The State University of New York Upstate Medical University
COMPLAINT PROCEDURE FOR REVIEW OF
ALLEGATIONS OF UNLAWFUL DISCRIMINATION

I. OVERVIEW – COMPLAINT PROCEDURE

The State University of New York Upstate Medical University (Upstate), in its continuing effort to seek equity in education and employment and consistent with 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 age, race, ethnicity, creed, religion, color, national origin, sexual orientation, military status, sex, gender identity, disability, veteran status, marital status, familial status, pregnancy, pre-disposing genetic characteristics, domestic violence victim status, criminal conviction or retaliation. Harassment, on the basis of the above-protected categories, is a form of unlawful discrimination. Sex discrimination includes sexual harassment and sexual violence. Conduct that may constitute harassment is described in Appendix A. For more detailed information see your SUNY Upstate Chief Diversity Officer/ Title IX Coordinator (see contact information at the end of this procedure) or visit Upstate.edu/diversityinclusion/.

This SUNY Upstate complaint procedure provides a mechanism through which the University may identify, respond to, prevent, and eliminate incidents of illegal discrimination, and to remedy the discriminatory effects on the victim(s) and others, if appropriate. The University recognizes and accepts its responsibility in this regard and believes that the establishment of this internal, non-adversarial complaint procedure will benefit student, faculty, staff and administration by permitting prompt investigation and resolution of problems.

This procedure has been developed in accordance with guidelines and recommendations provided by the SUNY Chancellor’s Office of Diversity Equity and Inclusion. The procedure is administered by the Upstate Medical University’s Office of Diversity and Inclusion. The Assistant Vice President for the Office of Diversity and Inclusion and Chief Diversity Officer directs that office and reports directly to the University President and the Associate Vice President for Human Resources. The Chief Diversity Officer also serves as the Title IX Coordinator for the university. 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 term “parties” shall refer to the Complainant, Respondent and, where applicable, witnesses involved in the complaint.

This procedure may be used by any SUNY Upstate student, employee, as well as third-parties that participate in a University-sponsored program or affiliated activity. Employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards and any other procedures defined by contract will not be affected by this procedure. 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 of Civil Rights of the
Department of Education and the Office of Federal Contract Compliance of the Department of Labor. Contact information for these agencies is listed in Appendix B. More detailed information may be obtained from SUNY Upstate’s Chief Diversity Officer. Upon filing with one of these outside enforcement agencies, or upon the initiation of litigation, the SUNY Upstate internal complaint procedure may be terminated and the matter will be referred to the Office of the General Counsel and/or the NYS Attorney General for review and supervision.

The SUNY Upstate Chief Diversity Officer receives all complaints of alleged discrimination, shall assist the Complainant in the procedure and use of the complaint form and shall provide the Complainant with information about various internal and external mechanisms through which the complaint may be filed, including applicable time limits for filing with each agency.

II. GENERAL PRINCIPLES

A. Jurisdiction of the Chief Diversity Officer

Complaints of illegal discrimination, including harassment and sexual misconduct, should be made to the Chief Diversity Officer (CDO). 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 CDO. 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 CDO. Employees who observe or become aware of sex discrimination, including sexual harassment and sexual violence, should report this information to the CDO. Complaints may also be made directly to the CDO by anyone who experiences, observes or becomes aware of discrimination or harassment. The CDO will also receive initial inquiries, reports and requests for consultation. The CDO will respond as appropriate in a timely manner.

Upstate Medical University is responsible for providing a learning and working environment free from discrimination. The University reserves the right to pursue any complaint of discrimination about which it becomes aware. Based on information received by the University’s Office of Diversity and Inclusion (ODI), the CDO or designee may exercise his/her own discretion and initiate a complaint on behalf of the University community, regardless of complainant cooperation or involvement.

In addition, the CDO 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 President or his/her designee and to Employee/Labor Relations for appropriate action, which may include the initiation of disciplinary and/or other action.

The CDO is available to assist in preparing the complaint. If, at any time during the course of resolving or investigating a complaint of discrimination, the CDO or designee determines that a complaint is not within the jurisdiction of the office, the complaint shall be referred to the appropriate office and the matter shall be considered concluded for purposes of the ODI.
B. Cooperation with Law Enforcement

The CDO will ensure that complainants are aware of their legal rights and available resources on and off campus, and the right to file a complaint with local law enforcement where the acts alleged may be criminal in nature. SUNY Upstate will comply with law enforcement’s request for cooperation and such cooperation may require the campus to temporarily suspend fact-finding aspect of the investigation while the law enforcement agency is in the process of gathering evidence. The campus will resume its investigation as soon as it is notified by the law enforcement agency that has completed the evidence gathering process. SUNY Upstate will implement appropriate, reasonable, and available interim steps during the law enforcement agency’s investigation period to provide for the safety of the complainant and the campus community.

C. Election of Venue for filing complaint

The Complainant is not required to pursue the SUNY Upstate internal complaint procedure before filing a complaint with a State or Federal agency. In addition, if the Complainant chooses to pursue the SUNY Upstate 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 Upstate internal complaint procedure may be terminated and the matter referred to the Office of the General Counsel for review and involvement as may be in the interests of the University. During any portion of the procedure detailed hereafter, the parties shall not employ audio or video taping devices.

D. Confidentiality

In accordance with existing policies and laws, including this policy, 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 offices such as the relevant Department or Dean, Employee/Labor Relations, Graduate Medical Education and/or Student Affairs.

Both Complainant and Respondent shall have equal rights to information and equal obligations to maintain the confidentiality of information made available to them during the course of the complaint and resolution process. All affected parties shall cooperate fully in the investigation and shall maintain and preserve the confidentiality of the investigation.

E. Responsibility to Report

Complaints or concerns that are reported to an administrator, manager, supervisor, or anyone else in a position of leadership, concerning an act of discrimination or harassment shall be immediately referred to ODI. Complaints may also be made directly to the CDO.
F. Retaliation

An employee or student who participates in the procedure has the right to do so without retaliation or the fear of retaliation. It will be made clear that retaliation against an employee, a student or a witness who has filed or participated in the investigation of a discrimination complaint will result in appropriate sanctions or other disciplinary action as provided by collective bargaining agreements, and/or applicable University policies.

G. Role of the Office of Diversity and Inclusion (ODI)

The CDO and designated ODI staff 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 ODI 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 are not limited to, providing information about how to obtain counseling and academic assistance in the event of sexual assault, and steps to separate the parties if the accused individual lives near and/or attends class with the complainant. Appendix D provides a list of Title IX Resources, including counseling services. Interim measures involving employees in collective bargaining units should be determined in consultation with campus Employee/Labor Relations.

An individual may refuse to reduce a complaint to writing. However, notwithstanding that refusal, there may be a continuing obligation on the part of the campus to investigate the verbal complaint to the best of its ability and proceed with any action that is warranted. Although in certain instances verbal complaints may be acted upon, the procedures set forth here generally rest upon the submission of a written complaint that will enable the ODI to conduct a full and fair investigation of the facts. It is the responsibility of the CDO to respond to all such inquiries, reports and requests as promptly as possible in a manner appropriate to the parties’ circumstances.

The CDO 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.

H. Each Party’s Rights and Responsibilities

Upstate’s formal review procedures are not designed to replicate an external judicial process. Therefore:

(a) Complainants and Respondents are expected to meet with representatives of ODI as needed and as requested.
(b) Legal counsel retained by a Complainant or a Respondent may only be present at meetings convened by ODI with express permission of the CDO, unless required by law.
(c) Respondents and Complainants are expected to communicate with ODI directly, not through legal counsel, other intermediaries or persons accompanying the parties.
(d) Both the Complainant and the Respondent(s) shall be entitled to present or submit written statements or other relevant and material evidence and witnesses.

I. Resolution and Sanctions

Upstate places the highest priority on ensuring that its campuses and programs are free of discrimination of any kind. Therefore, through the processes set forth in this procedure, all sanctions up to and including expulsion or termination will be pursued where appropriate. When necessary, ODI will work with the appropriate offices to pursue sanctions under the Upstate Medical University Code of Student Conduct or employee discipline under applicable collective bargaining agreements.

III. INFORMAL COMPLAINT PROCESS (INQUIRIES)

A. The ODI staff may receive initial inquiries, reports and requests for information, consultation and counseling. Assistance will be available whether or not a formal complaint is contemplated or even practicable. It is the responsibility of the ODI to respond to all such inquiries, reports and requests as promptly as possible and in a manner appropriate to the particular circumstances. Informal inquiries generally will not necessitate a full investigation. If a full investigation appears to the ODI to be warranted, a formal complaint process will be initiated. An individual may refuse to reduce a complaint to writing. However, notwithstanding that refusal, there may be a continuing obligation on the part of the campus to investigate the verbal complaint to the best of its ability and proceed with any action 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 ODI to conduct a full and fair investigation of the facts. It is the responsibility of the CDO to respond to all such inquiries, reports and requests as promptly as possible in a manner appropriate to the parties’ circumstances.

B. If there is reasonable cause to believe that unlawful discrimination may be occurring, the ODI will conduct a full and fair investigation of the facts related to the inquiry to the best of its ability and will proceed with any action (see II.I) that is warranted, even without the consent of the Complainant.

C. Informal complaints or inquiries should be made within 90 days from the date which the Complainant first knew or reasonably should have known of such act. Complaints of 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 CDO’s duties to spot patterns and address systemic issues. Additionally, the CDO 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.

D. The Complainant will be notified of his or her right to elect to proceed to the formal resolution procedure at any time.
IV. FORMAL COMPLAINT PROCESS

A. Although in rare instances verbal complaints/inquiries may be acted upon, the procedure set forth here rests upon the submission of a written complaint that will enable there to be a full and fair investigation of the facts. The Allegation of Discrimination Complaint Form can be found in Appendix B. Failure to cooperate in filing the complaint or providing information may result in the case being dismissed.

B. Employees may file a written complaint with the CDO within 90 calendar days following the alleged discriminatory act or the date on which the Complainant first knew or reasonably should have known of such act. Students must file a complaint within 90 calendar days following the alleged discriminatory act or 90 calendar days after a final grade is received, for the semester during which the discriminatory acts occurred, if that date is later. Complaints of 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 CDO’s duties to spot patterns and address systemic issues.

C. It is the Complainant’s responsibility to be certain that any complaint is filed within the applicable 90-day period. In the event that the Complainant would be barred under these procedures, the Complainant may contact ODI with regard to other avenues of recourse that may be available. See Appendix C for a list of alternative forums.

Additionally, the CDO 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 to file a complaint with local law enforcement. See Appendix D for a list of Title IX Resources.

D. If a Complainant elects to withdraw a complaint, this decision must be communicated in writing to the ODI staff indicating the reason for withdrawal. The University may nevertheless pursue its review of the allegations. However, if at any time during an investigation a Complainant declines to cooperate with the ODI, or if the office determines that the Complainant no longer wishes to pursue his/her complaint, ODI may consider the matter for closure, with appropriate notification to the Complainant.

E. In filing a formal complaint, the Complainant shall contact the Office of Diversity and Inclusion to complete the authorized complaint form, which includes the following information:

(a) The name, address, and telephone number(s) 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 conduct an investigation and 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.
(c) The name(s) of 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 other if known.

(e) A statement indicating whether or not the Complainant has filed or reported information concerning the incident(s) referred to in the complaint with an external 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 department or agency with which the information was filed and its address.

(f) Such other or supplemental information as may be requested.

F. If a Complainant elects to file a written complaint, the Chief Diversity Officer will investigate and make a determination, which will be communicated to the Complainant in writing.

V. PROCEDURES FOR PROCESSING A FORMAL COMPLAINT

A. The SUNY Upstate Chief Diversity Officer shall receive any complaint of alleged discrimination, shall assist the Complainant in the use of the complaint form and will promptly investigate and resolve each complaint within 90 days of commencement. The CDO will have the discretion to reasonably extend the deadline if an investigation is deemed complex. The CDO shall provide the Complainant with information about various internal and external mechanisms through which the complaint may be filed, including applicable time limits for filing with each agency.

B. Respondents shall be provided with a copy of the written complaint and have the opportunity to respond to each and every allegation. The written complaint shall be redacted by the CDO in order to preserve the confidentiality of private information of non-parties and witnesses named in the complaint.

C. In investigating the complaint, the SUNY Upstate Chief Diversity Officer shall have the right to all relevant information and to interview pertinent witnesses. The Complainant will not be required to resolve the problem directly with the Respondent in cases of discrimination. When SUNY Upstate’s Chief Diversity Officer deems it warranted, the Vice Presidents, University Counsel or other University official may be contacted for information, assistance and/or consultation.

D. The investigation shall consist of:
   - Reviewing statements of and interviewing both Complainant and Respondent (unless prohibited under the terms and conditions of the applicable collective bargaining agreement);
   - Reviewing all University records that concern the complainant;
   - Interviewing witnesses;
Reviewing other relevant material and evidence.

E. In reaching findings, the CDO (or designee) will 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 burden of proof in cases of discrimination is preponderance of the evidence.

F. Failure to Cooperate:
- If the respondent refuses to cooperate and/or respond in a timely manner, the CDO may terminate any further processing of the complaint and refer the matter to Human Resources. Failure to cooperate meaningfully in a review of a complaint of discrimination may be grounds for discipline.
- If the Complainant refuses to cooperate with the CDO, or if the CDO determines the complainant no longer wishes to pursue his/her complaint, and the complaint is not credible or viable without Complainant’s participation, the matter may be closed, with appropriate notification.

G Upon completion of the investigation, the SUNY Upstate Chief Diversity Officer shall send a letter to the Complainant and Respondent acknowledging the completion of the investigation and the outcome. A copy of the response shall be attached to the original complaint form in the Officer’s file. The witnesses interviewed, the results of the investigation, the basis for the determination, and corrective action imposed, if any, shall remain confidential except as required by law.

H. Within 10 days of the date the response was issued, either party may request, in writing, that the matter be impartially reviewed by the Senior Vice President for Operations (“Appeal”). The only grounds for Appeal are as follows:
- New information discovered after the initial investigation that could not have reasonably been available and provided to the CDO by the time the investigation was completed and is of a nature that could materially change the outcome;
- Procedural errors within the investigation process that may have substantially changed the fairness and/or outcome of the investigation; and,
- An outcome (findings or sanctions) that was manifestly contrary to the weight of the information identified during the investigation (i.e., obviously unreasonable and unsupported by the great weight of the information).

The Appeal is not intended to be a reinvestigation of the complaint; it is a written statement to the Senior Vice President for Operations specifically stating the grounds for the Appeal and any supporting information. The non-appealing party will be able to review the request for Appeal and will be given an opportunity to submit a written response to the Senior Vice President of Operations within 72 hours of the notification of the Appeal.

The Senior Vice President for Operations shall review the materials related to the Appeal and either uphold the determination, remand it to the Chief Diversity Officer for further investigation/action, or take such other action as may be deemed appropriate based on the circumstances of the case at the time. Decisions of the Senior Vice President for Operations (or designee) are final.
A written decision will be delivered to both parties by the Senior Vice President of Operations (or designee) within a reasonable amount of time following receipt of the written Appeal. The Complainant will be advised of his or her right to proceed to the appropriate external enforcement agencies.

**Contact Information**

Maxine S. Thompson, MSW, LCSW-R  
Chief Diversity Officer  
Assistant Vice President  
Title IX Coordinator  
Office of Diversity and Inclusion  
711 Jacobsen Hall  
Thompsms@upstate.edu  
(315) 464-5234
Appendix A

DEFINITIONS OF PROHIBITED ACTS AND BEHAVIORS

Harassment on the Basis of Other Protected Characteristic(s): is defined as harassment based on race, color, age, religion, or national origin (including an individual’s ancestry, country of origin, or country of origin of the student’s family members, or ancestors), 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 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: is defined as behaviors and actions that deny or limit a person’s ability to benefit from and/or fully participate in educational programs, activities or employment opportunities because of a person’s sex. This includes but is not limited to sexual harassment, sexual assault, sexual violence by employees, students, or third parties. Employees and students should report sexual harassment that they observe or become aware of to Affirmative Action Officer or the Title IX Coordinator.

Sexual Assault: is defined as physical acts of assault or acts committed against a person’s will and consent or when a 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 what is commonly known as “rape,” whether forcible or non-forcible, “date rape” and “acquaintance rape”. Nothing in this definition should be construed to limit or conflict with sexual offenses enumerated in Article 130 of the New York State Penal Law, which shall be the guiding reference in determining if alleged conduct is consistent with the definition of sexual assault.

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 gender, the student’s ability to participate in or to receive benefits, services, or opportunities in the educational institution’s program.

Sexual Harassment in the Employment Setting: is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s continued employment, performance or other condition of employment. Submission to or rejection of such conduct is used as a basis for employment decisions affecting an
individual’s employment status. Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creates an intimidating, hostile, or offensive work environment.

**Sexual Violence:** is defined as 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 a sexual harassment and sexual assault cases, which asks whether it is “more likely than not” that sexual violence or sexual harassment occurred. If the evidence presented meets the standard, then the accused should be found responsible.

**Retaliation:** is defined as adverse action against any individual who files a complaint, assists or participates in any manner in an investigation, proceeding or hearing.

**Consent:** is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Requesting and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. When consent is withdrawn, sexual activity must stop.

**Non-consent:** Silence, in and of itself, cannot be interpreted as consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. Consent cannot be given when a person is incapacitated.

- Incapacitation occurs when an individual lacks the capacity to fully, knowingly choose to decide about participating in sexual activity, whether due to a disability that limits informed sexual decision-making, or because of impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or otherwise cannot consent.
OFFICE OF DIVERSITY AND INCLUSION

Allegation of Discrimination Complaint Form

Name: _________________________________________________ I.D. No: ____________________________

Campus Address: ______________________________________ Campus Phone: _______________________

Home Address: ________________________________________ Home Phone: _________________________

Status:  •  State Employee  •  RF Employee  •  Student  •  Other ____________________________

Name of Department: _________________________________________________________________________

May we contact you at work?  •  Yes  •  No

Alleged discrimination is based on (check as many as you believe apply)

•  Age  •  Disability  •  Marital Status  •  National Origin  •  Race/Color  •  Religion  •  Sex

•  Sexual Harassment  •  Sexual Orientation  •  Vietnam Era Veteran Status  •  Other_____________

1. The date the alleged discrimination first took place: ____________________________________________

2. Is the alleged discrimination continuing?  •  Yes  •  No
   If yes, most recent date: ________________________________________________________________

3. Name of person who allegedly discriminated against you ______________________________________

4. Are you aware of any witnesses to this occurrence?  •  Yes  •  No
   If yes whom:  ____________________________________________________________


5. Did you report this charge to anyone within this institution?  •  Yes  •  No
If yes to whom: ____________________________________________________________

6. Do you have documents you wish to include with this statement?  •  Yes  •  No
If yes, please describe and attach:
________________________________________________________________________

7. Have you filed this charge with a federal or state agency?  •  Yes  •  No
If yes, with which agency:
________________________________________________________________________

8. Briefly describe the act(s) that occurred and your reason for concluding that it was discriminatory.
Include each event, the dates, and the names of everyone involved. Attach additional pages if necessary.
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

I affirm that I have read the above charge and that it is true to the best of my knowledge, information, and belief. 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 Office of Diversity and Inclusion. I have been further advised that the filing of an internal complaint with the Office of Diversity and Inclusion 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 Office of Federal Contract Compliance Programs (OFCCP), the Office of Civil Rights (OCR), or the State of Federal courts.

Complainant’s Signature: ___________________________________ Date: ____________

Complaint Received By: ______________________________ Date: ____________

Confidentiality Statement: In accordance with existing policies with existing policies and laws, every effort will be made to protect the privacy of all individuals throughout all phases of the complaint investigation and resolution process. Information about complaints will be maintained in confidence to the fullest extent possible.
Appendix C

EXTERNAL ENFORCEMENT AGENCIES

NEW YORK STATE DIVISION OF HUMAN RIGHTS

Syracuse Local Office

New York State Division of Human Rights
333 E. Washington Street, Room 401
Syracuse, New York 13202
Telephone No. (315) 428-4633

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF FEDERAL CONTRACT COMPLIANCE

Buffalo District Office

6 Fountain Plaza, Suite 300
Buffalo, NY 14202-2199
Telephone No. (716) 551-5065
Fax: (518) 551-4035

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EEOC Field Office
6 Fountain Plaza
Suite 350
Buffalo, New York 14202
Telephone No. (716) 551-4441
TTY (716) 551-5923

OFFICE OF CIVIL RIGHTS

Office of Civil Rights
New York Office
32 Old Slip, 26th Floor
New York, New York 10005-2500
Tel: (646) 428-3800
Fax: (646) 428-3843

Rev. 5/2016
Appendix D

TITLE IX RESOURCES

Title IX Coordinator
Office of Diversity and Inclusion
711 Jacobsen Hall
464-5234

Employee Assistance Program (EAP)
703 Jacobsen Hall
464-5760

Employee and Student Health Services
Jacobsen Hall, 4th floor
464-4260

Student Affairs Office
1223 Weiskotten Hall
464-4816

Student Counseling Center
713 Harrison Street, 3rd floor
464-3120

University Police
University Hospital, 1st floor
464-4000

Vera House / Rape Crisis Center
6181 Thompson Road, #100
Syracuse, New York 13206
422-7273

Rev. 5/2016
Explain the following at the initial meeting:

My role as Chief Diversity Officer (CDO):
- To review allegations of discrimination based on protected classes as outlined by law.
- To remain a neutral party.
- To stop any discrimination that may be occurring.

Confidentiality:
- Confidentiality is kept to the fullest extent possible; discretion & sensitivity will be used.
- Depending on what is reported I may need to take action regardless.
- Others may need to be interviewed.
- Taping is not permissible

Explain complaint process:
- If it is an inquiry, would complainant like me to discuss with supervisor?
- If requested by complainant an investigation will ensue. If so the complainant completes internal Allegation of Discrimination complaint form.
- Inform that the investigation processes will involve interviewing others.
- Importance of complainant not discussing the matter with anyone while the investigation is being conducted.

Explain Rights:
- Explain option of the internal complaint procedure- Give complainant a copy of the Discrimination Complaint Procedures, ONLY if he/she wants that option.
- Inform him/her of the right to file with an outside agency, if the complaint appears to have probable cause.
- Explain time limits to consider.
- Explain retaliation & immediate notification to ODI if any adverse action occurs as a result of bringing the complaint forward.
- Explain the right to file a criminal complaint with University Police.

Have Complainant explain:
- What is going on (who, when, why, how)—Why did he/she want to meet with the CDO?
- Obtain specific information including dates, times, location, witnesses, etc.
- Get quotes of what was said
- Get details on recent event and any pervious occurrences
- Who is the Offender / Respondent
- Obtain any back-up documentation
- Ask how complainant feels they’re being discriminated against
- Ask what he/she wants to happen - what resolution is desired – no guarantees
- Complainant may not be entitled to know what, if any, disciplinary action is taken

Rev. 5/2016