



ACADEMY  
*for* JEWISH  
RELIGION

## **POLICY ON DISCRIMINATION AND HARASSMENT**

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### ***Policy***

Consistent with Federal, State and Local laws, the Academy for Jewish Religion (Academy) considers offensive and expressly prohibits any form of harassment based on race, color, religion, sex, national origin, age, disability, sexual orientation, marital status, gender identity or expression, military or veteran status, or status in any legally protected group. All members of the Academy community must be able to work and study in an atmosphere that discourages discrimination and harassment by individuals including colleagues, supervisors, teachers, and peers.

This principle applies in areas including employment practices, personnel policies, financial assistance, educational programs, and activities. It applies equally to all visitors, invitees, vendors, contractors, consultants, and others who visit or do business with the Academy.

The Academy presents information regarding discrimination to its students during the academic year in its programming for students, together with information on harassment, bias-related crime prevention including bias-related crimes (including Hate Crimes, under Article 485 of the NY Penal Law), sexual assault and safety. Students are also alerted about events that affect their security and the security of the community when the need arises. Any member of the community may obtain additional information from the Rabbi-in-Residence or Executive Vice President / Academic Dean. This policy is posted on the AJR website and thereby available to the entire AJR community and to the public.

In determining whether alleged conduct constitutes harassment, it is necessary to examine all of the relevant information available, including the nature of the conduct, whether the conduct is unwelcome, whether the conduct is persistent, pervasive, or severe, and the context in which the alleged incidents occurred. Unless the conduct is severe, a single incident or isolated incidents of offensive conduct or remarks generally do not create a hostile environment, which requires a pattern of offensive conduct.

With respect to sexual harassment, the Academy expressly prohibits the following: unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of academic statutes;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an academic decision regarding such individual; or
- Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive learning environment.

Harassment may include, but is not limited to, the following:

- Comments, humor or jokes about sex or other protected characteristics, sexual innuendoes, treats, advances and propositions, or other sexually-oriented statements, suggestions, or derogatory comments, whether made verbally, including by telephone, or in written form, including electronic form, such as email, texts, or social media posts.
- Suggestive, or insulting sounds and gestures, such as persistently violating someone's "personal space", or whistling, leering, staring, stalking, displaying sexually suggestive posters, calendars, photographs, graffiti, cartoons, including those displayed on computer, tablet, or smart phone screens.
- Unwanted physical contact, such as touching, brushing, kissing, or unwanted sexual advances, coerced sexual intercourse, or stalking. Included in this category are dating, or domestic violence, sexual assault and rape, including date rape.

Sexual harassment may involve women being harassed by men, men being harassed by women, or harassment between persons of the same sex. Depending upon the factors referred to above, the following conduct may not constitute harassment in violation of the Academy's policy:

- Discussion in an instructional setting of controversial or even offensive material that is relevant to the subject matter being taught.
- Social situations or interactions which, while possibly uncomfortable, are not sufficiently persistent, pervasive, or severe enough to meet the criteria of a hostile environment.

### ***Procedures***

The goal of these procedures is to provide a prompt, equitable, and effective response to an incident of discrimination or harassment, with the intent to provide appropriate redress for the victim, education and assistance for the offender, and prevention of similar incidents in the future. In significant cases, appropriate action may include, among other outcomes: a recommendation that the offender seek counseling; suspension, or dismissal from participation in an ordination or academic program.

One who exhibits a single act or isolated acts of conduct perceived as discriminatory or harassing may simply lack the sensitivity to appreciate that his or her conduct creates discomfort or humiliation for others. Accordingly, any member of the Academy community who becomes aware of such activity may want to advise the individual directly in a discreet manner.

Additional harm can be caused to the victim, as well as to the alleged offender and potential witnesses, by inappropriate publicity.

### ***Informal Resolution***

An Academy student who believes he or she has been subject to discrimination or harassment may wish to consider seeking a resolution of the problem informally and unofficially, through communication directly with the person concerned, or through an informal advisor. A student may not wish to try this informal approach; the approach may not be appropriate or possible, or, if tried, the approach may be unsuccessful.

**Report to Designated Administrator:** The following administrators are designated to handle discrimination and harassment matters: Executive Vice President / Academic Dean; Rabbi-in-Residence. A student who has a problem involving discrimination or harassment, or who seeks guidance in these areas, should contact one of the Designated Administrators. One does not have to be the direct target of the discrimination or sexual harassment to report it to a Designated Administrator, who shall investigate the complaint consistent with these procedures, if appropriate.

The Designated Administrator will hold an initial discussion with the reporting individual, who is referred to as the “complainant”. The complainant may request that his or her identity be kept confidential while he or she decides whether or not to file a charge. The Designated Administrator must ask the student to sign a statement requesting confidentiality. The Academy will honor the request to the extent practicable and consistent with its legal obligations. A request for confidentiality may limit the ability of the Academy to take prompt and appropriate action and the Academy may be obligated by law to document and investigate a complaint notwithstanding a request for confidentiality.

In the initial meeting, the nature and context of the incident need to be explored. The Designated Administrator should discuss with the complainant the procedures under this policy. If the complainant decides to proceed, the complainant submits a signed, written statement to the Designated Administrator, containing specific details. The Academy reserves the right to investigate allegations in the absence of a written complaint under circumstances it deems appropriate.

Complaints should be presented as promptly as possible after the alleged discrimination or harassment occurs. The more time that has elapsed, the more difficult it becomes to investigate the allegations. Normally, complaints should be brought within sixty (60) days after the alleged incident. At the complainant's request, the Academy may briefly postpone an investigation.

The Academy is committed to a prompt, fair, and impartial investigation and resolution. The Designated Administrator (or someone else assigned the responsibility: “designee”) shall make such investigation as may be necessary and appropriate to gather the facts, including interviews and requests for written information from the complainant, the respondent and relevant witnesses, if any. In the investigation, the Designated Administrator shall at all times respect the sensitivity of the situation and the interests of

both the complainant and the respondent, consistent with the need for a thorough fact-finding. The Academy will endeavor to complete investigations within sixty (60) days following its receipt of a complaint.

Following completion of the investigation, the Designated Administrator (or designee) shall evaluate the information received and, using the standard of preponderance of evidence ("the greater part of the evidence"), write a recommended resolution in generally not to exceed thirty (30) days, and share it with the complainant and the respondent. If all parties accept the recommended resolution, the Academy must retain a copy of it, along with written evidence of the parties' acceptance, for an appropriate period, as determined by the Academy's counsel.

If either the complainant or the respondent is unsatisfied with the proposed resolution, either party may, within two weeks of receiving the recommended resolution, submit a written request to that Administrator that the complaint be referred for Formal Resolution. Either party may elect, during the informal process, to proceed immediately to the Formal Resolution.

### ***Formal Resolution***

Any complaints involving a student, such as student/student, student/faculty, staff/student matters, that is not settled through Informal Resolution shall be directed to a review panel of three members of the Academy community, selected jointly by the Executive Vice President / Academic Dean and the Rabbi-in-Residence.

The panel shall consist of any three members of the Academy community, and shall include a student, if a student is either the complainant or the respondent; it shall invite parties to the dispute to appear to explain their positions and to raise any questions for any adverse witnesses. The panel may conduct its own informal inquiry, call its own witnesses and gather whatever information it deems necessary to assist it in reaching a determination on the merits of the allegation(s). Each person affected by the inquiry will be afforded a full opportunity to be heard and shall have the right to be accompanied by an advisor.

Once a determination has been reached, it shall be communicated in writing simultaneously to both parties and also to the Executive Vice President / Academic Dean for action. A brief summary of the basis for the determination will be available to either party upon request. If the Executive Vice President / Academic Dean is not able to accept the recommendation of the panel, the recommendation shall be remanded back to the panel for clarification or modification. The panel's conclusion on the merits of the allegation(s) shall be final and not subject to further review. The panel's decision and the final determination shall also be retained for use by the Academy's counsel.

The panel should initiate its activities within fifteen (15) days of receiving the complaint. Actual hearings should start within thirty (30) days after the review panel is convened, and hearings and fact finding should conclude within thirty (30) days. The determination of the review panel, using a preponderance of evidence standard, should be distributed

simultaneously to the parties and the Executive Vice President / Academic Dean within twenty (20) days after the conclusion of the review hearings and fact finding. These time frames may be extended for reasonable periods for good cause or at the request or mutual agreement of the parties.

No one at the Academy may take any adverse action against a person making a good faith claim of discrimination or harassment, nor may anyone take any adverse action against a person who, in good faith, supports a claim of discrimination or harassment. However, any student, faculty or staff member who exercises bad faith and brings false, malicious or frivolous charges may face disciplinary action. Someone who, in bad faith, supports a claim of discrimination or harassment may similarly face disciplinary action.

In some circumstances, the policies will take into consideration the beliefs and practices of Judaism. It is the responsibility of the Rabbi-in-Residence to monitor this possibility.