowingly participate in a contractual or other arrangement that subjects an applicant for employment, an employee, or a student with a disability to unlawful discrimination.
- The college will not discriminate or retaliate against any individual, whether or not the individual has a disability, as a result of an individual opposing a discriminatory practice, filing a discrimination complaint, or participating in any way in enforcing the Americans with Disabilities Act.

Students with need for special services related to disabilities should be directed to Services for Students with Disabilities Office, South Wing 210, ext. 4500. Faculty and staff with needs should contact the Human Resource Management, Cleveland Hall 403, 878-3042.

Refer to www.buffalostate.edu/equity/documents/Disability.doc for further information, including assistance and grievance procedures.

(Source: *Bulletin*, August 26, 2004)

National origin (Discrimination based on)

The Buffalo State College policy on affirmative action ensures that there will be no discrimination against any faculty/staff member or student based on national origin.

Any faculty/staff member or student who believes that there has been a violation of this policy is encouraged to discuss his or her concerns with the Equity and Campus Diversity Office, Cleveland Hall 415. Resolution of grievances will be handled according to the Buffalo State College Procedure for Review of Allegation of Discrimination.

Assistance for international students regarding visas, work permits, and relevant regulations of Immigration and Naturalization Service is available through the International Student Affairs Office, www.buffalostate.edu/internationalstudentaffairs, Campbell Student Union 400.

Note: Title VII of the Civil Rights Act of 1964 prohibits discrimination against any individual because of lack of citizenship. This title not only prohibits the disparate treatment of noncitizens, but also prohibits discrimination against individuals because of limited English fluency, accents, or manner of speaking.

(Source: *Bulletin*, September 28, 2000)

EEOC compliance manual addressing language, accent, and dress

A revision to the United States Equal Employment Opportunity Commission (EEOC) Compliance Manual (Section 13, “National Origin Discrimination”) issued on December 2, 2002, states:

The most important step for an employer [or educator] in preventing harassment is clearly communicating to employees [and students] that harassment based on national origin will not be tolerated and that employees who violate the prohibition against harassment will be disciplined.

And

Because linguistic characteristics are a component of national origin, employers [and educators] should carefully scrutinize employment [and educational] decisions that are based on accent to ensure that they do not violate Title VII.

An employment [or educational] decision based on foreign accent does not violate Title VII if an individual's accent materially interferes with the ability to perform job duties. [But] employers [and educators] should distinguish between a merely discernable foreign accent and one that interferes with communication skills to perform job duties.

(Source: *Bulletin*, January 23, 2003;

U.S. *Equal Employment Opportunity Commission Compliance Manual*, December 2, 2002, www.eeoc.gov)

Religion (Discrimination based on), Students unable because of religious belief to attend classes on certain days

The college does not discriminate against employees, applicants for employment, or students, based on religion or national origin.

SUNY Policy

1. No person shall be expelled from or be refused admission as a student to an institution of higher education for the reason that he or she is unable, because of his or her religious beliefs, to register for or attend classes or to participate in any examination, study, or work requirements on a particular day or days.
2. Any student in an institution of higher education who is unable, because of his or her religious beliefs, to attend classes on a particular day or days, shall, because of such absence on the particular day or days, be excused from any examination or any study, or work requirements.
3. It shall be the responsibility of the faculty and of the administrative officials of each institution of higher education to make available to each student who is absent from school, because of his or her religious beliefs, an equivalent opportunity to register for classes or make up any examination, study, or work requirements that he or she may have missed because of such absence on any particular day or days. No fees of any kind shall be charged by the institution for making available to the said student such equivalent opportunity.
4. If registration, classes, examinations, study, or work requirements are held on Friday after 4:00 p.m. or on Saturday, similar or makeup classes, examinations, study or work requirements shall be made available on other days, where it is possible and practical to do so. No special fees shall be charged to the student for these classes, examinations, study or work requirements held on other days.
5. In effectuating the provisions of the Education Law, it is expected that faculty and the administrative officials will exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student for availing himself or herself of the provisions of this section.
6. Any student, who is aggrieved by the alleged failure of any faculty member or administrative official to comply in good faith with the provisions of this section shall be entitled to maintain an action or proceeding in the supreme court of the county in which such institutions of higher education is located for the enforcement of his or her rights under this section.
7. The term "religious belief" shall mean beliefs associated with any corporation organized and operated exclusively for religious purposes, which is not disqualified for tax exemption under Section 501 of the United States Code.

College Policy

At Buffalo State College, we sharpen the mandate of the state and endorse the policy that the administering of evaluative examinations on Rosh Hashanah, Yom Kippur, and Good Friday will not be permitted.

Note: Each fall semester, Equity and Campus Diversity posts in the *Bulletin* the dates for the above noted holidays for the current fall and upcoming spring semesters.

(Source: *Bulletin*, September 9, 2004)

Sexual harassment

Sexual harassment in employment and educational settings (SUNY definition of)

Recent rulings by the federal courts have resulted in revised definitions of sexual harassment in employment settings. SUNY has adopted the following definitions of prohibited acts and behaviors.

Sexual harassment in the employment setting is defined as:

Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when any of the following occurs:

- Submission to such conduct is made a term of condition of an individual's continued employment, promotion, or other condition of employment.
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting an employee or job applicant.
- Such conduct is intended to interfere, or results in interference, with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment in the educational setting is defined as:

Unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of sex, the student's ability to participate in or receive benefits, services, or opportunities in the educational institution's programs.

(Source: *Bulletin*, September 2, 2004)

College policy on sexual harassment

Rationale

The U.S. Equal Employment Opportunity Commission (EEOC) has issued guidelines interpreting Section 703 of Title VII as prohibiting sexual harassment (29 CFR 1604.11). Sexual harassment is defined in these guidelines as follows:

“...Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”

Sexual harassment is an affront to the human dignity and will not be tolerated at Buffalo State College. As an educational institution, we do not condone or tolerate any verbal or physical conduct

that would constitute sexual harassment of any member of the college or college community. Buffalo State College is committed to the intellectual, personal, and professional growth of its students, faculty, and staff. The goal of the college is to inspire a lifelong passion for learning and to empower a diverse population of students to succeed as citizens within a challenging world. The college is dedicated to excellence in teaching and scholarship, cultural enrichment, and service in order to enhance the quality of life in Buffalo and the larger community. Actions of members of the college community that harm this atmosphere undermine and hinder the educational mission.

Sexual harassment is particularly serious when it threatens the relationship between faculty and students or supervisor and subordinate. In such situations, sexual harassment unfairly exploits the power inherent in the faculty member or supervisor's position. The college will not tolerate behavior that creates an unacceptable working or educational environment between or among members of the college community.

Policy

It is the policy of Buffalo State to provide an employment and educational environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication, constituting sexual harassment as defined and otherwise prohibited by state and federal statutes.

Refer to www.buffalostate.edu/equity/documents/Harassment.doc for further information on the college's policy on sexual harassment, including implementation, grievance procedures, responsibility of management, and special assistance.

(Source: *Bulletin*, September 2, 2004)

Sexual orientation

Sexual orientation non-discrimination act

Governor George Pataki signed into law on December 17, 2002, Chapter 2 of the Laws of 2002, referred to as the Sexual Orientation Non-Discrimination Act. Effective January 17, 2003. The legislation amends the New York State Human Rights Law and Education Law to include sexual orientation as a protected category against which discrimination in employment, credit, housing, public accommodation, and education, among other areas, is prohibited. Section 2, Subdivisions 1 and 2 of Section 291 of the executive law, as amended by Chapter 803 of the laws of 1975, were amended to read as follows:

1. The opportunity to obtain employment without discrimination because of age, race, creed, color, national origin, sexual orientation, sex, or marital status is hereby recognized as and declared to be a civil right.
2. The opportunity to obtain and education; the use of places of public accommodation; and the ownership, use, and occupancy of housing accommodations and commercial space without discrimination because of age, race, creed, color, national origin, sexual orientation, sex, or marital status, as specified in Section 296 of this article is hereby recognized as and declared to be a civil right.

Buffalo State College Policy on Sexual Orientation

It is the policy of Buffalo State College and the SUNY Board of Trustees that no discrimination against or harassment of individuals will occur on any of the campuses or in the programs or activities of the university. Consistent with the policy, the college expects that all judgments about and actions toward students and employees will be based solely on qualifications, abilities, and performance. Attitudes, practices, and preferences of individuals that are especially personal in

nature, such as private expressions or sexual orientation, are unrelated to performance and provide no basis for judgment. The college expects all employees and students to take appropriate action to implement this policy of fair treatment.

Refer to www.buffalostate.edu/equity/documents/Orientation.doc for further information on the college's policy on sexual orientation and assistance.

(Source: *Bulletin*, January 16, 2003)

Veterans

Non-discrimination policy for Vietnam-era veterans

Section 402 of the Vietnam Era Veterans Readjustment Act of 1974 prohibits job discrimination and requires affirmative action to employ and advance employment to (1) qualified Vietnam Era veterans during the first four years of their discharge, and (2) qualified disabled veterans throughout their working lives if they have a 30 percent or more disability.

The term "Vietnam Era veteran" means a person who served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam Era (that is, between August 4, 1964 and May 7, 1975). The term "disabled veteran," for the purpose of this policy, means a person entitled to disability rated at 30 percent or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

In accordance with laws and with Buffalo State's policies and programs of equal employment opportunity and nondiscrimination, the college reaffirms its policies, responsibilities and commitments to veterans.

All applicants for employment and current employees who believe themselves to be covered by Section 402 of the Vietnam Era Veterans Adjustment Act of 1974 and who wish to benefit under the policy, are asked to identify themselves on the employment form and/or through a periodic update of the individual's personnel file. Employees identifying themselves as Disabled Veterans and/or Veterans of the Vietnam Era are asked to describe any special method, skills, and procedures that qualify them for positions that they might presumably be unable to fill because of their disability so that they will be considered for such positions and to alert the college as to accommodations that might be made to enable them to perform their jobs properly and safely, such as changes in the physical layout of the job and modifications of certain non-essential duties related to the job.

To meet this commitment, the college will communicate its obligation to engage in proactive efforts on behalf of veterans; develop internal procedures to determine the opportunity to promote and/or transfer veterans presently employed, determine whether their present and potential skills are being fully utilized and developed, and enlist the assistance and support of all possible sources (organizations and offices that serve veterans of the Vietnam era) often meeting this responsibility.

Buffalo State College will make every effort to assist employees identified as Disabled Veterans of the Vietnam Era to reach their full employment potential.

(Policy Number: VI:01:01 May 1986)

Veterans Employment Opportunities Act

The Veterans Employment Opportunities Act (VEOA) Public Law 105-339 of 1998 added new reporting requirements that extend affirmative action to an additional group of veterans, "other eligible veterans." SUNY affirmative action policies and procedures that apply to "special disabled veterans" and "Vietnam-era veterans" now apply to this category as well.

“Other eligible veterans” are defined as those veterans who (1) served in active duty during a war, or (2) served in a campaign or expedition for which a campaign badge has been authorized. The current list of military engagements from the U.S. Office of Personnel Management is available at www.opm.gov/veterans/html/vgmedal2.htm.

Employees are encouraged to contact the Human Resource Management Office if they wish to self-identify as an “other eligible veteran” to benefit under the affirmative action program.

(Source: *Bulletin*, September 28, 2000)

Refer to www.buffalostate.edu/equity/documents/Veterans.doc for further information on Buffalo State College Non-Discrimination Policy for Veterans, including purpose, reaffirmation of policy, definitions, responsibility and grievance procedure, and implementation.

Complaint Procedure for Review of Allegations of Unlawful Discrimination/Harassment

Buffalo State has adopted the SUNY Discrimination Complaint Procedure for Review of Allegation of Unlawful Discrimination and Harassment. The complaint procedure may be used by any Buffalo State College student or employee. This procedure will not replace employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards, and any other procedures defined by contract or local by-laws, including those of outside enforcement agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the Department of Education, and the Office of Federal Contract Compliance of the Department of Labor.

Rather, the complaint procedure provides a mechanism through which the college may identify and resolve incidents and allegations of unlawful discrimination and harassment.

Persons with complaints about alleged discrimination should report their concerns to the Equity and Campus Diversity Office, Cleveland Hall 415, 878-6210, within 90 days of the alleged discriminatory or harassment event.

Introduction

Buffalo State College, in its continuing effort to seek equity in education and employment and also comply with Federal and State anti-discrimination legislation, has adopted a complaint procedure for the prompt and equitable investigation and resolution of allegations of unlawful discrimination/harassment on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status, or marital status.

This procedure may be used by any Buffalo State College student or employee. This procedure will not replace employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards, and any other procedures defined by contract or local by-laws, including those of outside enforcement agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the Department of Education, and the Office of Federal Contract Compliance of the Department of Labor.

Rather, the Complaint Procedure for the Review of Allegations of Unlawful Discrimination/Harassment provides a mechanism through which the college may identify and resolve incidents and allegations of unlawful discrimination and harassment. The college recognizes and accepts its responsibility in this regard and believes that the establishment of this internal, non-

adversary grievance process will benefit students, faculty, staff, and administration alike, permitting investigation and resolution of problems.

Requirements for filing complaints

1. A complaint must be submitted in writing on forms provided by the Office of Equity and Campus Diversity and the State University of New York.
2. An employee or student must file a complaint **within 90 calendar** days following the alleged discriminatory/harassing act of the date on which the complainant first knew or reasonably should have known of such act if the date is later. Students may file a complaint against the teacher of a course in which he/she is enrolled at the time of the discriminating/harassing act, within 90 calendar days after a final grade in that course is received, if that date is later.
3. Complaints must be filed with the Equity and Campus Diversity Office.
4. Any use of the word “day” or “days” refers to calendar days.

Overview of process

Buffalo State College has adopted a complaint procedure for the prompt and equitable investigation and resolution of all allegations of unlawful discrimination/harassment on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status, or marital status.

This procedure is intended to resolve matters of unlawful discrimination/harassment on the campus in a non-adversarial manner. It may be used by students, faculty, and staff. The steps in the complaint procedures are outlined below:

First, the affirmative action officer (senior adviser to the president for equity and campus diversity) will discuss the matter with you. With your consent, the officer will consult with the respondent and will attempt to resolve the problem informally.

If you wish to file a formal complaint, you must file the complaint within 90 days of the unlawful act. A student must file complaint or within 90 calendar days after receiving a final grade in a course in which a student is enrolled. After receipt of the formal complaint, the office will attempt to reach a resolution to the problem on your behalf. If that cannot succeed within 24 calendar days, you will have the option of submitting a formal complaint for resolution involving formation of a tripartite panel.

The tripartite panel will conduct a hearing, including the interviewing of persons who may have knowledge about the alleged act of discrimination/harassment. The panel will attempt to reach a decision, and will prepare a report of findings and recommendations.

Within 48 calendar days of its formation, the panel will submit its reports to the president of the college (or designee) for acceptance or rejection of the recommendations. You will be notified of the president’s decision within 24 calendar days.

Through this complaint procedure, the college intends to assure all parties involved that they will get fair and equal treatment, and that allegations will be resolved to mutual satisfaction.

You should reach the complaint procedures carefully and/or ask the senior adviser to the president for equity and campus diversity any questions you may have about any matter related to the process at 878-6210, or fax 878-6234. You may obtain a copy of the complaint procedures at GC 415, the Equity and Campus Diversity Office.

Refer to www.buffalostate.edu/equity/x473.xml