

COMPLAINT PROCEDURE FOR THE REVIEW OF ALLEGATIONS OF UNLAWFUL DISCRIMINATION

Overview

SUNY Cobleskill, 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, criminal conviction, or any other legally protected class. Harassment on the basis of any of the above-protected categories is a form of unlawful discrimination.

This procedure is to be used for all forms of harassment and discrimination, with the exception of sexual violence, dating and domestic violence, and stalking, which are governed by *SUNY Cobleskill Policies on Sexual Violence Prevention and Response*.

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, as appropriate.

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.

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 Director of Human Resources and Affirmative Action (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 Cobleskill. Additionally, this procedure may also be utilized by third-parties who are participating in a University sponsored program or affiliated activity. Employee and student grievance procedures established through negotiated contracts, academic grievance review committees, student conduct board, and any other procedures defined by contract or policy 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.

Contact information for these agencies is listed in Appendix B below. More detailed information may be obtained from the Human Resources Office. 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 Cobleskill 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.*

Privacy and Confidentiality

Complaints and investigations will be maintained in confidence 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. However, an investigation will generally include interviewing necessary parties and coordination, when necessary, with relevant offices.

In responding to complaints, the Director of Human Resources and Affirmative Action (or designee), or the Student Conduct Administrator, will take appropriate action to provide remedies and protect the privacy of all those involved to the fullest extent possible. The Director of Human Resources and Affirmative Action (or designee) 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.

Disclosure of matters pertinent to an investigation that should be held in confidence may, in and of itself, be grounds for appropriate sanctions or other disciplinary action as covered by collective bargaining agreements, and/or applicable College policies

Jurisdiction of the Human Resources and Affirmative Action Office

The Director of Human Resources and Affirmative Action (or designee) is trained in investigating and resolving complaints and is available to assist the Complainant with filing their complaint with the College. The Director of Human Resources and Affirmative Action (or designee) will remain impartial during an investigation. The Director of Human Resources and Affirmative Action (or designee) does not represent any individual or department, but does advocate on behalf of the College's goals of affirmative action and nondiscrimination. The Director of Human Resources and Affirmative Action (or designee) 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 Director of Human Resources and Affirmative Action (or designee) 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.

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 Director of Human Resources and Affirmative Action (or designee) to conduct a full and fair investigation of the facts.

The Director of Human Resources and Affirmative Action (or designee) 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.

SUNY Cobleskill 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 Director of Human Resources and Affirmative Action (or designee) 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 Director of Human Resources and Affirmative Action (or designee) 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, or other parties, such as University Police, be involved.

Jurisdiction of the Student Conduct Administrator

If the Respondent is a student, the investigation, and hearing, if necessary, will be conducted by the Student Conduct Administrator in accordance with Student Conduct protocols. See *SUNY Cobleskill Student Handbook*.

- The Complainant and Respondent will have the opportunity to present information to the Student Conduct Administrator.
- The Student Conduct Administrator will review the Complainant's and Respondent's rights and responsibilities in the student conduct process, and answer any questions.
- The Student Conduct Administrator may suggest 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, information about how to obtain counseling and academic assistance, and steps to take if the accused individual lives in the same residence hall and/or attends class with the complainant.
- The Student Conduct Administrator will present the alleged charges and description of the alleged incident.
- The Respondent will have the opportunity to either:
 - Choose to resolve the case by waiving their right to a hearing by pleading responsible to the conduct code charges during the student conduct review. The Student Conduct Officer would then issue the appropriate sanctions for the conduct code violation(s).
 - Choose to request a College Faculty-Student Conduct Board Hearing to resolve the case. Students typically choose a hearing if they deny responsibility or feel that there is a discrepancy in the allegation against them.

- If found responsible, Student Conduct Board sanctions will be determined based upon the circumstances of the case being reviewed and any disciplinary history of the student to be sanctioned. Sanctions are imposed on a scale ranging from a reprimand to College dismissal.

Supervisors' 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, must immediately be reported to the Director of Human Resources and Affirmative Action (or designee):

- Even if no one is objecting to the behavior
- Even if the supervisor or manager thinks the conduct is trivial or not discriminatory
- Even if the individual asks that it not be reported

Supervisors and managers are held to a high standard of behavior and are expected to model appropriate workplace behavior. Their actions or inactions can create liability for the College without the College having an opportunity to correct the harassing behavior.

Complaints may also be brought to the Director of Human Resources and Affirmative Action (or designee) by any member of the campus community who experiences, observes, or becomes aware of discrimination or harassment.

Retaliation

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

Who Can File a Complaint?

Employees may file a written complaint with the Director of Human Resources and Affirmative Action (or designee) 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 a Discrimination Complaint Intake Form and Narrative (Appendix C), 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.

As soon as reasonably possible after the date of filing of the complaint, the Director of Human Resources and Affirmative Action (or designee) 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 Director of Human Resources and Affirmative Action (or designee), or Student Conduct Administrator, 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 member of the College community or any third-party who is participating in a College sponsored program or affiliated activity. Please note, however, that the College may only have limited jurisdiction over third-parties (i.e. Respondents who are not employees or students of the University). This may limit the action(s) that the College may take against such parties.

If the President is the Respondent, the Director of Human Resources and Affirmative Action (or designee) 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 Director of Human Resources and Affirmative Action (or designee) is the Respondent, the matter shall be referred to the President or his or her designee.

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

Procedure for Resolving Complaints

Complaint Consultation and Review

Any member of the College community may consult with the Director of Human Resources and Affirmative Action (or designee) regarding incidents of discrimination or harassment. In a telephone conversation or in person appointment, the Director of Human Resources and Affirmative Action (or designee) may:

- 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 Director of Human Resources and Affirmative Action (or designee) is the appropriate College resource to address the concern.
- Inform the individual of the ways in which the Director of Human Resources and Affirmative Action (or designee) approaches the investigation and problem solving.
- Explore methods of resolving the situation on one's own, if that is the individual's preference.
- Advise the individual of alternate available College resources and external options for resolution, including applicable time limits for filing with external agencies.

The Director of Human Resources and Affirmative Action (or designee) will ask the Complainant to participate in an initial interview. During the intake interview, the Complainant will be:

- Asked to complete a Discrimination Complaint Intake Form and Narrative (the Complainant may be asked to have this completed prior to the Intake Interview; see Appendix C).
- Interviewed about the allegations so that the charge may be clearly stated.
- Asked to provide information about witnesses and other possibly aggrieved persons.
- Advised of the Office's intake and investigative procedures to enhance the complainant(s) understanding and to facilitate realistic expectations as to the role of the Office.
- Advised of the disciplinary investigation process as governed by the relevant collective bargaining unit, if applicable.
- 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/privacy.
- 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, for employees:

- Complainants and Respondents are expected to meet with the Director of Human Resources and Affirmative Action (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 Director of Human Resources and Affirmative Action (or designee), except where such representation is required by union contract.
- Complainants and Respondents are expected to communicate with the Director of Human Resources and Affirmative Action (or designee) directly, not through legal counsel, or other intermediaries or persons accompanying them, except where such representation is required by union contract.
- Complainants and Respondents have the right to receive notification of determinations and findings made by the Director of Human Resources and Affirmative Action (or designee).

For students:

- Complainants and Respondents are expected to meet with the Student Conduct Administrator as requested and needed.
- All students involved in the conduct process have the right to seek assistance from a member of the full-time faculty or professional staff if she/he so desires. This advisor may attend the hearing and/or appeal with the student but may not speak for (in place of) the student or otherwise participate in the process. A full-time student at SUNY Cobleskill may also serve as advisor. Each student (Complainant and Respondent) may have only one individual serving as his/her advisor. Individuals external to the campus may not participate or be present at the conduct board hearing/process except as authorized by the Student Conduct Administrator.
- Complainants and Respondents have the right to receive notification of determinations and findings made by the Student Conduct Administrator.

The Investigation Process

Should the Director of Human Resources and Affirmative Action (or designee) determine that a complaint of unlawful discrimination merits further review, an investigation will immediately commence. The investigation will be based on the information provided in the Discrimination Complaint Intake & Information Sheet (Appendix C) which shall contain:

- The name, local and permanent address(s), and telephone number(s), and status (faculty, staff, student, third party) of the Complainant.
- A statement of facts explaining what happened and what the Complainant believes constituted the unlawful discriminatory acts in sufficient detail to give each Respondent reasonable notice of what is claimed against him/her. The statement should include the date, approximate time and place where the alleged acts of unlawful discrimination or harassment occurred. If the acts occurred on more than one date, the statement should also include the last date on which the acts occurred as well as detailed information about the prior acts. The names of any potential witnesses should be provided, if appropriate.
- The name(s) of the Respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination.
- Identification of the status of the Respondent(s) -- whether faculty, staff, student or persons otherwise affiliated with the College.
- 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
- A description of any corrective or remedial action that the complainant would like to see taken.
- Other supplemental information as may be requested.
- Signature of complainant and the date complaint signed.

The Director of Human Resources and Affirmative Action (or designee) is available to assist the Complainant in preparing the complaint form.

If the Complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the Director of Human Resources and Affirmative Action (or designee) 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).

If a Complainant elects to have the matter dealt with in an informal manner, the Director of Human Resources and Affirmative Action (or designee) will attempt to reasonably resolve the problem to the mutual satisfaction of the parties. If these efforts are not successful, and/or the Director of Human Resources and Affirmative Action (or designee) has determined that the complaint requires a more formal investigation, the Complainant and Respondent shall be advised in writing of the initiation of an investigation.

During the investigation, the Director of Human Resources and Affirmative Action (or designee) will:

- Provide an initialed, signed, date-stamped copy of the complaint to the Complainant and Respondent.

- 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.
- Follow the disciplinary investigation process outlined in the relevant union agreement (when Respondents are College employees represented by a union).
- Refer the matter to the Student Conduct Administrator (when Respondents are SUNY Cobleskill students).
- 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 Director of Human Resources and Affirmative Action (or designee), or Student Conduct Administrator, in cases where the Respondent is a student, may extend this deadline for a reasonable period of time. The Complainant will receive notification from the Human Resources (or Student Conduct) Office regarding the basis for extension. Additionally, the Director of Human Resources and Affirmative Action (or designee), or Student Conduct Administrator, will also have the discretion to reasonably extend the deadline if an investigation is deemed complex.

Failure to Cooperate

Failure, on the part of a Respondent, to cooperate meaningfully in a review of a complaint of discrimination may, in and of itself, be grounds for appropriate sanctions or other disciplinary action in accordance with collective bargaining agreements, and/or applicable College policies.

Inaction by Complainant

If at any time during an investigation, a Complainant declines to cooperate with the Director of Human Resources and Affirmative Action (or designee), or Student Conduct Administrator, 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 Director of Human Resources and Affirmative Action (or designee), or Student Conduct Administrator, 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.

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 Director of Human Resources and Affirmative Action (or designee), or Student Conduct Administrator, 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 counseling of the Respondent.
- A written counseling memo issued to the Respondent.
- Disciplinary action, up to and including termination.
- Sanctions such as a Reprimand/Warning, Disciplinary Probation, Community Service, Counseling Intervention, College Suspension, College Dismissal.
- No further action, at the request of the Complainant.
- A finding of no misconduct or insufficient credible evidence to support the allegation(s).

This list is not exhaustive and other forms of resolution may be appropriate although they are not listed here.

Determination

The Director of Human Resources and Affirmative Action (or designee), or Student Conduct Administrator, issues a written statement to the Complainant and Respondent, indicating the finding at the conclusion of the investigation.

Appeals

Student Conduct board outcomes relating to violations of the Sexual Violence Prevention and Response Policy, and Conduct Board outcomes of Residence Hall Dismissal, College Suspension or College Dismissal may be appealed within 48 hours of hearing outcome by filing an Appeal statement of no more than 5,000 words, with justification, to the Office of the Vice President for Student Development. Minor deviations from the hearing process do not constitute acceptable reasons to rehear a case. Appeal requests which, after review, are determined to be related to cases of violation of the Sexual Violence Prevention and Response Policy, or for all other cases, are asserting a disproportionate sanction or new information directly related to the Student Conduct Code violation or procedural error, will move forward to an appeals board or college conduct board, as appropriate. The appropriate hearing process is scheduled, held, and the outcome is transmitted to the student after review and action to approve or modify by the Vice President for Student Development. The Vice President for Student Development's (or designee) decision is final.

The disciplinary process outlined in the Collective Bargaining Agreements for employees (if applicable) provides for a Grievance and Arbitration process.

In cases where the Respondent is an employee who is not represented by a union (for example Management/Confidential), the decision made by the Director of Human Resources and Affirmative Action (or designee) may be appealed to the President or designee.

There is no appeal process for vendors, visitors, or other third parties.

To request assistance or additional information:

Human Resources Office

Nicole Field, Human Resources Manager/Deputy Title IX Coordinator
Knapp Hall 123
518-255-5514
fieldnm@cobleskill.edu

Student Conduct Office

Erica Hoerz, Director of Student Conduct/Title IX Coordinator
Bouck Hall 126A
518-255-5229
hoerzel@cobleskill.edu

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 harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

There are two main types of sexual harassment:

- Hostile environment - Hostile actions taken against an individual because of that individual's sex.
- Quid pro quo sexual harassment - Occurs when a person in authority trades, or tries to trade, job benefits for sexual favors.

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.

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:

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.

Retaliation

An employee or student who participates in this procedure has the right to do so without fear of retaliation. It will be made clear that retaliation against an employee or a student who has filed a discrimination complaint or a person 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.

Appendix B - External Enforcement Agencies

New York State Division of Human Rights - State Headquarters

One Fordham Plaza, 4th Floor
Bronx, New York 10458

Tel: (718) 741-8400
Fax: (718) 741-3214

New York State Division of Human Rights - Albany Office

Empire State Plaza
Agency Building #2, 18th Floor
Albany, New York 12220

Tel: (518) 474-2705
Fax: (518) 473-3422

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 (800) 427-2773
Fax: (718) 722-4525

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 (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

OFCCP Buffalo District Office

6 Fountain Plaza, Suite 300
Buffalo, New York 14202-2199

Tel: (716) 551-5065
Fax: (716) 551-4035

OFCCP 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

**U. S. Department of Education
Office of Civil Rights**

Mary E. Switzer Building, 330 C. Street, S.W.
Washington, D. C. 20202

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

**Office for Civil Rights
New York Office**

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

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

Appendix C
State University of New York College of Agriculture and Technology at Cobleskill
Discrimination Complaint Intake Form and Narrative

Instructions: Please complete this form and return it to Human Resources, Knapp 123

Your Name: _____ Today's Date: _____
Home Address: _____ E-mail: _____
Home Phone: _____ Office Phone: _____ Cell: _____

Please identify your relationship to the College:

- Employee Student Vendor Visitor Volunteer Employment Applicant
 Other: _____

If you are an employee, please complete the following:

Your Job Title: _____ Date of Hire: _____
Department: _____ Supervisor's Name: _____

Optional – Complete any categories below that may be relevant to this complaint:

Race/Ethnicity: _____ Religious Affiliation: _____
Sex/Gender: _____ Disability: _____
Military Status: _____ Other: _____

Discrimination Complaint

Name(s) of the individual(s) who allegedly violated College policy (the Respondent):

Respondent's relationship to the College:

- Employee Student Vendor Visitor Volunteer
 Other: _____

If the Respondent was an employee:

Respondent's Title: _____
Respondent's Department: _____

What action are you alleging occurred? (Check all that apply):

- Unfair grade Denied access to program Denied accommodation
 Inaccessible facility Denied training Denied promotion
 Denied equal pay Denied equal treatment Failed to hire
 Denied FMLA Laid Off/Terminated Non-renewed
 Subjected to hostile work and/or academic environment
 Sexual harassment Harassment (non-sexual) Sexual misconduct or violence

Domestic/dating violence Stalking Retaliation

Other: _____

Date of first incident: _____ Date of most recent incident: _____

Location where discrimination occurred: _____

What do you believe is the basis for the alleged discriminatory behavior (select all that apply):

Race Color Creed National or ethnic origin Religion Age

Disability Sex/Gender Sexual orientation Gender identity or expression

Marital status Familial status Military status Criminal convictions

Genetic predisposition Domestic violence victim status Pregnancy

Other protected class under State or Federal Law (please explain): _____

Please check all appropriate boxes:

I have previously reported information concerning this matter on (date) _____ to
(person's name) _____

I previously filed an Informal Discrimination Complaint on (date) _____

I elect to utilize the Informal Complaint Process described in the Discrimination Complaint Procedure.

I elect to proceed immediately to filing a formal complaint as described in the Discrimination
Complaint Procedure.

Please answer the following questions as thoroughly and completely as possible. Attach additional sheets to provide complete information.

1. Provide a detailed account of what happened to you that was discriminatory or violated SUNY Cobleskill policy. Please provide names, dates, locations and specifics for each incident.

2. Did the Respondent provide any justification or reason for their actions?

3. Was anyone else treated the same way? When? How? Please provide their names and contact information.

4. Did anyone witness the behavior? What did they witness? Please provide their names and contact information.

5. Are there any documents, communications, social media posts, or other evidence that will support your case? Please explain. Attach them, if possible.

6. What harm or injury have you sustained as a result of this alleged incident?

7. What remedy/outcome are you requesting?

8. Did you report the incident(s) to anyone at the College? Please detail to whom you reported this, the date, time, and context of the report. Was any action taken as a result of your report?

9. Have you filed a complaint with any other external agency or court regarding this matter?
 Yes No If yes, where and when?

10. Are you a union member? Yes No
Did you file a grievance with your union? Yes No If yes, when?

11. Please provide any additional information you feel may be relevant or necessary.

I affirm that I have read the above allegation(s) and that it is (they are) true to the best of my knowledge, information or belief.

The Human Resources Director (or designee) shall agree to keep all information gathered relative to allegations of discrimination in confidence to the extent practicable or allowable by law and College policy. However, Human Resources may provide relevant information to the appropriate College staff as necessary.

I understand that it is a violation of State and Federal statutes and College policy to retaliate against an individual involved in an investigation of discrimination. If I am subjected to any adverse action that I feel may be retaliatory, I will promptly report such to the Human Resources Director (or designee).

I understand that the filing of an internal complaint with SUNY Cobleskill 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 understand 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.

I understand that College policy does not constitute legal advice, and if I require legal advice, I will consult with an attorney.

By submitting this form, I am certifying the above statements to be true and factual to the best of my knowledge.

Signature

Date