

University At Albany Discrimination Complaint Procedure

Overview

The University at Albany (University), 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, sex, sexual orientation, disability, gender identity, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Harassment is one form of unlawful discrimination on the basis of the above protected categories. 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 the Definitions section. Sex discrimination includes sexual harassment, sexual violence, sexual orientation, gender identity, pregnancy, familial status, and domestic violence victim status. Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure is strictly prohibited and may result in disciplinary action.

Process

Applicability

This procedure may be used by any student or employee of the University, as well as any third-party who is participating 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 continue to operate as before. Furthermore, 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 Chief Diversity Officer or in the case of sex discrimination, the Title IX Coordinator or his/her designee, for investigation with the Office of General Counsel. Contact information for these agencies is listed in the Other Related Information section below.

The procedures set forth herein will not apply to complaints that allege sexual violence committed by a student of the University at Albany. Rather, in all complaints alleging sexual violence committed by a student, the policies and procedures set forth in *Community Rights and Responsibilities* and *the University at Albany's Sexual Violence Response Policy* shall apply.

Procedure

The following Discrimination Compliant Procedure applies to both the informal and formal processes. This procedure provides a mechanism through which the University may identify, respond to, and prevent incidents of illegal discrimination. The University recognizes and accepts its responsibility in this regard, and believes that the establishment of this internal grievance process will benefit students, faculty, staff, and administration, permitting investigation and resolution of problems.

The University, through the Chief Diversity Officer or his/her designee, shall promptly investigate all incidents of discrimination based on race, color, national origin, religion, creed, age, disability, familial status, predisposing genetic characteristics, military status, and criminal conviction of which the University has notice. The University, through the Title IX Coordinator or his/her designee, shall promptly investigate all incidents of sex discrimination of which the University has notice. Based on information received, the Title IX Coordinator or his/her designee will make reasonable efforts to investigate and address instances of sex discrimination when they know or should have known about such instances, regardless of complainant cooperation and involvement, consistent with the University at Albany Sexual Violence Response Policy including the [Options for Confidentially Disclosing Sexual Violence](#).

The University will comply with law enforcement requests for cooperation, and such cooperation may require the University to temporarily delay the fact-finding aspect of an investigation while the law enforcement agency is in the process of gathering evidence. The University will resume its investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering process. The University will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community, as described below.

The complainant is not required to pursue the University's internal procedures before filing a complaint with a state or federal agency. In addition, if the complainant chooses to pursue the University's internal procedure, the complainant is free to file a complaint with the appropriate state or federal agency at any point during the process. Complaints and investigations will be kept confidential to the extent possible.

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure, is strictly prohibited and may result in disciplinary action. Retaliation is an adverse action taken against an individual as a result of complaining about unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Participants who experience retaliation should contact the Chief Diversity Officer or, in cases involving sex discrimination, the Title IX Coordinator, or their designee, and may file a complaint pursuant to these procedures.

Complaint Consultation and Review

Any student or employee, or any third party may consult with the Chief Diversity Officer or the Title IX Coordinator, or their designee, regarding potential discrimination or harassment. This initial contact may occur by telephone, email, or in person (the latter being preferred).

It is the responsibility of the Chief Diversity Officer or his/her designee, or when sex discrimination is alleged, Title IX Coordinator or his/her 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. Interim measures for students may include, but are 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 campus employee relations departments.

Complaints or concerns that are reported to an administrator, manager or supervisor, concerning an act of discrimination and/or harassment, or acts of discrimination and/or harassment that administrators, managers, or supervisors observe or become aware of, shall be immediately referred to the Chief Diversity Officer or the Title IX Coordinator. All employees who observe or become aware of sex discrimination, including sexual harassment and sexual violence, must report this information to the campus Title IX Coordinator. Complaints may also be made directly to the Chief Diversity Officer or in cases involving sex discrimination, the Title IX Coordinator, by anyone who experiences, observes, or becomes aware of discrimination or harassment.

Filing Complaints and Time Limits

The procedures set forth here apply upon the submission of a complaint to the Chief Diversity Officer or in the case of sex discrimination, the Title IX Coordinator, or their designee. It is the complainant's responsibility to be certain that any complaint is filed within the applicable time limit.

If the complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the Chief Diversity Officer or Title IX Coordinator may terminate any further processing of the complaint, refer the complaint to the Office of General Counsel, or direct the complainant to an alternative forum (Appendix A). Complaints of sex discrimination brought forth beyond the 180 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.

All complaints must be documented on the forms provided by the University (see Forms below). The Charge of Discrimination form will be used for both the initiation of complaints under the informal procedure, and the conversion of the complaint to the formal procedure. The Chief

Diversity Officer or the Title IX Coordinator, or their designee are available to assist in preparing the complaint.

Employees: Employees must file a written complaint with the Chief Diversity Officer or the Title IX Coordinator within 180 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: Students must file a complaint within 180 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.

Complaint Contents

The complaint shall contain:

1. The name, local and permanent address(es), telephone number(s), and status (faculty, staff, student, third party) of the complainant.
2. 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.
3. The name(s), address(es) and telephone number(s) of the respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination.
4. Identification of the status of the persons charged whether faculty, staff, or student.
5. A statement indicating whether or not the complainant has filed or reported information concerning the incidents referred to in the complaint with a non-campus 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.
6. A description of any corrective or remedial action that the complainant would like to see taken.
7. Such other or supplemental information as may be requested.
8. Signature of complainant and the date the complaint was signed.

Informal Resolution

If a complainant elects to have the matter dealt with in an informal manner, the Chief Diversity Officer or the Title IX Coordinator, or their designee will attempt to reasonably resolve the problem to the mutual satisfaction of the parties.

In seeking an informal resolution, the Chief Diversity Officer or the Title IX Coordinator, or their designee shall attempt to review all relevant information, interview pertinent witnesses, and bring together the complainant and the respondent, if desirable.

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.

If a resolution satisfactory to both the complainant and the respondent is reached within 24 calendar days from the filing of the complaint, through the efforts of the Chief Diversity Officer or the Title IX Coordinator, or their designee the Chief Diversity Officer or the Title IX Coordinator, or their designee shall close the case, sending a written notice to that effect to the complainant and respondent. The written notice, a copy of which shall be attached to the original complaint form in the Chief Diversity Officer or the Title IX Coordinator's file, shall contain the terms of any agreement reached by complainant and respondent, and shall be signed and dated by the complainant, the respondent and the Chief Diversity Officer or the Title IX Coordinator, or their designee. (See Forms for the Memorandum: Status - Resolved form)

If the Chief Diversity Officer or the Title IX Coordinator, or their designee is unable to resolve the complaint to the mutual satisfaction of the complainant and respondent within 24 calendar days from the filing of the complaint, the Chief Diversity Officer or the Title IX Coordinator, or their designee shall so notify the complainant. The Chief Diversity Officer or the Title IX Coordinator, or their designee shall again advise the complainant of his or her right to proceed to the next step internally, and/or the right to separately file with appropriate external enforcement agencies.

The Chief Diversity Officer or the Title IX Coordinator, or their designee shall have the discretion to reasonably extend the deadline to complete the investigation.

The complainant may elect to end the informal resolution process, and proceed to the formal resolution procedure, at any time after the Charge of Discrimination form is filed.

Formal Resolution

The formal complaint proceeding is commenced by the filing of a complaint form as described above. The 180 day time limit also applies to the filing of a formal complaint. If the complainant first pursued the informal process, and subsequently wishes to pursue a formal complaint, he/she may do so by checking the appropriate box, and signing and dating the complaint form.

If an informal resolution was not possible, the complaint shall proceed to the formal resolution procedure.

Notice to Parties: Upon receipt of a complaint, the Chief Diversity Officer or, the Title IX Coordinator in cases involving sex discrimination, or their designee, will provide an initialed, signed, date-stamped copy of the complaint to the complainant. As soon as reasonably possible after the date of filing of the complaint, the Chief Diversity Officer or the Title IX Coordinator, or their designee will mail a Notice of Receipt of Complaint along with notification that a review of the matter shall take place to the respondent(s). Alternatively, such notice may be given by personal delivery, provided such delivery is made by the Chief Diversity Officer or the Title IX Coordinator, or their designee and, that proper proof of such delivery, including the date, time

and place where such delivery occurred, is entered in the records maintained by or for the Chief Diversity Officer or the Title IX Coordinator.

The Chief Diversity Officer or the Title IX Coordinator, or their designees shall review all relevant information, interview pertinent witnesses and, at their discretion, hear testimony from the complainant and the respondent. Both the complainant and the respondent(s) shall be entitled to submit written statements or other relevant and material evidence. The information reviewed will be compiled and included in a draft investigation report. Upon completion of the draft report, each party to the complaint will be provided an opportunity to review the draft report and to provide rebuttal to the information contained therein.

Within 45 calendar days from the filing of the complaint the Chief Diversity Officer or the Title IX Coordinator, or their designee shall complete their investigation and shall prepare an investigation report that details all information gathered during the investigation of the complaint. The complainant and respondent are to be provided with written notification that the investigation has been completed and that the report is ready to be submitted to a Tripartite Panel, which will be selected as set forth below.

The Tripartite Panel Selection: The Tripartite Panel shall consist of one member of the pre-selected pool chosen by the complainant, one member chosen by the respondent and a third chosen by the Chief Diversity Officer or the Title IX Coordinator in complaints involving sex discrimination, or their designee. The member chosen by the Chief Diversity Officer or the Title IX Coordinator, or their designee shall be the Chair of the Panel. Selection must be completed and written notification of designees must be submitted to the Chief Diversity Officer or the Title IX Coordinator, or their designee no later than 7 calendar days after the completion of the investigation described above.

In the event that the procedural requirements governing the selection of the Tripartite Panel are not completed within 7 calendar days after notification, the Chief Diversity Officer or the Title IX Coordinator, or their designee shall complete the selection process.

Panel Review: The tripartite panel shall review all relevant information included in the investigation report and, at their discretion, hear testimony from the complainant, the respondent, and any other witnesses, if desirable. The complainant and respondent have the right to request alternative arrangements if the complainant does not want to be in the same room as the other party. 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.

Findings and Recommendations: Within 15 calendar days from the completion of selection of the panel, the chairperson of the tripartite panel shall submit a summary of its findings, and the panel's recommendation(s) for further action, on a form to be provided by the Chief Diversity Officer or the Title IX Coordinator, to the President or his/her designee. **The burden of proof in cases of discrimination is preponderance of the evidence.** If the President is the respondent, the findings and recommendation shall be submitted to the Chancellor or his/her designee. Within 10 calendar days of receipt of the written findings, the President or his/her shall issue a written statement to the complainant and respondent, indicating what action the President or

his/her designee proposes to take. The President or his/her designee will use the preponderance of the evidence standard. The action proposed by the President or his/her designee, may consist of:

- a. A determination that the complaint was not substantiated; or
- b. A determination that the complaint was substantiated.
 - i. For employees (including student employees) not in a collective bargaining unit: The President or his/her designees may take such administrative action as he/she deems appropriate under his/her authority, including but not limited to, termination, demotion, reassignment, suspension, reprimand, or training.
 - ii. For students: The President or his/her designee may determine that sufficient information exists to refer the matter to the Office of Community Standards, or other appropriate disciplinary panel for review, and appropriate action under the appropriate student conduct code. For examples of sanctions, please see the relevant section of the applicable student code of conduct.
 - iii. For employees in collective bargaining units: The President or his/her designee may determine that sufficient information exists to refer the matter to the Office of Human Resource Management for investigation and disciplinary action, or other action as may be appropriate under the applicable collective bargaining agreement. The disciplinary process and potential outcomes are described in the applicable collective bargaining agreements.

The action of the President or his/her designee shall be final. If the President is the respondent, the Chancellor or his/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.

Notice of outcome: No later than 7 calendar days following issuance of the statement by the President, the Chief Diversity Officer or the Title IX Coordinator, or their designee shall issue a letter to the complainant and to the respondent(s) advising them that the matter, for purposes of this discrimination procedure, is closed. In cases of sex discrimination, notice of outcome will include the sanctions, as appropriate.

Time limitations: The Chief Diversity Officer or the Title IX Coordinator, or their designee shall have the discretion to reasonably extend the deadlines. Such extension shall be confirmed in writing to the parties.

External Agencies: If either party to the complaint is dissatisfied with the final decision and outcome, they may elect to file a complaint with one or more state and federal agencies. The Chief Diversity Officer or the Title IX Coordinator, or their designee will provide general information on state and federal guidelines and laws, as well as names and addresses of various enforcement agencies (Appendix A).

If the President is the Respondent, the following procedure shall be followed:

Within 7 calendar days of receipt of the complaint, the Chief Diversity Officer and/or the Title IX Coordinator shall send notification to the complainant, the respondent and the Chancellor, or designee, that a review of the matter shall take place by a Tripartite Panel to be selected by the complainant, the respondent and the Chief Diversity Officer and/or the Title IX Coordinator from a pre-selected pool of eligible participants (see Appendix E).

The Tripartite Panel shall consist of one member of the pre-selected pool chosen by the complainant, one member chosen by the respondent and a third chosen by the Chief Diversity Officer or in the case of sex discrimination, the Title IX Coordinator. The member chosen by the Chief Diversity Officer or in the case of sex discrimination, the Title IX Coordinator shall be the Chairperson of the Panel. Selection must be completed and written notification of designees submitted to the Chief Diversity Officer or in the case of sex discrimination, the Title IX Coordinator no later than 7 calendar days after the complainant, the respondent and the Chancellor received notice.

In the event that the procedural requirements governing the selection of the Tripartite Panel are not completed within 7 calendar days after notification, the Chief Diversity Officer or in the case of sex discrimination, the Title IX Coordinator shall complete the selection process.

The Tripartite Panel shall review all relevant information, interview pertinent witnesses and shall hear testimony from the complainant and the respondent. Both the complainant and the respondent(s) shall be entitled to submit written statements or other relevant and material evidence. The information reviewed will be compiled and included in a draft investigation report. Upon completion of the draft report, each party to the complaint will be provided an opportunity to review the draft report and to provide rebuttal to the information contained therein.

Within 15 calendar days from the completion of selection of the Panel, the Chairperson of the Tripartite Panel shall submit a summary of its findings and the Panel's recommendation(s) for resolution to the Chancellor, or his/her designee. The summary shall identify the facts upon which the findings were based.

Within 10 calendar days of receipt of the written findings, the Chancellor or his/her designee shall issue a written statement to the complainant and respondent, indicating what action, if any, the Chancellor proposes to take. The Chancellor or his/her designee will use the preponderance of the evidence standard. The action proposed by the Chancellor or his/her designee, may consist of:

- a. A determination that the complaint was not substantiated; or
- b. A determination that the complaint was substantiated.

Time limitations: The panel will also have the discretion to reasonably extend the deadlines to complete the investigation. Such extension shall be confirmed in writing to the parties.

Notice of outcome: No later than 7 calendar days following issuance of the statement by the Chancellor, the Chief Diversity Officer or in the case of sex discrimination, the Title IX Coordinator shall issue a letter to the complainant and to the respondent(s) advising them that the matter, for purposes of this discrimination procedure, is closed. In cases of sex discrimination, notice of outcome will include the sanctions, as appropriate.

External Agencies: If the complainant is dissatisfied with the Chancellor's decision, the complainant may elect to file a complaint with one or more state and federal agencies. The Chief Diversity Officer or in the case of sex discrimination, the Title IX Coordinator will provide general information on state and federal guidelines and laws, as well as names and addresses of various enforcement agencies (Appendix A).

Definitions

Harassment on the Basis of Protected Characteristic(s) other than Sex/Gender – harassment based on race, color, age, religion, national origin, disability, sexual orientation or other protected characteristics is oral, written, graphic or physical conduct relating to an individual's protected characteristics that is sufficiently severe and/or serious, 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.

Intimate Partner Violence - Intimate Partner Violence includes Dating Violence and Domestic Violence, both of which are further defined below. Intimate Partner Violence can occur in relationships of the same or different genders.

Dating Violence – Any act of violence, including physical, sexual, psychological, and verbal violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating Violence can occur as a single act, or it can consist of a pattern of violent, abusive, or coercive acts that serve to exercise power and control in the context of a romantic or intimate relationship. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of the interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.

Domestic Violence – Any violent felony, non-violent felony, or misdemeanor crime, as those terms are defined by the laws of the State of New York and of the federal government committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

Preponderance of the Evidence – the standard of proof in sexual harassment and sexual assault cases, which asks whether it is “more likely than not” that the sexual harassment or sexual violence occurred. If the evidence presented meets this standard, then the accused should be found responsible.

Sexual Assault - a physical sexual act 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 is an extreme form of sexual harassment. Sexual assault includes what is commonly known as “rape,” whether forcible or non-forcible, “date rape” and “acquaintance rape.” Nothing contained in this definition shall be construed to limit or, conflict with the sex 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.

Sex Discrimination – behaviors and actions that deny or limit a person’s ability to benefit from, and/or fully participate in the educational programs or 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 should report sex discrimination, including but not limited to, sexual harassment and assault that they observe or become aware of, to the Title IX coordinator.

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.

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.

Sexual Violence – includes sexual assault, intimate partner violence, or stalking.

Stalking- Intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner

likely to intimate, annoy or alarm him or her. Stalking does not require direct contact between parties and can be accomplished in many ways, including through the use of electronic media such as internet, pagers, cell phones, or other similar devices.

Related Procedures

[University at Albany Sexual Violence Response Policy](#)

[University at Albany Community Rights and Responsibilities](#)

[SUNY Policies on Sexual Violence Prevention and Response](#)

[Available on the Sexual Violence Prevention Workgroup website](#)

Includes: Definition of Affirmative Consent, Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases, Campus Climate Assessment Policy, Sexual Violence Victim/Survivor Bill of Rights, Sexual Violence Response Policy, Options for Confidentially Disclosing Sexual Violence, and Student Onboarding and Ongoing Education Guide

[SUNY Policy Doc. No. 6502, Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York](#)

[SUNY Policy Doc. No. 6504, Policy on Mandatory Reporting and Prevention of Child Sexual Abuse](#)

Other Related Information

[SUNY Procedure Doc. No. 6503](#) - Sexual Orientation Nondiscrimination

Compliance Website pages on [Equity and Diversity](#)

Authority

New York State Human Rights Law, available on the [New York State Division of Human Rights website](#), or in [PDF format](#) from the same site.

[Title IX of the Education Amendments of 1972](#), Federal Law

Related guidance available with the United States Department of Education [Office for Civil Rights Publications page](#)

[All of the laws that are available on the [U.S. Equal Employment Opportunity Commission website](#), the federal agency with oversight of the laws]

- [Title VII of the Civil Rights Act of 1964](#)
 - [The Age Discrimination in Employment Act of 1967](#)
 - [Titles I and V of the Americans with Disabilities Act of 1990 \(ADA\)](#)
 - [The Equal Pay Act of 1963](#)
 - [The Pregnancy Discrimination Act](#)
-

Appendices

[Appendix A](#) - External Enforcement Agencies (attached)

[Appendix B](#) - Selection and Training of Panel and Tripartite Hearing Committee (attached)

**University at Albany Discrimination Complaint Procedure
Form A**

STATE UNIVERSITY OF NEW YORK
UNIVERSITY AT ALBANY
CHARGE OF DISCRIMINATION

This form can be used by students, employees, and third parties to file a complaint of discrimination based on race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

CAMPUS _____

(PLEASE PRINT OR TYPE) RECEIVED BY _____ DATE _____

1. Name _____ Phone _____
Campus Address _____ Status: _____
(Faculty, Staff, Graduate, Undergraduate)
Home Address _____
City _____ State _____ Zip Code _____

ALLEGED DISCRIMINATION IS BASED on race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

1. (please list all that apply):

Alleged Discrimination took place on or about: Month _____ Day _____ Year _____

Location of alleged discrimination: _____

Check if alleged discrimination is continuing Yes No

2. Respondent(s) Name(s) _____ Title (if known) _____
Address: _____ Status: _____
(Faculty, Staff, Graduate, Undergraduate)
Telephone: _____

3. Witness(es) Names and contact information (attach additional pages if needed): _____

4. Please check the appropriate box(es):

- I have filed an informal complaint on _____(Date).
- I have reported information concerning this matter on _____(Date).
- I elect to utilize the informal complaint process as described in the Discrimination Complaint Procedure.
- I elect to proceed immediately to file a formal complaint as described in the Formal Resolution section of the internal Discrimination Complaint Procedure.

5. Have you filed this charge with a federal, state or local government agency?

- Yes
- No

6. If yes, with which agency? _____ When? _____

7. Have you instituted a suit or court action on this charge?

- Yes
- No

If yes, with which court? _____ When? _____

Court address

Contact person _____

8. Describe briefly the act which occurred and your reason for concluding that it was discriminatory (attach extra pages if necessary).

9. Describe any corrective or remedial action you would like to see taken (attach extra pages if necessary).

I agree to provide such other or supplemental information that may be requested.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Signature: _____

Date _____

University at Albany Discrimination Complaint Procedure
Form B

MEMORANDUM: STATUS – RESOLVED

Date:

To: Complainant and Respondent

From: Affirmative Action Officer/Title IX Coordinator

Subject: Status of Complaint

This is to confirm the fact that your complaint, which was filed with the Affirmative Action Office/Title IX Coordinator on (insert date), has been resolved to the mutual satisfaction of all parties involved and the matter is deemed closed.

[Include terms of any agreement reached by the parties.]

Agree:

Complainant

Respondent

Date

Date

University at Albany Discrimination Complaint Procedure

Appendix B

Selection and Training of Panel and Tripartite Hearing Committee

Panel

The campus affirmative action committee has the responsibility for recommending to the Chief Diversity Officer a panel of campus administrators, faculty, staff and students from which a tripartite hearing committee may be selected. This panel will be referred to as the Discrimination Complaint Adjudication Panel (herein after "DCAP"). All members of DCAP shall be appointed at the beginning of each academic year by the campus Chief Diversity Officer.. Training of all DCAP panelists should occur annually and prior to adjudicating any specific complaints or cases. Members of the affirmative action panel should become familiar with the internal grievance procedures, discrimination laws, and the law and the language of affirmative action. The panel should be assisted by the Chief Diversity Officer and Title IX Coordinator in a clear understanding of their responsibilities and rights, such as reviewing confidential material, concepts of burden of proof, confidentiality and responsible record keeping. Students shall not be appointed to complaints involving sexual misconduct or violence.

Tripartite Hearing Committee

The tripartite hearing committee is made up of persons selected from the Discrimination Complaint Adjudication Panel (DCAP). The tripartite hearing committee will be convened upon the filing of a complaint with the Office of Diversity and Inclusion (ODI), or the Title IX Coordinator in cases of sex discrimination, and shall consist of one member selected by the Complainant; one member selected by the Respondent and a third member selected by the Chief Diversity Officer or in cases involving sexy discrimination, the Title IX Coordinator or their designee.. The committee chairperson shall be the member selected by the Chief Diversity Officer or the Title IX Coordinator or their designee. The tripartite committee should be given an opportunity to review the procedure and have any questions concerning process answered by the Chief Diversity Officer or the Title IX Coordinator or their designee prior to beginning the adjudication process.

The tripartite hearing committee is charged with the responsibility of reviewing the investigation report submitted by the Chief Diversity Officer or the Title IX Coordinator or their designee and any new and/or additional evidence regarding the alleged discrimination and/or harassment. The tripartite hearing committee shall report only on the present complaint, and must maintain confidentiality throughout the process. The written record compiled by the committee must be clearly identified and described to ensure that findings are based on documented information extracted from pertinent records and letters. The tripartite committee will prepare a written summary of its findings and recommendations for further action on a form to be provided by the Chief Diversity Officer or the Title IX Coordinator.

University at Albany Discrimination Complaint Procedure Appendix A

External Enforcement Agencies¹

APPENDIX A New York State Division of Human Rights

State Headquarters

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

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

Albany

New York State Division of Human Rights
Empire State Plaza
Corning Tower, 28th Floor
Albany, New York 12220

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

Binghamton

New York State Division of Human Rights
44 Hawley Street
Room 603
Binghamton, New York 13901

Tel: (607) 721-8467
Fax: (607) 721-8470

Brooklyn

New York State Division of Human Rights
55 Hanson Place
Room 304
Brooklyn, New York 11217

Tel: (718) 722-2856
Fax: (718) 722-2869

Buffalo

New York State Division of Human Rights
The Walter J. Mahoney State Office Building
65 Court Street
Suite 506
Buffalo, New York 14202

Tel: (716) 847-7632
Fax: (716) 847-7625

Manhattan

New York State Division of Human Rights
20 Exchange Place
2nd Floor
New York, New York 10005

Tel: (212) 480-2522
Fax: (212) 480-0143

New York State Division of Human Rights
Adam Clayton Powell State Office Building
163 West 124th Street
4th Floor
New York, New York 10027

Tel: (212) 961-8650
Fax: (212) 961-4425

¹ Each agency has its own deadlines and parties should contact agencies to learn more information.

University at Albany Discrimination Complaint Procedure

Appendix A

Long Island

New York State Division of Human Rights
175 Fulton Avenue, Suite 404
Hempstead, New York 11550

Tel: (516) 538-1360
Fax: (516) 483-6589

New York State Division of Human Rights
State Office Building
250 Veterans Memorial Highway, Room 2B49
Hauppauge, New York 11788

Tel: (631) 952-6434
Fax: (631) 952-4920

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 443
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
Fax: (212) 480-0143

University at Albany Discrimination Complaint Procedure Appendix A

United States
Department
of Labor

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

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

New York State
Department
Of Labor

New York State Department of Labor

State Campus
Building 12, Room 500
Albany, New York 12240

Tel: (518) 457-2746
Fax: (518) 457-6908

United States
Equal Employment
Opportunity
Commission

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

Office for
Civil Rights

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

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

University at Albany Discrimination Complaint Procedure Appendix A

Office for Civil Rights

New York Office
32 Old Slip, 26th Floor
New York, NY 10005-2500
OCR.NewYork@ed.gov

Tel: (646) 428-3800;