COMPLAINT PROCEDURE

FOR THE REVIEW OF

ALLEGATIONS OF UNLAWFUL DISCRIMINATION

Revised April, 2017
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. 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 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, or designee, 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, video, stenographic, or any other recording devices.

The Complaint Intake Form and Narrative should be returned to the AAO, 708 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 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.

RETLATION

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, unless other requirements for a different timeframe exist. It is the Complainant’s 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 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 as an observer, 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.
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:

Dr. Mary C. Toale, Affirmative Action Officer
President’s Office
708 Culkin Hall
SUNY Oswego
Oswego, New York 13126
Phone: (315) 312-2213
Fax: (315) 312-5438
Mary.toale@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 and Title IX Investigator
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

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 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.

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, College employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the College 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.

Examples of Sexual Harassment in the Employment Setting:

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.

Examples of Sexual Harassment in the Educational Setting:

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/Sexual Orientation/Gender Identity or Expression

Harassment based on race, color, national origin, religion, creed, age, disability, familial status, pregnancy, predisposing genetic characteristics, 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, military status, domestic violence victim status, or criminal
conviction (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.
### APPENDIX B

**External Enforcement Agencies**

<table>
<thead>
<tr>
<th>Location</th>
<th>New York State Division of Human Rights Address</th>
<th>Tel</th>
<th>Fax</th>
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| **State Headquarters** | New York State Division of Human Rights  
One Fordham Plaza  
4th Floor  
Bronx, New York 10458 | (718) 741-8400 | (718) 741-3214 |
| **Albany**   | New York State Division of Human Rights  
Empire State Plaza  
Agency Building #2, 18th Floor  
Albany, New York 12220 | (518) 474-2705 | (518) 473-3422 |
| **Binghamton** | New York State Division of Human Rights  
44 Hawley Street  
Room 603  
Binghamton, New York 13901 | (607) 721-8467 | (607) 721-8470 |
| **Brooklyn**  | New York State Division of Human Rights  
55 Hanson Place  
Room 304  
Brooklyn, New York 11217 | (718) 722-2856 | (718) 722-2869 |
| **Buffalo**   | New York State Division of Human Rights  
The Walter J. Mahoney State Office  
Bldg 65 Court Street  
Suite 506  
Buffalo, New York 14202 | (716) 847-7632 | (716) 847-7625 |
| **Manhattan** | New York State Division of Human Rights  
20 Exchange Place  
2nd Floor  
New York, New York 10005 | (212) 480-2522 | (212) 480-0143 |
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
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

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

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
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

Office for Civil Rights
New York Office
32 Old Slip, 26th Floor
New York, New York 10005-2500

Tel: (800) 421-3481
Fax: (202) 205-9862

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

State University of New York College at Oswego

Complaint Intake Form & Narrative

Instructions: Please complete this form and return it to the Affirmative Action Officer, 708 Culkin Hall

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: ______________________

Facility □  Most recent date of discrimination: ______________________

Staff □

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: ______________________

Please provide a brief narrative explaining why you feel you have been discriminated against; include each event, date (s), names and titles of everyone involved and potential witnesses. If you need
additional space, feel free to attach additional sheets. You may also submit the narrative separately (handwritten or typed).
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 □ Sex/Sexual Orientation/Gender Identity or Expression
□ Age
□ National Origin/Ancestry □ Race/Color □ Physical/Mental Condition
□ Familial Status/Pregnancy □ Marital Status □ Sexual Orientation
□ Sexual Harassment □ Disability □ Military/Veteran Status
□ Predisposing Genetic Characteristics □ Domestic Violence Victim Status
□ Criminal Conviction
□ 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.

*Please return this intake form and narrative to the AAO, 708 Culkin Hall.