



COMPLAINT PROCEDURE

FOR THE REVIEW OF

ALLEGATIONS OF UNLAWFUL DISCRIMINATION

Revised March, 2014

OVERVIEW

SUNY Oswego, in its continuing effort to seek equity in education and employment and in support of Federal and State anti-discrimination legislation, has adopted a complaint procedure for the prompt and equitable investigation and resolution of allegations of unlawful discrimination on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status or marital status. Harassment on the basis of any of the above-protected categories is a form of unlawful discrimination. This process may also be utilized to file a sex discrimination complaint. Although mediation is described in this document as a possible mechanism for addressing certain types of harassment and/or discrimination, complaints of sexual violence will not be resolved by using mediation, but instead must be referred immediately to the campus Title IX Coordinator. The complainant will not be required to resolve the problem directly with the respondent in cases of sex discrimination. The University will take steps to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, and to remedy its discriminatory effects on the victim(s) and others, if appropriate. Conduct that may constitute harassment is described in Appendix A. Sex discrimination includes sexual harassment and sexual violence. This *Complaint Procedure for the Review of Allegations of Unlawful Discrimination* provides a mechanism through which the College may identify, respond to, prevent and eliminate incidents of illegal discrimination. The College recognizes and accepts its responsibility in this regard and believes that the establishment of this internal, non-adversarial grievance process will benefit students, faculty, staff and administration, permitting investigation and resolution of problems without resorting to the frequently expensive and time-consuming procedures of State and Federal enforcement agencies or courts. Employees who observe or become aware of about sex discrimination, including sexual harassment and sexual violence, should report this information to the campus Title IX Coordinator or designee.

This procedure has been developed in accordance with guidelines and recommendations provided by SUNY Office of General Counsel. The policy is administered by the College's Affirmative Action Officer or in the case of sex discrimination, the Title IX Coordinator or designee. These procedures have been approved by the State University of New York, Office of General Counsel. These procedures are intended to balance the rights of those bringing complaints of discrimination, harassment and retaliation (the "Complainant") with those against whom such claims are brought (the "Respondent"). Throughout these procedures the "parties" shall refer to the Complainant, Respondent, and witnesses involved in the complaint.

This procedure may be used by any student or employee of SUNY Oswego. Additionally, in complaints involving sex discrimination, this procedure may also be utilized by third-parties who are participating in a University sponsored program or affiliated activity. Employee grievance procedures established through negotiated contracts, academic grievance review committees, student conduct board and any other procedures defined by contract will continue to operate as before. This procedure does not in any way deprive a Complainant of the right to file with 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 United States Department of Education and the Office of Federal Contract Compliance of the United States Department of Labor. However, after filing with one of these outside enforcement agencies, or upon the initiation of litigation, the complaint will be referred to the campus Affirmative Action Officer, Title IX Coordinator, or designee, hereinafter AAO.

Contact information for these agencies is listed in Appendix B below. More detailed information may be obtained from the AAO. The Complainant is not required to pursue the SUNY internal procedure before filing a complaint with a State or Federal agency. In addition, if the Complainant chooses to pursue the

SUNY internal 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, however, the SUNY Oswego internal complaint procedure will be terminated and the matter referred to the Office of the University Counsel for review, defense or, if deemed appropriate by Counsel, involvement in mediation, conciliation or settlement with the external agency where the complaint was filed, or such other actions as may be in the interests of the College.***

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

CONFIDENTIALITY

Complaints and investigations will be kept confidential to the extent possible and every effort will be made to protect the privacy of all individuals throughout all phases of the complaint and resolution process. Information about complaints or inquiries will be maintained in confidence to the fullest extent possible. However, an investigation will generally include interviewing necessary parties and coordination when necessary with relevant offices.

In responding to complaints, the AAO will take appropriate action to provide remedies and protect the privacy of all those involved to the fullest extent possible. The AAO will instruct the parties and all other affected persons that the complaint investigation procedure is best able to achieve a mutually acceptable agreement for resolution of the complaint when confidentiality is not breached. Once breached, it will make it difficult for the AAO to successfully conclude the complaint investigation process to the satisfaction of the complainant.

JURISDICTION OF THE AFFIRMATIVE ACTION OFFICE

SUNY Oswego is responsible for providing a learning and working environment free of discrimination. The College reserves the right to pursue any complaint of discrimination about which it becomes aware. Based on information received, the AAO may exercise his/her own discretion and initiate a complaint on behalf of the College community, regardless of complainant cooperation or involvement.

In addition, the AAO may determine that a specific complaint of unlawful discrimination or harassment is of such a serious or potentially criminal nature that the investigative steps outlined in this process should be accelerated or eliminated. This determination, if made, shall be communicated to the Human Resources Office, Office of Student Conduct and Compliance, or the Office of the President for appropriate action, which may include the initiation of disciplinary and/or other action. If, at any time during the course of resolving or investigating a complaint of discrimination, the AAO determines that a complaint is not within the jurisdiction of his or her office, the complaint and complainant shall be referred to the appropriate office and the matter shall be considered concluded for Affirmative Action purposes.

ROLE OF THE AAO

The AAO 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 AAO does not represent any individual or department, but does advocate on behalf of the College's goals of affirmative action and nondiscrimination. The AAO 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 AAO to respond to all such inquiries, reports and requests as promptly as possible and in a manner appropriate to the particular circumstances. This response may include interim measures to protect the parties during the investigation process. Interim measures will not disproportionately impact the complainant. Interim measures for students may include but is not limited to information about how to obtain counseling and academic assistance in the event of sexual assault, and steps to take if the accused individual lives on campus and/or attends class with the complainant. Interim measures involving employees in collective bargaining units should be determined in consultation with Human Resources. An individual may refuse to submit a written complaint. 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 that is warranted. Although in certain instances verbal complaints may be acted upon, the procedures set forth here rest upon the submission of a written complaint that will enable the AAO to conduct a full and fair investigation of the facts.

The AAO 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.

SUPERVISORY RESPONSIBILITY

Complaints or concerns that are reported to an administrator, manager or supervisor concerning an act of discrimination or harassment, or acts of discrimination or harassment that administrators, managers, or supervisors observe or become aware of shall be immediately referred to the AAO. Employees with Title IX compliance responsibilities and/or employees who have the authority to take action to redress the harassment must report any complaints to the Title IX Coordinator. Complaints may also be made directly to the AAO by anyone who experiences, observes, or becomes aware of discrimination or harassment.

RETALIATION

An employee or student who participates in the procedure has the right to do so without fear of or actual retaliation. It will be made clear that retaliation against an employee or a student who has filed a discrimination complaint or an individual who serves as a witness will result in appropriate sanctions or other disciplinary action as covered by collective bargaining agreements, and/or applicable College policies. Participants who experience retaliation should contact the AAO.

WHO CAN FILE A COMPLAINT

Employees may file a written complaint with the AAO 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. It is the Complainants responsibility to be certain that any complaint is filed within the applicable 90 day period. Complainants may complete an intake form, available online, to initiate an investigation. 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, if that date is later. Should a complaint of sexual violence or sexual harassment be filed later than 90 days following the alleged act, the complainant will still be offered all appropriate services and resources for victims of sexual violence and harassment, including interim measures to protect the parties. In addition, the matter may be referred for appropriate employee or student disciplinary action. As soon as reasonably possible after the date of filing of the complaint, the AAO will mail a notice of the complaint and a copy of the complaint to the Respondent(s).

If a Complainant elects to withdraw a complaint, this decision must be communicated in writing to the AAO indicating the reason for withdrawal. The College may nevertheless pursue its review of the allegations.

AGAINST WHOM MAY COMPLAINTS BE BROUGHT?

A complaint of unlawful discrimination may be brought against any student or employee. If your 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 Oswego, those concerns may be brought to the attention of the AAO for assistance.

If the President is the Respondent, the AAO reserves the right to refer the complaint to the Office of General Counsel. The finding and recommendation shall be submitted to the Chancellor or his designee. If the AAO is the Respondent, the matter shall be referred to the President or his or her designee.

If a student is the Respondent, the AAO will refer the complaint to the Office of Student Conduct and Compliance for review, investigation and appropriate action under the appropriate student conduct code.

PROCEDURE FOR RESOLVING COMPLAINTS

Complaint Consultation & Review

Any member of the College community may consult with the AAO regarding potential discrimination or harassment. The length of time for the consultation varies depending on factors such as the complexity of the situation, office workload, or whether the situation involves actual or imminent loss of employment or academic standing, potential physical harm, or an ongoing relationship between the involved individuals. In a telephone conversation or in person appointment, the AAO will:

- receive complaints of alleged discrimination or harassment.
- discuss the facts of the 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 AAO is the appropriate College resource to address the concern.
- inform the individual of the ways in which the AAO approaches the investigation and problem solving.
- explore methods of resolving the situation on one's own, if that is the individual's preference.
- advise an individual of alternate available College resources and external options for resolution.
- 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.

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

- asked to complete an Intake and Information Sheet (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.
- in cases of sex discrimination, advised of alternative campus and off campus procedures for filing a complaint (i.e., filing with the Title IX Coordinator or Title IX Investigators; filing with University Police; or filing with local law enforcement agencies).
- asked to provide information about witnesses and other possibly aggrieved persons.
- advised of the Office's intake procedures to enhance the complainant(s) understanding and to facilitate realistic expectations as to the role of the Office.
- referred to a proper College department/agency if the complaint does not fall within the jurisdiction of this procedure.
- 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.

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 AAO as requested and needed.
- Legal counsel retained by a Complainant or Respondent may not participate or be present at any meeting convened by the AAO.
- Complainants are expected to communicate with the AAO either directly or with the assistance of a person serving in an advocacy or supportive role, but not through legal counsel.
- Respondents are expected to communicate with the AAO directly, not through legal counsel, or other intermediaries or persons accompanying them.
- Complainants and Respondents have the right to receive notification of determinations and findings made by the AAO.

Should the AAO determine that a complaint of unlawful discrimination merits further review, an investigation will immediately commence. The complaint shall contain:

- (a) The name, local and permanent address(s), and telephone number(s), and status (faculty, staff, student, third party) of the Complainant.

(b) 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 also 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.

(c) The name(s), address(es) and telephone number(s) of the Respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination.

(d) Identification of the status of the persons charged whether faculty, staff, student or persons otherwise affiliated with the College.

(e) A statement indicating whether or not 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 complaint 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 its address or to which it was reported

(f) A description of any corrective or remedial action that the complainant would like to see taken.

(g) Other supplemental information as may be requested.

(h) Signature of complainant and the date complaint signed.

The Affirmative Action Officer or designee, or in instances involving sex discrimination, the Title IX Coordinator or designee, is available to assist in preparing the complaint. The Title IX Coordinator will ensure that complainants are aware of their Title IX rights and available resources on and off-campus, and the right, if any, to file a complaint with local law enforcement. SUNY Oswego will comply with law enforcement requests for cooperation and such cooperation may require the campus to temporarily suspend the fact-finding aspect of an investigation while the law enforcement agency is in the process of gathering evidence. SUNY Oswego will resume its Title IX investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering process.

The campus will not wait for the conclusion of the criminal investigation or criminal proceeding to begin its own sex discrimination investigation, and if need be, will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community.

If the Complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the AAO may terminate any further processing of the complaint, refer the complaint to University Counsel or direct the Complainant to the appropriate alternative forum (see Appendix B for a list of alternative forums). Complaints of sex discrimination brought beyond the 90-day period will be tracked and investigated to the extent possible consistent with the campus Title IX obligations, including the Title IX Coordinator's duties to spot patterns and address systemic issues. Additionally, the Title IX Coordinator will ensure that complainants in sex discrimination cases are made aware of their Title IX rights, available remedies and resources on and off-campus, interim remedies, and the right, if any, to file a complaint with local law enforcement.

Investigative Procedures

If a Complainant elects to have the matter dealt with in an informal manner, the AAO will attempt to reasonably resolve the problem to the mutual satisfaction of the parties. If these efforts are not successful, and the AAO has determined that the complaint merits further investigation, the Complainant and Respondent shall be advised in writing of the initiation of an investigation. During the investigation the AAO will:

- provide an initialed, signed, date-stamped copy of the complaint to the Complainant.
- review all College records that concern the complaint.
- interview witnesses and other relevant persons.
- review statements provided by the Complainant and the Respondent(s).
- review other relevant and material evidence. Both the complainant and the respondent(s) shall be entitled to submit written statements or other relevant and material evidence and to provide rebuttal to the written record compiled by the AAO. For complaints involving sex discrimination, a complainant has the right to request alternative arrangements if the complainant does not want to be in the same room as the accused. These alternative arrangements must be consistent with the rights of the accused, and must enable both parties and the panel to hear each other during any hearing.
- 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 AAO may extend this deadline for a reasonable period of time. The complainant will receive notification from the Affirmative Action Office regarding the basis for extension. Additionally, the AAO will also have the discretion to reasonably extend the deadline if an investigation is deemed complex.

Failure to Cooperate

If the Respondent refuses to cooperate and/or respond in a timely manner, the AAO may forego completion of an investigation and refer the matter to Human Resources or the Office of Student Conduct and Compliance, or the office may take any other action it deems necessary and appropriate to address the situation. Failure to cooperate meaningfully in a review of a complaint of discrimination may be grounds for discipline.

Inaction by Complainant

If at any time during an investigation, a Complainant declines to cooperate with the AAO, or if the office determines that the Complainant no longer wishes to pursue his/her complaint, the matter may be considered closed and no further action may be taken. Or, the investigation may continue, if necessary, with appropriate notification.

Evaluating the Evidence and Resolution

In reaching its finding, the AAO shall evaluate the conduct alleged to have been discriminatory by considering the totality of the circumstances, including the nature, frequency, intensity, context and

duration of the conduct. Although repeated incidents would create a strong claim of discrimination, a serious isolated incident can present sufficient grounds for corrective action.

Every reasonable effort to resolve the matter. Resolution can take any form that is acceptable to the College. It may, for example, take the form of:

- separate meetings with the Complainant and Respondent
- joint meetings between the Complainant and Respondent with the AAO as facilitator
- separate and/or joint meetings with the Complainant and/or Respondent's supervisor(s)
- a written agreement or memorandum of understanding signed by one or both of the parties
- mandated training in the area of discrimination for the Respondent or departmental unit
- a verbal session with the Respondent
- a written counseling memo issued to the Respondent
- no further action at the request of the Complainant

This list is not exhaustive and other forms of resolution may be appropriate although they are not listed here. Prior to issuing a final determination, the Complainant and Respondent will receive a preliminary report summarizing the complaint and initial finding of fact. The Complainant and/or Respondent may provide a written response to the interim report within 15 days for the AAO's consideration.

Determination

The AAO issues a written statement to the Complainant and Respondent, indicating the finding at the conclusion of the investigation. If a resolution satisfactory to both the Complainant and the Respondent is reached through the efforts of the AAO the case will be closed by sending a written notice to that effect to the Complainant and the Respondent.

The actions proposed in the finding may consist of:

A determination that the complaint was not substantiated.

If the AAO determines that there is insufficient credible evidence to support the allegation(s) of discrimination, the complaint shall be dismissed, the matter shall be concluded and the College shall take no further action.

A determination that the complaint was substantiated.

For Employees (including student employees) not in a Collective Bargaining Unit – In consultation with the Human Resources Office and the Office of University Counsel, the President 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.

For Students – The Associate Dean of Students may determine that sufficient information exists and the student conduct board may take such administrative action as they deem appropriate, including, but not limited to: community service, counseling, reprimand, residence hall suspension, suspension, loss of privileges, or restitution.

For Employees in Collective Bargaining Units – The AAO may determine that sufficient information exists to refer the matter to Human Resources for investigation and disciplinary action or other action as may be appropriate under the applicable collective bargaining agreement including, but not limited to: reprimand, probation, suspension, termination of employment, or non-renewal of a contract.

If the President is the Respondent, the Chancellor or his or her 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.

The AAO may:

- Place a confidential written report in its file, subject to applicable law and policy, and disclosure, if required by law.
- Prepare and distribute a written report to the President and any other person who has a need to know how the complaint was resolved.
- Refer the matter to another department or administrator in the College for review.

If the AAO is unable to resolve the complaint to the satisfaction of the Complainant, the complainant shall be notified of his or her right to separately file with appropriate external enforcement agencies.

There is no right of appeal to this procedure. The decision of the AAO is considered final for the purposes of this procedure. However, in cases involving a student's allegations of sex discrimination, referrals may be made to the Office of Student Conduct and Compliance.

To request assistance or additional information:

Howard Gordon, Interim Affirmative Action Officer

707 Culkin Hall

SUNY Oswego

Oswego, New York 13126

Phone: (315) 312-2213

Fax: (315) 312-5438

Howard.gordon@oswego.edu

http://www.oswego.edu/administration/human_resources.html

Lisa Evaneski, Title IX Coordinator

Office of Student Conduct and Compliance

501 Culkin Hall

SUNY Oswego

Oswego, New York 13126

Phone: (315) 312-5604

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<http://www.oswego.edu/about/titleix.html>

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 Violence- physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Preponderance of the Evidence- the standard of proof in sexual harassment and sexual assault cases, which asks whether it is "more likely than not" that the sexual harassment or sexual violence occurred. If the evidence presented meets this standard, then the accused should be found responsible.

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, or national origin, disability, sexual orientation or other protected characteristics may be 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 the student's parents, family members, or ancestors) or other 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, or terms, conditions or status of employment.

Sex Discrimination- behaviors and actions that deny or limit person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex. This includes but is not limited to sexual harassment, sexual assault, and sexual violence by employees, students, or third parties. Employees should report sexual harassment that they observe or become aware of to the Title IX Coordinator.

Sexual Assault- is defined as a physical sexual act or acts committed against a person’s will and consent or when person is incapable of giving active consent, incapable of appraising the nature of the conduct, or incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or acts. Sexual assault is an extreme form of sexual harassment. *Sexual assault included what is commonly known as “rape,” whether forcible or non-forcible, “date rape” and “acquaintance rape.” Nothing contained in this definition shall be construed to limit or, conflict with the sex offenses ‘enumerated in Article 130 of the New York State Penal Law, which shall be in guiding reference in determining if alleged conduct is consistent with the definition of sexual assault.

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

Office of AIDS Discrimination Tel: (212) 480-2522
New York State Division of Human or 1-800-522-4369
Rights Fax: (212) 480-0143
Office of AIDS Discrimination20
Exchange Place
2nd Floor
New York, New York 10005

Office of Federal Contract Tel: (212) 337-2006
Compliance Programs Fax: (212) 620-7705
201 Varick Street
Room 750
New York, New York 10014

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

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

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

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

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

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
32 Old Slip, 26th Floor
New York, New York 10005-2500

Tel: (646) 428-3800
Fax: (646) 428-3843

Appendix C

State University of New York College at Oswego

Complaint Intake & Information Sheet

Name: _____ Date: _____

Address: _____ E-mail: _____

Phone (Home): _____ Office: _____ Cell: _____

Date of Birth: _____ Female Male Race/Ethnicity: _____

Your Status: Employee Third Party
Faculty Student (Undergraduate)
Staff Student (Graduate)

Job Title: _____ Date of Hire: _____

Department: _____ Supervisor's name and Job Title: _____

Discrimination Compliant

Name and title of person that allegedly discriminated against you: _____

Their Status: Student GA/TA Original (first) date of discrimination: _____
Faculty
Staff Most recent date of discrimination: _____

What was done to you that you feel is unfair? (Check all that apply):

- Denied Fair Grade
- Denied Access to Program
- Denied Accommodation
- Denied Equal Pay
- Denied Equal Treatment
- Failed to Hire
- Denied Training
- Denied Promotion
- Laid Off
- Subjected to Hostile Work and/or Academic Environment
- Other: _____

Explain why you feel you have been discriminated against; include each event, date (s), names and titles of everyone involved and potential witnessed. Please attach any additional sheets.

Were you given a reason (s) for what was done to you? Yes No If so, what reason (s)?

What do you think is the real reason (s)? Discrimination* because of:

- | | | |
|---|---|--|
| <input type="checkbox"/> Creed/Religious Belief | <input type="checkbox"/> Gender | <input type="checkbox"/> Age |
| <input type="checkbox"/> National Origin/Ancestry | <input type="checkbox"/> Race/Color | <input type="checkbox"/> Physical/Mental Condition |
| <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Sexual Harassment | <input type="checkbox"/> Disability | <input type="checkbox"/> Veteran Status |
| <input type="checkbox"/> Other (Explain): _____ | | |

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

Additional Information

Did you complain? Yes No If so, to whom? _____

When did you complain? _____

Was anyone else treated the same way that you were? If so, please provide name, job title, race/ethnicity, age, and gender:

Did anyone witness the treatment that you were subjected to? If so, please provide name, job title, telephone number, and what they witnessed:

Have you filed a complaint with any other agency, court, or dept. regarding this matter? Yes No If so, who/when? _____

Are you a union member? Yes No If so, did you file a grievance with your union? Yes No

Are there any documents that can support your case? Yes No If so, what are they, and can you produce them? _____

What have you lost as a result of what happened to you (salary, benefits, grade (s), etc.)

What reasonable remedy or resolution 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 Officer shall agree to keep all information gathered relative to allegations of discrimination in confidence to the extent practicable or allowable by law.

I have been advised that it is a violation of State and Federal statutes to retaliate against an individual because they have filed a discrimination complaint. If I am subjected 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 Affirmative Action Officer 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 courts, or the State courts.

In addition, I am advised that the filing of an internal complaint does not stop the statute of limitations for litigation or for filing external complaints with the EEOC, the NYS Division of Human Rights, 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.

Date

Complainant's Signature

*Please note that this policy and the information contained in it does not constitute legal advice. If you require legal advice, consult an attorney.