

POLICY MANUAL ON
SEXUAL
HARASSMENT
AND OTHER FORMS
OF DISCRIMINATION AND
HARASSMENT

SUNY Potsdam
Affirmative Action Office
10/07

POLICY MANUAL ON SEXUAL HARASSMENT AND OTHER FORMS OF DISCRIMINATION AND HARASSMENT

I. Introduction

An atmosphere of mutual respect among members of the academic community is necessary for SUNY Potsdam to function as a center of academic freedom and intellectual advancement. Any violation of mutual trust, any form of intimidation or exploitation, damages the institution's educational process by undermining the essential freedoms of inquiry and expression. Students, staff, and faculty must feel personally secure for real learning to take place.

As a place of work and study, SUNY Potsdam must be free of discrimination and harassment in all of its forms, including intimidation and exploitation. All students, staff, and faculty must be assured that the College will take action to prevent such misconduct and that anyone who engages in such behavior is subject to disciplinary procedures.

A. Background of this Policy

SUNY Potsdam is committed to maintaining an academic, residential and working environment which is free of inappropriate and disrespectful conduct of a derogatory nature regarding any protected category: race, color, sex, age, national origin, religion, marital status, disability, sexual orientation, and veteran status especially when such conduct adversely affects a student's or an employee's work/educational environment or creates an intimidating, hostile or offensive college environment.

Discrimination and/or harassment are prohibited personnel practices when it has the effect or purpose of abusing others based on direct or implied discrimination. It is also a prohibited personnel practice when it interferes with an individual's academic, social or work performance. The effect may include, but is not limited to: anguish, withdrawal from a course, a major, a school, a residence, a department or a career.

This policy applies only to employee/employee or employee/student cases of discrimination or harassment. (Student/student discrimination or harassment cases must be reported to the Director of Student Conduct and Community Standards and heard in the Student Judicial System.)

B. Sexual Harassment

Sexual harassment is not simply inappropriate behavior; it is against the law. Title VII (Section 703) of the Civil Rights Act of 1964 protects employees from sexual harassment in that it is a form of unlawful sex discrimination. Title IX, enforced by the Office of Civil Rights of the U.S. Department of Education, protects both students and employees from sexual harassment in that it constitutes differential treatment on the basis of sex. (Title IX applies to any educational institution receiving Federal funds.)

C. Definition

Sexual harassment is characterized by the imposition of unwelcome sexual activity including:

- Unwelcome sexual advances,
- Requests for sexual favors, and
- Other intimidating verbal or written communications or physical conduct of a sexual nature.

Such unwelcome sexual activity also occurs in relationships of equal power -- between colleagues or between students.

Sexual Harassment is defined as follows:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
 - Submission to or rejection of such conduct is made either explicitly or implicitly a term or a condition of instruction, employment, or participation in other college activity; and/or
 - Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual; and/or
 - Such conduct has the purpose or effect of unreasonably interfering with the individual's performance or creating an intimidating, hostile, or offensive college environment.

Examples of conduct that may constitute or support a finding of sexual harassment include, but are not limited to, the following types of behavior:

- Verbal or written sexually suggestive or obscene comments, jokes, or propositions including letters, notes, e-mail, or comments about a person's clothing,
- Visual contact, such as leering or staring at another's body,
- Sexually suggestive cartoons, posters, or magazines,
- Unwanted physical contact such as intentional touching, grabbing, pinching, or blocking movement.

Such unwelcome sexual activity often occurs in relationships of unequal power, between a faculty member and student or supervisor and employee. Sexual harassment can occur between a student and faculty member, with the latter as victim.

Consenting romantic and sexual relationships between a faculty member and student, or supervisor and employee, while not expressly forbidden, are deemed unwise. A faculty member who enters into a sexual relationship with a student (or a supervisor with an employee) where a professional power differential exists, must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove a defense on the grounds of mutual consent.

D. Harassment on the Basis of Protected Characteristic(s) Other Than Sex/Gender

Sexual harassment has been more thoroughly defined in the law than harassment based on other protected categories. Because harassment and discrimination can take many forms, an expanded definition and examples are provided. Intimidating, threatening, and harassing behavior can also occur without reference to a protected category. This type of behavior will fall under the College's Workplace Violence Policy and should be reported to University Police.

Harassment based on race, color, age, religion or national origin, disability, sexual orientation, veteran status, or other protected characteristics is oral, written, graphic or physical conduct relating to an individual's race, color or national origin (including an individual's ancestry, country of origin, or country of origin of parents, family members or ancestors), or other protected characteristics that is sufficiently severe, persuasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the College's programs or activities (see Appendix A).

Harassment based on race, color, age, religion, or national origin (including an individual's ancestry, or country of origin of parents, family members, or ancestors), disability, sexual orientation, or marital or veteran status may be oral, written, graphic or physical conduct that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the College's programs or activities, or terms, conditions or status of employment.

II. The Office of Affirmative Action

SUNY Potsdam is responsible for providing a learning and working environment free from discrimination. **The College reserves the right to pursue any complaint of discrimination brought to its attention.** The Affirmative Action Officer, based on information received, could exercise his/her own discretion and initiate a complaint on behalf of the College.

In addition, the Affirmative Action Officer may determine that a specific complaint of unlawful discrimination or harassment is of such a serious or potentially criminal nature that the investigation steps outlined in this process should be accelerated or eliminated. If made, this determination shall be communicated to the President or his/her designee, to the Affirmative Action Office, and to Human Resources for appropriate action, which may include the initiation of disciplinary action.

If at any time during the course of investigating or resolving a complaint of discrimination, the Affirmative Action Officer determines that a complaint is not within the jurisdiction of the office, the complaint and Complainant shall be referred to the appropriate office and the matter shall be considered concluded for the purposes of the Affirmative Action Office.

A. Role of the Affirmative Action Officer

The Affirmative Action Officer is trained in investigating and resolving complaints, and is available for assistance in filing the complaint with the College and will remain impartial during an investigation. The Affirmative Action Officer does not represent any individual or department, but does advocate on behalf of the College's goals of equal opportunity and nondiscrimination.

The Affirmative Action Officer may receive initial inquiries, reports and requests for consultation and counseling. Assistance will be available, whether or not a formal complaint is contemplated or even possible. It is the responsibility of the Affirmative Action Officer to respond to all such inquiries, reports and requests as promptly as possible and in a manner appropriate to the particular circumstances. An individual may refuse to put a complaint into writing. However, notwithstanding that refusal, there may be a continuing obligation on the part of the campus to investigate the verbal complaint to the best of its ability and proceed with any action warranted.

The Affirmative Action Officer shall solicit information concerning any factors that might prejudice an objective evaluation of the evidence and shall reassign an investigation if a conflict or potential conflict emerges.

B. Supervisory Responsibility

Complaints or concerns that are reported to an administrator, manager or supervisor concerning an act of discrimination shall be immediately referred to the Affirmative Action Officer.

III. The Procedure for the Review of Allegations of Harassment and Unlawful Discrimination

The procedure for the review of allegations of harassment and unlawful discrimination provides a mechanism through which SUNY Potsdam may identify, respond to, and prevent incidents of illegal discrimination and harassment. This process has been developed in accordance with guidelines and recommendations provided by the Chancellor's Office of Affirmative Action and in consultation with Office of the University Counsel of the State University of New York. The SUNY Potsdam Affirmative Action Officer administers the process locally. These procedures are intended to balance the rights of those bringing complaints of discrimination, harassment and/or retaliation with those against whom such claims are brought.

A. Who can file a complaint? – The Complainant

Any Potsdam employee or student may file a complaint. The person filing the complaint shall be known as the Complainant.

However, if a student alleges that he/she has been harassed or discriminated against by another student, the investigation and adjudication process will be handled through the Office of Student Conduct and Community Standards in accordance with the Code of Student Rights, Responsibilities and Conduct.

B. Against whom may complaints be brought? – The Respondent

A complaint of unlawful discrimination or harassment may be brought against any employee or student. If a complaint concerns behavior by a vendor or contractor or some other individual who may not be a member of the College community, but who may have an affiliation or a recognized connection to SUNY Potsdam, the individual should bring concerns to the attention of the Affirmative Action Officer who will provide assistance wherever practicable. The person alleged to have engaged in harassing or discriminatory behavior shall be known as the Respondent.

If the President is the Respondent, the Affirmative Action Officer may refer the complaint to the Office of University Counsel. Counsel's findings and recommendations shall be submitted to the Chancellor or his/her designee. If the Affirmative Action Officer is the Respondent, the matter shall be referred to the President or his/her designee.

C. Each Party's Rights and Responsibilities

The College's formal review procedures are not designed to replicate an external judicial process. Consequently:

- Complainants and Respondents are expected to meet with the Affirmative Action Officer as needed and as requested.
- Legal counsel retained by a Complainant or Respondent may not participate in or be present at any meeting convened by the Affirmative Action Officer.
- Respondents and Complainants are expected to communicate with the Affirmative Action Officer directly, not through legal counsel, other intermediaries or persons accompanying the parties.
- Complainants and Respondents have the right to receive notice of all actions, recommendations, determinations and findings made by the Affirmative Action Officer.

D. Additional opportunities for redress

The SUNY Potsdam procedure does not in any way limit a Complainant from the right to file a complaint with outside enforcements agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the United States Department of Education and the Office of Federal Contract Compliance of the United States Department of Labor. Contact information for these agencies is listed in Appendix B.

A Complainant is not required to pursue the SUNY Potsdam Discrimination Complaint Procedures before filing a complaint with a state or federal agency. In addition, if the Complainant chooses to pursue the SUNY Potsdam Discrimination Complaint Procedure, the Complainant is free to file a complaint with the appropriate State or Federal agency at any point during the process. Upon filing with an external agency, the SUNY Potsdam internal Complainant will be referred to the Office of University Counsel for review, defense or, if deemed appropriate by Counsel, involvement in mediation, conciliation or settlement with external agency where the complaint was filed, or such other action as may be in the interests of the College.

IV. How does the SUNY Potsdam process begin? – Filing Deadline

A written complaint by an employee must be filed within 90 calendar days following the alleged discriminatory act or the date on which the Complainant first knew or reasonably should have known of such act. Students must file a complaint within 90 calendar days following the alleged discriminatory act or 90 calendar days after a final grade is received for the semester during which the discriminatory acts occurred.

It is the Complainant’s responsibility to be certain that a complaint is filed within the applicable 90 calendar day period. In the event that the Complainant is prohibited from filing a formal complaint within this time period, the Complainant may contact the Affirmative Action Officer with regard to other avenues of recourse.

When the Respondent is a student

This process should be followed in student-to-student complaints only: To make a complaint of harassment or discrimination, the Complainant will make an appointment to meet with the Director of Student Conduct and Community Standards as soon as possible following an incident of harassment or discrimination. The Director will inform the Complainant of options available to them through the campus judicial system and the Code of Student Rights, Responsibilities and Conduct.

A. In all circumstances, employee and student complaints shall contain:

- The name, local and permanent address(es), and telephone number(s) of the Complainant.
- A statement of facts explaining what happened and what the Complainant believes constituted the unlawful discriminatory acts in sufficient detail to give each Respondent reasonable notice of what is claimed against him/her. The statement should include the date, approximate time and place where the alleged acts of unlawful discrimination or harassment occurred. If the acts occurred on more than one date, the statement should include the last date on which the acts occurred as well as detailed information about the prior acts. The names of any potential witnesses should be provided, if appropriate.
- The name(s), addresses(es) and telephone number(s) of the Respondent(s), i.e. the person(s) claimed to have committed the act(s) of unlawful discrimination.
- Identification of the status of the Respondent, whether faculty, staff, student or affiliated individual.
- A statement indicating whether the Complainant has filed or reported information concerning the incidents referred to in the complaint with a non-College official or agency, under any other complaint or procedure. If an external complaint has been filed, the statement should indicate the name of the person or department or agency with which the information was filed and the address to which it was reported.
- Other supplemental information as may be requested.

If the Complainant brings a complaint beyond the 90 calendar day period, the Affirmative Action Officer may terminate any further processing of the complaint, refer the Complainant to the Office of University Counsel for review and appropriate action including making a determination that the complaint should not be processed further, or direct the Complaint to an external agency (see Appendix B for a list of alternative forums).

If a Complainant elects to withdraw a complaint, this decision must be communicated in writing to the Affirmative Action Officer indicating the reason for withdrawal. If a student is the Complainant, the College may continue to pursue a review of the allegations.

B. Consultation and Review

Any member of the College community may consult with the Affirmative Action Officer regarding potential discrimination and harassment. In a telephone conversation or a personal appointment, the Affirmative Action Officer will:

- Receive complaints of alleged discrimination or harassment;
- Discuss the facts of a situation and help the individual identify the problem(s);
- Assist the Complainant in the use of the complaint form to define the charge;
- Determine if the Office of Affirmative Action is the appropriate College resource to address the concern.
- Inform the individual of the ways in which the Office of Affirmative Action approaches problem solving;
- Explore methods of resolving the situation by herself/himself, if that is the Complainant's preference;
- Advise an individual of alternative College resources, and external options for resolution, if appropriate;
- Provide the Complainant with information about the various internal and external mechanisms through which the complaint may be filed, including applicable time limits for filing with each agency.

- If at any time an employee or student of the College feels physically threatened, University Police should be contacted.

C. Intake Interview

The Affirmative Action Officer will ask a Complainant to participate in an initial interview. During this initial contact, known as the Intake Interview, the Complainant will be:

- Asked to complete a Complaint Intake and Information Form. (The Complainant may be asked to have this completed prior to the Intake Interview).
- Interviewed about the allegations so that the charge may be clearly stated.
- Asked to provide information about witnesses and other aggrieved persons.
- Advised of the Office's intake procedures and to facilitate realistic expectations as to the role of the Office.
- Referred to a proper College department if the complaint does not fall within the jurisdiction of the Office of Affirmative Action.
- Advised of the protection against retaliation.
- Advised of the College's policy on confidentiality.
- Advised of the option to file a complaint with one of the external Federal/State investigative agencies at any time.

D. Informal Resolution

The Affirmative Action Officer shall make every reasonable effort to resolve the matter in a structured but informal manner. Such resolution may take any form that is acceptable to the parties and to the College. Possible resolutions may include, but are not limited to:

- Separate meetings with the Complainant and/or Respondent;
- Joint meetings between the Complainant and Respondent with the Affirmative Action Officer serving as facilitator;
- A meeting with the supervisor of the Complainant and/or Respondent;
- A written agreement or memorandum of understanding signed by one or both of the parties;
- No further action at the request of the Complainant.

If a resolution satisfactory to both the Complainant and the Respondent is reached through the efforts of the Affirmative Action Officer, the Affirmative Action Officer shall close the case, and send a written notice to that effect to the Complainant and Respondent.

E. Formal Resolution

If an informal resolution is not acceptable to both the Complainant and the Respondent, a written request must be submitted to the Affirmative Action Officer requesting a formal investigation within 10 calendar days of the completion of the Informal Process. If the Affirmative Action Officer determines that the complaint merits further investigation, the Complainant and Respondent shall be advised in writing of the

initiation of an investigation within 10 calendar days of completion of the Informal Process. During this investigation the Affirmative Action Officer will:

- Provide an initialed, signed, date-stamped copy of the complaint to the Complainant and Respondent;
- Review all College records that concern the complaint;
- Interview witnesses or other interested parties;
- Review statements provided by both the Complainant and the Respondent(s);
- Review other relevant and material evidence;
- Will take all reasonable steps necessary to complete the investigation within ninety (90) calendar days after receipt of the complaint. If such is not possible, the Affirmative Action Officer may extend this deadline for a reasonable period of time. The Complainant and Respondent will receive notification from the Affirmative Action Office regarding the basis for extension.

F. Evaluating the Evidence and Resolution

In making a determination as to whether or not the complaint is substantiated, the Affirmative Action Officer shall evaluate the conduct alleged to have been discriminatory or harassing by considering the totality of the circumstances, including the nature, frequency, intensity, context and duration of the alleged conduct.

Within 48 calendar days of the receipt of the written request for a Formal Resolution, the Affirmative Action Officer will issue a written statement to the Complainant and Respondent indicating the finding at the conclusion of the investigation. The statement may reflect a determination that the complaint has insufficient evidence. If both parties concur with the determination, no further action will be taken and the case will be closed.

If either party disputes the determination, the case will be referred to the Affirmative Action Review Board. The Affirmative Action Review Board shall begin by reviewing the findings of the Affirmative Action Officer. The Board will be provided all written information pursuant to the case and shall have the opportunity to interview the Complainant, Respondent, witnesses, and other interested parties. The Board shall make a determination as to whether or not an act(s) of discrimination and harassment has taken place. Within 48 calendar days of the case being referred to the Board, it will report its findings to the President or designee, the Affirmative Action Officer, the Complainant and the Respondent.

If the Board determines that there is insufficient evidence to substantiate the complaint, the case will be closed and the College will take no further action. If the Board determines that an act(s) of harassment and/or discrimination has occurred, the case will be referred to the President for appropriate action. When the Board transmits the recommendation to the President and/or designee, the Board shall transmit concurrently, copies to the Complainant, Respondent and the Affirmative Action Officer.

Within 24 calendar days of receipt of the written summary, the President or designee shall issue a written statement to the Complainant and Respondent, indicating what possible actions the President proposes to take.

1. For Employees (including student employees) not in a Collective Bargaining Unit:

The President and/or designee may take such administrative action as he/she deems appropriate under his/her authority as the chief administrative officer of the College, including but not limited to termination, demotion, reassignment, suspension, reprimand, or training.

2. For Employees in Collective Bargaining Units:

The President and/or designee will refer the decision to Human Resources for action under the applicable collective bargaining agreement. Corrective action may include, but is not limited to: reprimand, mandatory counseling, written counseling, probation, suspension, termination of employment, non-renewal of contract or involuntary withdrawal from a program of study.

G. The action of the President shall be final.

No later than 10 calendar days following the issuance of the statement by the President, the Affirmative Action Officer shall issue a letter to the Complainant and to the Respondent(s) advising them that the matter, for purposes of this discrimination procedure, is closed.

If the President is the Respondent, the Chancellor or his designee shall issue a written statement indicating what action the Chancellor proposes to take. The Chancellor's decision shall be final for purposes of this discrimination procedure.

H. Other Considerations

1. Maintenance of Records

The Affirmative Action Officer shall maintain within his/her office records of formal grievances for 7 years.

2. Failure to Cooperate

If the Respondent refuses to cooperate and/or respond in a timely manner, the Affirmative Action Officer may forego completion of an investigation and may take other action he/she deems necessary and appropriate to address the situation. Failure to cooperate fully in a review of a complaint of discrimination may be grounds for discipline.

3. Inaction by Complainant

If at any time during an investigation a Complainant declines to cooperate with the Affirmative Action Officer, or if the Affirmative Action Officer determines that the Complainant no longer wishes to pursue his/her complaint, the Affirmative Action Officer may consider the matter closed and take no further action, with appropriate notification. However, if the Affirmative Action Officer determines a situation to be of a sufficiently serious nature, he/she may continue the inquiry.

4. Retaliation

An employee or student who participates in a complaint has the right to do so without fear of or actual retaliation. Retaliation against an employee, a student or a witness who has filed a discrimination complaint will result in appropriate sanctions or disciplinary action as covered by collective bargaining agreements and/or applicable college policies.

5. Confidentiality

To the extent practicable, all aspects of the investigation conducted in accordance with these procedures will be confidential. All affected parties shall cooperate fully in the investigation and shall maintain and preserve the confidentiality of the investigation to the extent possible. All parties are required to refrain from engaging in any retaliatory action in relation to the complaint(s) and/or the responses to such complaint(s). Any party involved in the investigation process who violates the confidentiality of the investigation will be subject to disciplinary action.

During any portion of the procedures, the parties shall not employ audio or video taping devices.

For further information or assistance contact:

Dr. Susan Stebbins
Office of Affirmative Action
7th Floor, Raymond Hall
State University of New York College at Potsdam
44 Pierrepoint Avenue
Potsdam, NY 13676
Fax: 315-267-2115
stebbisa@potsdam.edu

APPENDIX A DEFINITIONS AND 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 or 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 to receive benefits, services, or opportunities in the educational institution's program.

Harassment on the Basis of Protected Characteristic(s) other than Sex/Gender

Harassment based on race, color, age, religion, national origin, disability, sexual orientation or other protected characteristics is oral, written, graphic or physical conduct relating to an individual's protected characteristics that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities.

APPENDIX B

EXTERNAL ENFORCEMENT AGENCIES

New York State Division of Human Rights State Headquarters

New York State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, New York 10458
Tel: (718) 741-8400
Fax: (718) 741-3214

Albany

New York State Division of Human Rights
Empire State Plaza, Agency Building #2, 18th Floor
Albany, New York 12220
Tel: (518) 474-2705
Fax: (518) 473-3422

Binghamton

New York State Division of Human Rights
44 Hawley Street, Box 603
Binghamton, New York 13901
Tel: (607) 721-8467
Fax: (607) 721-8470

Brooklyn

New York State Division of Human Rights
55 Hanson Place, Room 304
Brooklyn, New York 11217
Tel: (718) 722-2856
Fax: (718) 722-2869

Buffalo

New York State Division of Human Rights
The Walter J. Mahoney State Office Building
65 Court Street, Suite 506
Tel: (716) 847-7632
Fax: (716) 847-7625

Manhattan

New York State Division of Human Rights
20 Exchange Place, 2nd Floor
New York, New York 10005
Tel: (212) 480-2522
Fax: (212) 480-0143

New York State Division of Human Rights
Adam Clayton Powell State Office Building
163 West 123rd Street, 4th Floor
New York, New York 10027
Tel: (212) 961-8650
Fax: (212) 961-4126

Long Island

New York State Division of Human Rights
175 Fulton Avenue
Hempstead, New York 11550
Tel: (516) 538-1360
Fax: (516) 483-6589

New York State Division of Human Rights
State Office Building, Veterans Memorial Building
Hauppauge, New York 11787
Tel: (631) 952-6434
Fax: (631) 952-6436

Rochester

New York State Division of Human Rights
One Monroe Square, 259 Monroe Avenue, 3rd Floor
Rochester, New York 14607
Tel: (585) 238-8250
Fax: (585) 238-8259

Syracuse

New York State Division of Human Rights
333 E. Washington Street, Room 401
Syracuse, New York 13202
Tel: (315) 428-4633
Fax: (315) 428-4638

Peekskill

New York State Division of Human Rights
8 John Walsh Boulevard, Suite 204
Peekskill, New York 10566
Tel: (914) 788-8050
Fax: (914) 788-8059

Office of Sexual Harassment

New York State Division of Human Rights
Office of Sexual Harassment
55 Hanson Place, Suite 347
Brooklyn, New York 11217
Tel: (718) 722-2060 or 1-800-427-2773
Fax: (718) 722-4525

Office of AIDS Discrimination

New York State Division of Human Rights
Office of AIDS Discrimination
20 Exchange Place, 2nd Floor
New York, New York 10005
Tel: (212) 480-2522 or 1-800-522-4369
Fax: (212) 480-0143

United States Department of Labor

Office of Federal Contract Compliance Programs

201 Varick Street, Room 750
New York, New York 10014
Tel: (212) 337-2006
Fax: (212) 620-7705

Buffalo District Office

6 Fountain Plaza, Suite 300
Buffalo, New York 14202-2199
Tel: (716) 551-5065
Fax: (716) 551-4035

New York District Office

26 Federal Plaza, Room 36-116
New York, New York 10278-0002
Tel: (212) 264-7742
Fax: (212) 264-8166

New York State Department of Labor

State Campus, Building 12, Room 500
Albany, New York 12240-0003
Tel: (518) 457-2741
Fax: (518) 457-6908

United States Equal Employment Opportunity Commission

EEOC National Headquarters
1801 L. Street N.W.
Washington, D. C. 20507
Tel: (202) 663-4900
Fax: (202) 663-4912

EEOC Field Office
6 Fountain Plaza
Suite 350
Buffalo, New York 14202
Tel: (716) 551-4441
Fax: (716) 551-4387

Office for Civil Rights

OCR National Headquarters
U.S. Department of Education
Office of Civil Rights, Customer Service Team
Mary E. Switzer Building
330 C. Street, S. W.
Washington, D. C. 20202
Tel: (800) 421-3481
Fax: (202) 205-9862

Office for Civil Rights
New York Office
75 Park Place, 14th Floor
New York, New York 10007-2146
Tel: (212) 637-6466
Fax: (212) 264-3803

APPENDIX C
The State University of New York
Charge of Discrimination

This form is to be used by students and employees to file a complaint of discrimination based on RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, SEXUAL ORIENTATION, VETERAN'S STATUS, AGE, DISABILITY, MARITAL OR PARENTAL STATUS OR SEXUAL HARASSMENT.

Campus _____

(Please print or type) Received by _____ Date _____

1. Name _____ Phone Number _____

Status (Faculty, Staff, Graduate, Undergraduate) _____

Campus Address _____

Home Address _____

City _____ State _____ Zip Code _____

2. Alleged Discrimination is based on (please check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Race or color | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Marital/Parental Status |
| <input type="checkbox"/> Age | <input type="checkbox"/> Veteran's Status |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Sexual Harassment |

3. Alleged Discrimination took place on or about: Month _____ Day _____ Year _____

Check if alleged discrimination is continuing Yes No

4. Respondent(s) Name(s) _____

Title (if known) _____

5. Please check the appropriate box(es):

I have filed an informal complaint on (Date) _____

I elect to utilize the informal complaint process as described in Part A, page 4 of the Internal Discrimination Procedure.

I elect to proceed immediately to file a formal complaint as described in Part B, page 6 of the Internal Discrimination Procedure.

6. Have you filed this charge with a federal, state or local government agency? ____ Yes ____ No

If yes, with which agency? _____ When? _____

7. Have you instituted a suit or court action on this charge? ____ Yes ____ No

If yes, with which court? _____ When? _____

Court address _____

Contact person _____

8. Describe briefly the act which occurred, and your reason for concluding that it was discriminatory (attach extra sheets if necessary).

9. I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Signature: _____ Date _____

APPENDIX D
Memorandum: Status – Resolved

Date:

To: Complainant
From: Affirmative Action Officer
Subject: Status of Complaint

This is to confirm the fact that your complaint, which was filed with the Affirmative Action Office on (insert date), has been resolved to the mutual satisfaction of all parties and the matter is deemed closed.

Agree:

Complainant

Respondent

Date

Date

Attachment: Terms of the Resolution

Appendix E
Complaint Intake Form

State University of New York College at Potsdam, Office of Affirmative Action
Complaint Intake and Information Sheet

Name _____ Date _____

Address _____

Day Telephone # _____ Evening Telephone # _____ Cell# _____

May I contact you at work? _____ Yes _____ No _____ State Employee

_____ Student (undergraduate) _____ Student (graduate) _____ RF employee

1. Please indicate your:

Gender: _____ Race/Ethnicity: _____

Job Title: _____

Date of Hire: _____

Department in which you work: _____

Supervisor's name and title: _____

2. Name and title of the person who allegedly discriminated against you:

Their status: _____ Student _____ GA/TA _____ Faculty _____ Staff

3. What discriminatory treatment are you claiming? (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Denied Fair Grade | <input type="checkbox"/> Denied Equal Treatment |
| <input type="checkbox"/> Denied Access to Program | <input type="checkbox"/> Failed to Hire |
| <input type="checkbox"/> Denied Equal Pay | <input type="checkbox"/> Denied Training |
| <input type="checkbox"/> Denied Accommodation | <input type="checkbox"/> Denied Promotion |

Laid You Off
 Terminated You
 Subjected you to a hostile work environment

Forced Your Retirement/Resignation

Other _____

4. Were you given a reason(s) for what was done to you? If so, what reason(s)?

5. The discrimination you claimed was based upon: Discrimination* (please note the definition in this document) because of.....

Creed/Religious Belief
 Gender
 Age
 Race/Color
 National Origin/Ancestry
 Physical/Mental Condition/Disability
 Pregnancy
 Marital Status
 Sexual Orientation
 Opposed Discrimination
 Sexual Harassment
Other _____

*If you don't believe the reason was discrimination, please inform the Affirmative Action Officer.

6. Disability cases: What is the nature of your disability?

7. Did you ask for an accommodation? Yes No

If so, to whom? _____

What was the accommodation sought? _____

8. Original (first) date of discrimination: _____

9. Most recent date of discrimination: _____

10. Have you filed a complaint with any other agency, court, or department regarding this matter? _____Yes _____No

If so, where? _____

11. Describe what occurred and your reasons for concluding that this was discriminatory. Include each event, date, time, where the event took place and any witnesses. Attach additional pages if necessary.

12. Did you make a previous complaint? _____Yes _____No

If so, to whom? _____

13. When did you complain? _____

14. Was anyone else treated the same way you were?

15. Did anyone witness the treatment that you were subjected to?

16. Are there any documents that can support your case? If so, what are they and do you have them?

17. What have you lost as a result of what happened to you (salary, benefits, promotion, etc.)?

18. What reasonable remedy are you seeking?

I affirm that I have read the above allegation(s) and that it is (they are) true to the best of my knowledge. The Affirmative Action Office and the Complainant shall agree to keep all information gathered related to allegations of discrimination in confidence to the extent practicable or allowable by law. However, with the consent of the Complainant, the Affirmative Action Officer may provide relevant information to the appropriate College staff when necessary.

I have been advised that it is a violation of State and Federal Law statutes to retaliate against any individual because they have filed a discrimination complaint. If I am subject to any adverse action that I feel may be retaliatory, I will promptly report such to the Affirmative Action Officer.

I have been further advised that the filing of an internal complaint with the Office of Affirmative Action is not a waiver of my right to file a formal complaint of unlawful discrimination with the New York State Division of Human Rights, the Equal Employment Opportunity Commission (EEOC), the Federal or State courts.

In addition, I am advised that the filing of an internal complaint does not stop the statute of limitations for filing external complaints with the EEOC, the NYS Division of Human Rights, litigation, or any other agency hearing such complaints. I am aware that should I choose to file a verified complaint with an outside agency, such a complaint must be filed with EEOC within 180 days of the alleged incident, and with the State Division of Human Rights within 365 days of the alleged incident.

Complainant's Signature

Date

