

UPSTATE

MEDICAL UNIVERSITY

Office of Institutional Equity and Title IX
Annual Report
2021-2022

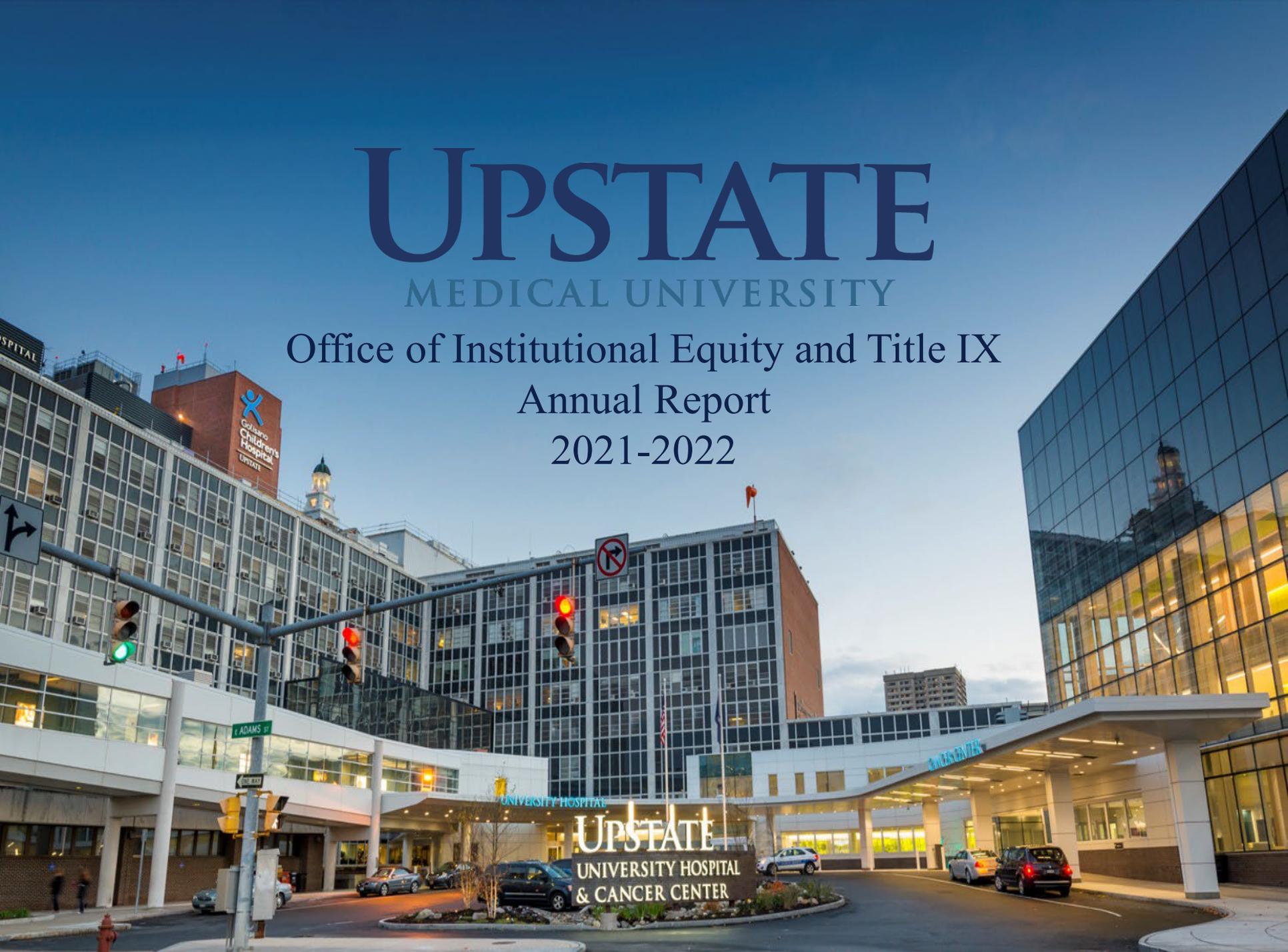


Table of Contents

- [Introduction](#)
- [Staff](#)
- [Policies and Procedures](#)
- [Training](#)
- [Incidents Reported to the Office of Institutional Equity](#)
 - [Inquiries](#)
 - [Formal Investigations](#)
 - [Allegations by Protected Class 2021-2022](#)
 - [Resolution Timelines](#)
- [Contact Information](#)

Introduction

SUNY Upstate Medical University (“Upstate”) is committed to maintaining a work, educational, and clinical care environment that is respectful and welcoming to all.

SUNY Upstate’s Office of Institutional Equity (OIE) is tasked with administering the University’s policies pertaining to non-discrimination and harassment prevention. Taken together, these policies prohibit all forms of discrimination and harassment based on race, color, national origin, religion, age, disability, sex, gender, pregnancy, gender identity, gender expression, sexual orientation, transgender status, predisposing genetic characteristics, marital status, familial status, veteran status, military status, domestic violence victim status, criminal conviction record, or any other category protected under state, federal, or local law (“protected class”).

OIE was created in May 2020, when the Office of Diversity and Inclusion was bifurcated into two new offices; OIE and the Office of Diversity, Equity, and Inclusion (ODEI). While ODEI focuses on large scale diversity, equity, and inclusion initiatives and training across the university, OIE focus on individual complaints and concerns related to protected class discrimination and harassment, and engages in training opportunities relating to these areas.

In this inaugural report, OIE includes information from the 2021-2022 fiscal year. The report has been developed with the purposes of increasing awareness and promoting transparency. The data contained in this report consists of reports made or referred to OIE from all areas of Upstate.

Staff

Katie King serves as the Institutional Equity Officer and Title IX Coordinator. She joined Upstate in October 2020. In her role, Katie provides leadership within Upstate with respect to complaints of discrimination and harassment. Katie's responsibilities include the oversight and coordination of prompt, impartial and thorough investigations of allegations of protected class discrimination and harassment in violation of University policy; consultation with department management and other interested parties regarding allegations of protected class discrimination and harassment in violation of University policy, and training relative to these topics.

Alex Gilbertson serves as the Complaint Investigator in the Office of institutional Equity. Alex joined Upstate in April 2020. She provides members of the Upstate Community with information regarding SUNY Upstate's anti-discrimination and harassment policies and internal complaint procedures, and conducts prompt, impartial and thorough investigations into allegations of protected class discrimination and harassment.

Shelley Bellardini serves as the Equity Assistant in the Office of Institutional Equity. Shelley has worked for Upstate for over fifteen years, and recently joined OIE in January 2022. Shelley is the first point of contact for individuals seeking assistance from OIE, including those with sensitive complaints.

Policies and Procedures

SUNY Upstate made significant revisions to its policies and procedures relating to protected class discrimination and harassment between August 2020 and June 2022. Currently, Upstate has the following policies in place to address protected class discrimination and harassment, which includes sex/gender based harassment and violence:

- Equal Opportunity and Non-Discrimination Policy, UW E-01
- Harassment Prevention Policy, UW H-01
- Title IX Policy, UW T-05
- Domestic Violence and the Workplace Policy, UW V-01
- Disability and Workplace Reasonable Accommodation Policy, UW D-04
- Consensual Relationships Policy, UW C-05
- Upstate Code of Conduct, UW C-02

Training

OIE provides training for members of the Upstate Community in the areas of sexual and gender based harassment and violence prevention, bystander intervention, and the prevention of protected class discrimination and harassment. OIE offers training in multiple formats, to include annual training via BlackBoard, live Zoom trainings, as well as in-person training.

OIE provides mandatory sexual harassment prevention training to all employees on an annual (calendar year) basis. In 2021, over 8,000 employees completed this mandatory training. OIE is on track to ensure this same compliance rate in 2022. OIE also provides sexual harassment prevention training to students as required by New York State's Enough is Enough law.

In 2021 OIE, in conjunction with the Office of General Counsel (OGC), and with the support of the Office of the President, implemented live training directed at supervisors and managers. This training aims to ensure that supervisors/managers know how to recognize and handle claims of discrimination and harassment in the workplace. During the 2021-2022 fiscal year, OIE and OGC trained over 270 supervisors and managers.

OIE also offers individualized training to departments upon request, and trained multiple departments during the 2021-2022 fiscal year.

Incidents Reported to the Office of Institutional Equity

OIE is available as a resource for all members of the Upstate Community, including but not limited to faculty, medical providers, supervisors, managers, staff, students, trainees, applicants for employment or for admission to an academic program, volunteers, vendors, patients, visitors, guests, and all other individuals present on Upstate's campus or participating in Upstate's programs or activities.

OIE supports the Upstate Community through consultation on issues related to protected class discrimination and harassment, as well as through conducting formal investigations into such activity when requested or necessary. An **inquiry** is made when OIE is approached with questions, requests for information or supportive measures, requests for training, or reports of alleged policy violations. A **formal investigation** occurs when a Complainant makes a formal verbal or written request that OIE investigate alleged violations of Upstate policies, or when OIE determines that such an investigation is necessary.

In 2021, OIE implemented an online complaint filing option for all members of the Upstate Community, available here: https://cm.maxient.com/reportingform.php?SUNYUpstate&layout_id=0.

It is important to note that the data contained in this report does not align with the data contained in Upstate's Annual Security Report. The Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act ("Clery Act") requires higher education institutions to collect, report, and disseminate crime data to the campus community and the U.S. Department of Education. The Clery Act has specific criteria for reporting (e.g., location, crime definitions) and thus, data shared in our Annual Security Report is different from data in this report. This report contains only those inquiries and requests for formal investigations made to OIE.

Incidents Reported to the Office of Institutional Equity

1. Inquiries

During the 2021-2022 fiscal year, OIE received 48 contacts that are categorized as inquiries only. These inquiries originated from self reports, third party reports, and referrals from other departments within Upstate, and involved requests for training, information requests, and referrals regarding policy violations.

2. Formal Investigations

OIE conducted 32 formal investigations in the 21-22 fiscal year. It is important to note that while the complaints were made in the 21-22 fiscal year, they may have related to conduct occurring prior to this time frame. There is no time limit on raising a complaint to OIE.

Those filing complaints with OIE may allege policy violations pertaining to more than one protected class. In addition, there may be times when OIE identifies potential policy violations during the course of an investigation that were not contained in the original complaint.

Incidents Reported to the Office of Institutional Equity

The below table displays the allegations, by protected class, that were formally investigated by OIE in the 2021-2022 fiscal year.

Allegations by Protected Class – 2021-2022	
Race/Color	9
National Origin	4
Religion	1
Age	2
Disability	1
Sex/Gender/Pregnancy	7
Sexual Orientation	1
Gender Identity/Gender Expression	0
Title IX Sexual Harassment*	1
Non-Title IX Sexual Harassment	10
Marital Status/Familial Status	0
Veteran Status/Military Status	1
Domestic Violence Victim Status	0
Retaliation	1
Total**	38

* The 2020 Title IX Regulations contain a definition of sexual harassment that is not as broad as the conduct prohibited under Upstate’s Harassment Prevention Policy.

**This number does not match the number of total investigations (32) because complaints may allege policy violations pertaining to more than one protected class.

Office of Institutional Equity Resolution Timelines

OIE implemented a new case tracking software during the 2021-2022 fiscal year, in January 2022. OIE is able to utilize this software to effectively track the average number of days that cases are open in OIE – from case opening date to case resolution.

This report details resolution time for formal investigations initiated between January 1 and June 30, 2022. Future annual reports will provide data for the full fiscal year.

10 formal investigations were initiated with OIE between January 1 and June 30, 2022. The average time from case opening to case resolution for these 10 cases is 30 days, with the longest investigation taking 71 days to complete.

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