



COMPLAINT PROCEDURE

FOR THE REVIEW OF

ALLEGATIONS OF UNLAWFUL DISCRIMINATION

Revised August 2023

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, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, or any other characteristic protected by applicable local, state, or federal law. Harassment on the basis of any of the above-protected categories is a form of unlawful discrimination. This process may be 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 University may identify, respond to, prevent and eliminate incidents of illegal discrimination. The University 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 (hereinafter, AAO), or designee, 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, or designee, Title IX Coordinator, or designee.

Contact information for these agencies is listed in Appendix B. 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 General 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 interest of the University.

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

The Complaint Intake Form and Narrative (Appendix C) should be returned to the office of the AAO, 710 Culkin Hall, upon completion.

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 University reserves the right to pursue any complaint of discrimination about which it becomes aware. Based on information received, the AAO may exercise their own discretion and initiate a complaint on behalf of the University 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, 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 their 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 University and will remain impartial during an investigation. The AAO does not represent any individual or department, but does advocate on behalf of the University's goals of equal opportunity 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 AND REPORTING RESPONSIBILITIES

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 University policies. Participants who experience retaliation should contact the AAO. Additionally, Federal law prohibits retaliation. Adverse action taken against any individual who files a complaint, or who assists or participates in any manner in an investigation process, or hearing, is against the law.

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, unless other requirements for a different timeframe exist. 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 or e-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 University 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 University 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 their designee. If the AAO is the Respondent, the matter shall be referred to the President or their designee.

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

PROCEDURE FOR RESOLVING COMPLAINTS

Complaint Consultation & Review

Any member of the University 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 an 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 University 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 University 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 University department/agency if the complaint does not fall within the jurisdiction of this procedure.
- advised of the protection against retaliation.
- advised of the University'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 University's formal review procedures are not designed to replicate an external judicial process.

Consequently:

- Complainants and Respondents are expected to meet with the AAO, or designee, 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, or designee.
- Complainants are expected to communicate with the AAO, or designee either directly or with the assistance of a person serving in an advocacy or supportive role as an observer, but not through legal counsel.
- Respondents are expected to communicate with the AAO, or designee, 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.
- Both the Complainant and the Respondent shall be entitled to submit written statements or other relevant and material evidence.

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 them. 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 University.
- 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 AAO, 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 Complainant 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 the Office of General 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, or designee, will:

- Provide an initialed, signed, date-stamped copy of the complaint to the Complainant and Respondent.
- Review all University records that concern the complaint.
- Interview witnesses and other relevant persons.
- Review statements provided by the Complainant and the Respondent.
- Review other relevant and material evidence.

- 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 AAO has the discretion to reasonably extend the deadline if an investigation is deemed complex. The Complainant and Respondent will receive notification from the Affirmative Action Office regarding the necessity of an extension.

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, 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 designee, or if the office determines that the Complainant no longer wishes to pursue their 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, or designee, 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.

The AAO, or designee, shall make every reasonable effort to resolve the matter. Resolution can take any form that is acceptable to the University. 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.

Determination

The AAO, or designee, 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, or designee, 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 University 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 General Counsel, the President may take such administrative action as they deem appropriate under their authority as the chief administrative officer of the university, including, but not limited to: termination, demotion, reassignment, suspension, reprimand, or training.

For Students – The Dean of Students and/or Director of Student Conduct 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 their 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 Affirmative Action Officer 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 University for review.

If the AAO is unable to resolve the complaint to the satisfaction of the Complainant, the complainant shall be notified of their 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.

To request assistance or additional information:

Kendra Cadogan, Interim Affirmative Action Officer
710 Culkin Hall
SUNY Oswego
Oswego, New York 13126
Phone: (315) 312-6701
Kendra.cadogan@oswego.edu

Lisa Evaneski, Title IX Coordinator
405 Culkin Hall
SUNY Oswego
Oswego, New York 13126
Phone: (315) 312-5604
Fax: (315) 312-2503
Lisa.evaneski@oswego.edu
<http://www.oswego.edu/title-ix>

Amy Plotner, Assistant Vice President for Human Resources
201 Culkin Hall
SUNY Oswego
Oswego, New York 13126
Phone: (315) 312-3702
Fax: (315) 312-6333
Amy.plotner@oswego.edu
<https://www.oswego.edu/human-resources/>

APPENDIX A

Definitions and Prohibited Acts and Behaviors

Sex discrimination includes all forms of: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties against employees, students, or third parties. Students, University employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the University campus and whether or not the incidents occur during working hours. All acts of sex discrimination, including sexual harassment and sexual violence, are prohibited by Title IX.

Sexual assault/Sexual violence is physical sexual act perpetrated against a person's will or where a person is incapable of giving consent. Such acts include, but are not limited to, rape, sexual battery, and sexual coercion.

Sexual harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Sexual harassment is a form of sex discrimination which is unlawful in the workplace under Title VII of the Civil Rights Act of 1964, as amended, and the New York State Human Rights Law. Under Title IX of the Educational Amendments of 1972, sexual harassment also is prohibited in the provision of educational services and protects students and employees from sexual harassment.

Examples of Sexual Harassment (For the full Sexual Harassment Response and Prevention Policy Statement: <https://www.oswego.edu/human-resources/file/sexual-harassment>)

Sexual harassment can include physical touching, verbal comments, non-verbal conduct such as leering or inappropriate written or electronic communications, or a combination of these things. Examples of sexual harassment may include, but are not limited to:

- Seeking sexual favors or a sexual relationship in return for the promise of a favorable grade or academic opportunity;
- Conditioning an employment-related action (such as hiring, promotion, salary increase, or performance appraisal) on a sexual favor or relationship; or
- Intentional and undesired physical contact, sexually explicit language or writing, lewd pictures or notes, and other forms of sexually offensive conduct by individuals in positions of authority, or co-workers or student peers, that unreasonably interferes with the ability of a person to perform their employment or academic responsibilities.

Physical acts of a sexual nature, such as:

- Touching, pinching, patting, kissing, hugging, grabbing, brushing against, or poking another person's body;

- Rape, sexual battery, molestation or attempts to commit these assaults. Unwanted sexual advances or propositions, such as:
- Requests for sexual favors accompanied by implied or overt threats concerning a target's job performance evaluation, a promotion or other job benefits or detriments, or an educational benefit or detriment;
- Subtle or obvious pressure for unwelcome sexual activities

Unwanted sexual advances or propositions, such as:

- Requests for sexual favors accompanied by implied or overt threats concerning a target's job performance evaluation, a promotion or other job benefits or detriments, or an educational benefit or detriment;
- Subtle or obvious pressure for unwelcome sexual activities

Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexually or sexual experience, which create a hostile environment.

Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

Sexual or discriminatory displays or publications, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on computers or cell phones and sharing such displays while in the workplace or classroom

Hostile actions taken against an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender, such as:

- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform their employment or academic duties;
- Sabotaging an individual's work;
- Bullying, yelling, name-calling.

Such behavior can constitute sexual harassment regardless of the sex, gender, sexual orientation, self-identified or perceived sex, gender expression, status of being transgender, or gender identity of any of the persons involved. Sexual harassment is considered a form of employee and student misconduct which may lead to disciplinary action. Further, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Harassment on the Basis of Protected Characteristic(s) other than Sex/Sexual Orientation/Gender Identity or Expression

Harassment based on race, color, national origin, religion, creed, age, disability, familial status, pregnancy, predisposing genetic characteristics (including an individual's ancestry, country of origin, or country of origin of the student's parents, family members, or ancestors), military status, domestic violence victim status, criminal conviction, or other protected characteristics may be oral, written, graphic or physical conduct relating to an individual's race, color, national origin, religion, creed, age, disability, familial status, pregnancy, predisposing genetic characteristics (including an individual's ancestry, country of origin, or country of origin of the student's parents, family members, or ancestors), military status, domestic violence victim status, criminal conviction, 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.

APPENDIX B**External Enforcement Agencies****State Headquarters**

New York State Division of Human Rights
One Fordham Plaza
4th Floor
Bronx, New York 10458

Tel: (888) 392-3644
Fax: (718) 741-8322

Albany

New York State Division of Human Rights
Empire State Plaza
Agency Building 1, 2nd floor
Albany, New York 12220

Tel: (518) 474-2705 or
(518) 474-2707
Fax: (518) 473-2955

Binghamton

New York State Division of Human Rights
44 Hawley Street
Room 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 1084
Brooklyn, New York 11217

Tel: (718) 722-2385
Fax: (718) 722-2078

Buffalo

New York State Division of Human Rights
Main Place Tower
350 Main Street, 10th Floor
Suite 1000B
Buffalo, New York 14202

Tel: (716) 847-7632
Fax: (716) 847-3445

Long Island (Hempstead)

New York State Division of Human Rights
50 Clinton Street
Suite 301
Hempstead, New York 11550

Tel: (516) 539-6848
Fax: (516) 240-2882

Long Island (Hauppauge)

New York State Division of Human Rights
State Office Building
250 Veterans Memorial Building
Suite 2B-49
Hauppauge, New York 11787

Tel: (631) 952-6434
Fax: (516) 240-2882

Manhattan

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) 961-4312

Rochester

New York State Division of Human Rights
One Monroe Square
259 Monroe Avenue
Suite 308
Rochester, New York 14607

Tel: (585) 238-8250
Fax: (585) 445-6003

Syracuse

New York State Division of Human Rights
333 E. Washington Street
Room 543
Syracuse, New York 13202

Tel: (315) 428-4633
Fax: (315) 428-4106

White Plains

New York State Division of Human Rights
7-11 S. Broadway
Suite 314
White Plains, New York 10601

Tel: (914) 989-3120
Fax: (914) 989-3122

Office of Sexual Harassment Issues

New York State Division of Human Rights
55 Hanson Place
Room 900
Brooklyn, New York 11217

Tel: (718) 722-2060
Fax: (718) 722-2039

Office of Federal Contract Compliance Programs (OFCCP)

US Department of Labor
201 Varick Street
Room 750
New York, New York 10014

Tel: (800) 397-6251
Fax: (646) 264-3009

Buffalo District Office

US Department of Labor: OFCCP
300 Pearl St.
Suite 175
Buffalo, New York 14202

Tel: (716) 464-5353
Fax: (716) 464-5341

New York District Office

US Department of Labor: OFCCP
26 Federal Plaza
Room 36-116
New York, New York 10278

Tel: (212) 264-7742
Fax: (212) 264-8166

New York State Department of Labor
W.A. Harriman Campus
Building 12
Albany, New York 12226

Tel: (518) 457-9000
Fax: (518) 457-6908

EEOC National Headquarters
131 M Street, N.E.
Fourth Floor, Suite 4NW02F
Washington, D.C. 20507

Tel: (800) 669-4000
Fax: (202) 827-2349

EEOC Field Office
Olympic Towers
300 Pearl St
Suite 450
Buffalo, New York 14202

Tel: (800) 669-4000
Fax: (716) 551-4387

OCR National Headquarters
U. S. Department of Health and Human
Services
Office of Civil Rights
2000 Independence Ave, S.W.
Room 509F, HHH Building
Washington, D. C. 20201

Tel: (800) 368-1019
Fax: (202) 205-9862
TDD: (800) 537-7697

Office for Civil Rights
Eastern/Caribbean Region New York Office
Jacob Javitz Federal Building
26 Federal Plaza
Suite 3312
New York, New York 10278

Tel: (800) 368-1019
Fax: (202) 619-3818
TDD: (800) 537-7697

Appendix C

State University of New York College at Oswego : Complaint Intake Form & Narrative

Instructions: Please complete this form and return it to the Interim Affirmative Action Officer, 710 Culkin Hall

Name: _____ Date: _____

Address: _____ E-mail: _____

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

Date of Birth: _____ Gender: _____ 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 Complaint

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: _____

Were you provided 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:

- Creed/Religious Belief
- Age
- National Origin/Ancestry
- Familial Status/Pregnancy
- Sexual Harassment
- Predisposing Genetic Characteristics
- Criminal Conviction
- Other (Explain): _____
- Sex/Sexual Orientation/Gender Identity or Expression
- Race/Color
- Marital Status
- Disability
- Domestic Violence Victim Status
- Physical/Mental Condition
- Sexual Orientation
- Military/Veteran Status

*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.

*Please return this intake form and narrative to the Interim AAO, 710 Culkin Hall.

* [Click here](#) to submit the form electronically.