

**SUNY**  
**SCHENECTADY**  
COUNTY COMMUNITY COLLEGE

**Personnel**

*Board of Trustees Policy*

<b>SUBJECT:</b>  Discrimination, Harassment, and Retaliation Policy and Complaint Resolution Procedure	<b>Number:</b>  <b>3.15</b>
	<b>DATE:</b>  <b>May 17, 2021</b> <b>Resolution # 21-58</b>
	<b>SUPERSEDES:</b> <b>August 17, 2020 Resolution # 20-71</b> Procedure for Resolving Complaints of Discrimination, Harassment, and Retaliation (previously approved by the Board of Trustees on November 19, 2018), Resolution #18-136

This procedure document directly relates to the Discrimination, Harassment, and Retaliation Policy and Complaint Resolution Procedure of the SUNY Schenectady Board of Trustees, as hereto attached.

## **Discrimination, Harassment, and Retaliation Policy and Complaint Resolution Procedure**

### **Policy on Non-Discrimination and Harassment**

In compliance with applicable federal, state and local laws, SUNY Schenectady (the “College”) does not discriminate on the basis of race, color, sex/gender (including pregnancy), gender characteristics or expression, sexual orientation, age, religion, creed, actual or perceived national origin, citizenship actual or perceived gender identity, marital or familial status, military or veteran status, physical or mental disability, status as a victim of a domestic violence, genetic predisposition and carrier status, reproductive health decisions, criminal or arrest record as specified by law, or any other characteristics protected by applicable law (the “Protected Characteristics”), in any aspect of its admissions or financial aid programs, educational programs and related activities, or with respect to employment and advancement in employment. The College is committed to providing a work and learning environment that is free from discrimination and harassment by anyone based on an individual’s Protected Characteristics, or because the individual has engaged in activity protected by federal or state laws prohibiting discrimination.

The College has designated the Executive Director of Human Resources to coordinate its efforts to comply with applicable nondiscrimination laws and regulations. Questions or concerns regarding the scope and application of the College’s Discrimination, Harassment, and Retaliation Policy and Complaint Resolution Procedure (the “Policy”) should be directed to the Executive Director of Human Resources at (518) 381-1218, or [HRassist@sunysccc.edu](mailto:HRassist@sunysccc.edu).

In the absence of, or as an alternative to the Executive Director of Human Resources, questions or concerns about this Policy may also be addressed to:

#### Employees

Human Resources and Diversity Manager  
(518) 381-1422  
[cajustm@sunysccc.edu](mailto:cajustm@sunysccc.edu)

#### Students

Title IX Coordinator  
(518) 381-1340  
[titleix@sunysccc.edu](mailto:titleix@sunysccc.edu)

Susanna Adams, Coordinator of ADA Transition Services, is the individual designated by the College to coordinate its efforts to comply with reasonable accommodation obligations towards qualified individuals with disabilities. Questions or concerns regarding reasonable accommodation of individuals with disabilities should be directed to Ms. Adams at Elston Hall, Room 222, (518) 3811345, [adamssj@sunysccc.edu](mailto:adamssj@sunysccc.edu).

### **Jurisdiction**

This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid (collectively referred to for the purposes of this Policy as “employees”), as well as contractors, consultants, vendors, service persons, visitors, and other persons conducting business at or for the

College (collectively referred to as “other persons”), regardless of immigration status, with SUNY Schenectady. This policy also applies to students.

This Policy covers matters in the employment relationship including, but not limited to, recruitment, hiring, job assignment, compensation, promotion, discipline, termination, and access to benefits and training. Matters covered in the academic setting include, but are not limited to, admission, allocation of financial aid, use of college facilities, and the assignment of grades.

**NOTE: If a Formal Complaint is filed that alleges conduct that could constitute Title IX Sexual Harassment, as defined under the Title IX Grievance Policy <https://sunysccc.edu/PDF/About%20SCCC/Policies%20and%20Procedures/Human%20Resources/2.23-3.19-TitleIXGrievancePolicy.pdf>, the Title IX Grievance Policy will apply, and this Policy will not apply. However, if the Formal Title IX Complaint is dismissed, SUNY Schenectady may still choose to investigate the alleged discrimination, harassment, or retaliation under this Policy, in SUNY Schenectady’s sole discretion.**

- **NOTE: If a complaint alleges conduct that could constitute a Sexual Misconduct, as defined under the Sexual Assault Relationship Violence, and Stalking Policies and Procedures for Students and Employees (the “Sexual Misconduct Policy”) <https://sunysccc.edu/PDF/About%20SCCC/Policies%20and%20Procedures/Student/3.16-SexualAssault-RelationshipViolence-Stalking.pdf> , and no Formal Complaint is filed under the Title IX Grievance Policy, or such Formal Complaint is dismissed, the Sexual Misconduct Policy will apply and this Policy will not apply. However, if the Sexual Misconduct investigation is dismissed, SUNY Schenectady may still choose to investigate the alleged discrimination, harassment, or retaliation under this Policy, in SUNY Schenectady’s sole discretion.**

Applicable laws and/or this policy also prohibit harassment based on any of the Protected Characteristics. Complaints of discrimination or harassment based on any Protected Characteristic that are not Formal Complaints or complaints under the Sexual Misconduct Policy will be addressed pursuant to this Policy.

### **What Is Prohibited Harassment?**

Prohibited harassment is a form of discrimination. In general, it can consist of spoken, written, and/or electronically transmitted words, signs, jokes, pranks, intimidation, or physical violence based on the protected characteristics of an employee or student, which alters the work or educational environment of that employee or student. The most well-known type of prohibited harassment is sexual harassment. The College is committed to preventing and correcting all such harassment, regardless of whether it violates federal or state law.

In addition, retaliation resulting from an individual’s protected activity (i.e., opposition to prohibited discrimination or participation in a statutory complaint process) is also prohibited. This prohibition applies to anyone on the College campuses, or who are participating in employment or educational activities associated with the College.

## **Sexual Harassment**

The College is committed to maintaining a campus free from sexual harassment. Sexual harassment is unlawful and may subject the College to liability. Any possible sexual harassment will be investigated whenever the College receives a complaint or otherwise knows of possible sexual harassment occurring. Those who engage in sexual harassment will be subject to disciplinary action, up to and including termination of employment or expulsion from the College. Supervisors who fail to report sexual harassment will also be subject to disciplinary action.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. 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. In New York, sexual harassment is unlawful when it is unwelcome and subjects an individual to inferior terms, conditions, or privileges of employment or education. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

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

A sexually harassing hostile work or educational environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job or educational performance.

Sexual harassment also occurs when a person in authority tries to trade job or educational benefits for sexual favors. This can include grading, hiring, promotion, continued employment or any other terms, conditions or privileges of employment or education. This is also called "quid pro quo" harassment. Any employee, student, or other person who feels harassed should report so that any violation of this Policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this Policy.

Title IX Sexual Harassment is defined in the Title IX Grievance Policy.

## Examples of Sexual Harassment

The following describes some of the types of conduct that may be unlawful sexual:

- Physical assaults of a sexual nature (which ordinarily will be handled under either the Title IX Grievance Policy or the Sexual Misconduct Policy) such as:
  - Rape, sexual battery, molestation, or attempts to commit these assaults; and
  - Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another individual's body, or poking another individual's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace or campus computers or cell phones and sharing such displays while in the workplace or on campus.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform a job or educational activities;
  - Sabotaging an individual's work or education; and/or
  - Bullying, yelling, name-calling.

“Quid pro quo” sexual harassment occurs when a person in authority tries to trade job or academic benefits for sexual favors. This can include hiring, promotion, grading, scheduling, continued enrollment or employment, or any other terms conditions or privileges of enrollment or employment. To avoid the potential for quid pro quo sexual harassment, it is the policy of the College that no sexual relationship should exist between a supervisor/evaluator and subordinate, including between student workers and their supervisors, or between faculty and students, except as expressly permitted by the College's Consensual Relationship Policy No. 2.28, (August 20, 2018) available at <https://webdev.sunysccc.edu/PDF/About%20SCCC/Policies%20and%20Procedures/Human%20Resources/2.28-ConsensualRelationshipPolicy.pdf>. If a prohibited sexual relationship develops, the supervisory authority and/or responsibility for grading, evaluation, etc. will be promptly transferred.

### Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender.

### Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace or campus itself. It can occur while traveling for business or education, at SUNY Schenectady sponsored events, or at parties. Calls, texts, emails, and social media usage by employees, students, or other persons can constitute unlawful harassment, even if they occur away from campus, on personal devices or during non-work hours.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected discrimination or harassment, observe what may be discriminating or harassing behavior or for any reason suspect that discrimination or harassment is occurring, are required to report such suspected discrimination or harassment to the Executive Director of Human Resources.

In addition to being subject to discipline if they engaged in discriminating or harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected discrimination or harassment or otherwise knowingly allowing discrimination or harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Other Types of Harassment**

Prohibited harassment on the basis of a Protected Characteristic, or any other protected basis, includes behavior similar to sexual harassment, such as: (1) verbal, written, and/or electronically transmitted conduct, including threats, epithets, derogatory comments, or slurs; (2) visual conduct, including derogatory posters, photographs, cartoons, drawings, or gestures; and (3) physical conduct, including assault, unwanted touching, or blocking normal movement. The College will not tolerate such harassment.

### **Prohibition of Retaliation**

It is a violation of federal and state law and this Policy for any employee, student, or other person to retaliate against any student, employee, or other person for engaging in any protected activity under the Violence Against Women Act, the Clery Act, Title VI, Title VII, Title IX, the New York State Human Rights Law, the ADA, the Rehabilitation Act, the ADEA, and other federal and state civil rights laws.

Unlawful retaliation can be any action, more than trivial, that would have the effect of dissuading a reasonable employee, student, or other person from making or supporting a charge of harassment or any other practices forbidden by the Law. Actionable retaliation can occur after the individual is no longer employed by, or enrolled at, the College. This can include, for example, giving an unwarranted negative reference for a former employee or former student.

This includes retaliating against a student, employee, or other person who opposes a discriminatory practice, makes a good faith complaint about harassment and/or discrimination, or furnishes information or participates in any manner in an investigation of such a complaint.

Retaliation includes any conduct directed at someone because they engaged in such protected activity, which might deter a reasonable student, employee, or other person from making or supporting a charge of harassment or discrimination. Protected activity can include any of the following:

- filing a complaint of discrimination or harassment, either internally with the College, or with any anti-discrimination agency,
- testifying or assisting in a proceeding or investigation involving discrimination or harassment,
- opposing discrimination or harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of discrimination or harassment,
- complaining that another individual has been discriminated against or harassed,
- encouraging another individual to report discrimination or harassment, and
- requesting an accommodation for a disability or a religious practice.

Retaliation is unlawful and will not be tolerated. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including, termination of employment and/or dismissal from the College.

Any employee or student who becomes aware of retaliation against a student or employee should contact the Executive Director of Human Resources, Human Resources and Diversity Manager, or the Title IX Coordinator.

### **Confidentiality**

The College will, to the extent possible, maintain confidentiality with respect to complaints of discrimination and prohibited harassment. However, there is no such thing as an “unofficial” or “informal” complaint of discrimination or harassment. Once the College or its supervisors become aware of a complaint, the College is required by law to take action consistent with this Policy, unless the complaint is made to a designated confidential resources such as a mental health counselor. These actions may require disclosure of the allegations to the extent necessary to conduct a complete and thorough investigation.

### **Complaint, Investigation, and Disciplinary Procedure**

#### **• Reporting Prohibited Discrimination, Harassment, and Retaliation**

Any employee, student, or other person who believes they may be the victim of prohibited discrimination, harassment, or retaliation should file a complaint with the Executive Director of Human Resources. If the Executive Director of Human Resources is not available, or if an individual does not feel comfortable reporting discrimination or prohibited harassment to the Executive Director of Human Resources, the individual may also make a report to the Human Resources and Diversity Manager or the Title IX Coordinator.

When an individual makes a report, they will be given a written complaint form to complete. A sample copy of this form is provided below. The Executive Director of Human Resources, or other party taking the complaint, will also provide the complainant and the respondent with copies of this Policy for review.

If an employee, student, or other person chooses not to file a complaint with the College, and the College knows, or reasonably should know, about a suspected incident of discrimination, harassment, or retaliation, the College will promptly investigate to determine what occurred under this Policy, and then take appropriate steps to resolve the situation.

All employees of the College are responsible for keeping the College's working and learning environment free from discrimination or prohibited harassment. For that reason, if an employee observes or otherwise learns of conduct which may constitute discrimination or prohibited harassment, the employee must report the conduct to the Executive Director of Human Resources, even if the employee is not the victim of that conduct.

- **Investigation of Complaints**

When the College becomes aware that discrimination, harassment, or retaliation may exist, it is obligated by law to take prompt and appropriate action. Failure to do so is a violation of this Policy.

Once a complaint of discrimination, harassment, or retaliation has been made either in writing or orally, or observed discrimination or harassment has been reported, the Executive Director of Human Resources will make an initial assessment regarding the validity of the complaint. Unless the complaint is determined to be invalid (e.g. erroneous information, failure to state a claim, mistaken identity, etc.), the Executive Director of Human Resources, or designee (who must be trained in discrimination, harassment, and retaliation and this Policy), will promptly conduct a complete, thorough, and impartial investigation.

If the Executive Director of Human Resources is involved in the alleged discrimination, harassment, or retaliation the President will be responsible for choosing another adequately trained designee to conduct the investigation. If it would be inappropriate for the Executive Director of Human Resources or President to choose an adequately trained designee to conduct the investigation, then the Chair of the Board of Trustees will make this designation.

While the investigation is being conducted, interim measures will be available to end or limit contact between the complainant and the respondent. Interim measures may include:

- support services (victim advocacy, academic support, counseling, health and mental health services, legal assistance);
- changing work assignments and situations (for employees);
- changing course schedules, assignments, or test schedules (for students);
- providing increased monitoring, supervision, or security; and
- providing an escort.



No complainant is required to take advantage of these interim measures, but the College provides them in an effort to offer help and support. Such interim measures can be requested by a complainant or respondent, by contacting the Executive Director of Human Resources. The College will protect the confidentiality of accommodations or protective measures provided to a complainant or respondent, to the extent that doing so will not impair the College's ability to provide the accommodations or protective measures.

The standard of evidence used to evaluate a report of prohibited harassment or discrimination is a "preponderance of the evidence." Under this standard, a determination must be made on the basis of whether it is more likely than not that the respondent student or employee violated this Policy.

In investigating the complaint, the Executive Director of Human Resources, or designee, shall:

1. Meet with the appropriate individuals and review all appropriate records or documents that are relevant to the matter. This may include emails, text messages, and/or phone records.
2. Discuss the allegations in the complaint with the complainant and respondent at separate meetings, and provide the complainant and respondent with equal opportunities to identify witnesses and present evidence supporting their respective positions at these meetings.
3. Provide the complainant and the respondent with the same opportunities for a non-attorney support person or non-attorney advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action.
4. Interview any identified or known non-party witnesses.
5. Attempt, where appropriate, to resolve the complaint by exploring and suggesting possible alternative solutions to the problem with all involved parties, provided, however, that the complainant will not be required to participate in mediation with the respondent.
6. If the complaint cannot be resolved informally, make a determination of whether this Policy was violated using the preponderance of the evidence standard
7. If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
8. Prepare a written report of the investigation which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - Information regarding the evidence, records, and documentation reviewed during the investigation; and
  - The basis for the decision and final resolution of the complaint, together with any recommended corrective action(s).

9. Provide the written report to the applicable decision maker:

- a) If the respondent is a student – to the Vice President of Student Affairs.
- b) If the respondent is an employee or other person – to the Executive Director of Human Resources. If the Executive Director of Human Resources investigated the complaint, the written report shall be provided to the President, or designee.
- c) If the respondent is a senior officer or employee – to the President, or designee.
- d) If the respondent is the President – to the Chair of the Board of Trustees.

10. Keep the written documentation and associated documents in a secure and confidential location.

The time necessary to complete an investigation will vary depending upon the facts of a particular case. In most cases, investigations will be completed no later than sixty (60) calendar days of receipt of a complaint.

- **Following the Investigation**

Once the investigation is complete, the decision maker will issue a decision and notify the complainant and respondent, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefor. Delivery of this outcome will not be delayed to either party, and should occur as nearly simultaneously as possible, without unnecessarily bringing those in conflict into close proximity to each other.

All parties will be informed of their potential rights to exercise a request for appeal, where applicable, under the Student Code of Conduct, Employee Handbook or contract, and/or applicable collective bargaining agreement with the College. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

If the investigation reveals that discrimination, prohibited harassment, or retaliation did occur, the College will take all appropriate remedial measures necessary to end such conduct, prevent any such future conduct, and correct any personnel or academic decisions made which are related to the prohibited conduct. Remedies may include, but are not limited to, continuing or commencing any of the above-listed interim measures. These remedies are separate from, and in addition to, any interim measures that may have been provided prior to the conclusion of the investigation. Such measures can be requested by a complainant, by contacting the Executive Director of Human Resources (for employees and other persons) or the Title IX Coordinator (for students).

- **Discipline**

The College takes complaints of discrimination, harassment, and retaliation very seriously. For that reason, if, following the investigation, the College concludes that it is more likely than not that the respondent violated this Policy, the College will pursue disciplinary action through the applicable process.

Information regarding internal disciplinary proceedings for employees can be found in the Employee Handbook or contract and/or in any applicable collective bargaining agreement with the College.

Following any internal disciplinary proceeding, the complainant and respondent will be provided with simultaneous written notice of the result of the proceeding, including any sanctions imposed that relate directly to the complainant, and the rationale for the result and complainant -related sanctions.

Discipline for incidents of discrimination, harassment, and retaliation may take a variety of forms, depending upon the circumstances of a particular case. Among the disciplinary sanctions which may be imposed on students are the following: verbal warning, written reprimand, probation, restrictions, suspension and expulsion. Among the disciplinary sanctions which may be imposed on employees are: verbal warning, written reprimand, suspension without pay, and termination. The full range of student disciplinary penalties is set forth in the Student Code of Conduct. Employee disciplinary penalties are set forth in the Employee Handbook or contract and/or in any applicable collective bargaining agreement with the College.

All parties will be simultaneously informed of their potential rights to exercise a request for an appeal of the disciplinary determination, where applicable, under the Student Code of Conduct, Employee Handbook or contract, and/or collective bargaining agreement with the College. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Engaging in discrimination, prohibited harassment, or retaliation may also lead to civil and/or criminal action under state or federal law. Any employee who, in violation of this Policy, engages in discrimination, prohibited harassment or retaliation, is acting outside the scope of their employment and may be personally liable for such actions and their consequences. In the event legal proceedings are commenced against such an employee, the College may decline to provide legal, financial or other assistance.

### **Legal Protections and External Remedies**

Discrimination, harassment, and retaliation are not only prohibited by SUNY Schenectady but is also prohibited by state, federal, and local law.

Aside from the internal process at SUNY Schenectady, individuals may also choose to pursue legal remedies with one or more of the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

#### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to discrimination, harassment, and retaliation, and protects students, employees, and other persons, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the discrimination or harassment (three years as of August 12, 2020 for sexual harassment claims). If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination or harassment. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to SUNY Schenectady does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of discrimination or harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination or harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination or harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the discrimination or harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact information for the local office is as follows:

- o New York State Division of Human Rights  
Victor DeAmelia, Regional Director  
NYS Division of Human Rights  
Agency Building 1, 2nd Floor, Empire State Plaza  
Albany, New York 12220  
Telephone: (518) 474-2705  
Fax: (518) 473-2955  
Email: [InfoAlbany@dhr.ny.gov](mailto:InfoAlbany@dhr.ny.gov)  
Online: <https://dhr.ny.gov/complaint>

#### Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Contact information for the local office is as follows:

- United States Equal Employment Opportunity Commission (“EEOC”):  
John E. Thompson Jr., Director  
Buffalo Local Office  
Olympic Towers  
300 Pearl Street, Suite 450  
Buffalo, NY 14202  
Phone: 1-800-669-4000  
Fax: 716-551-4387  
Online: <https://www.eeoc.gov/employees/howtofile.cfm>

### Local Protections

Many localities enforce laws protecting individuals from harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. Contact information for the Schenectady County Human Rights Commission is as follows:

- Schenectady County Human Rights Commission  
Executive Director  
797 Broadway, Room 305  
Schenectady, NY 12305  
Telephone: (518) 377-2982  
Fax: (518) 377-5374  
Online: <https://www.schenectadycounty.com/human-rights>

### Office of Civil Rights

In addition, an employee or student who believes they may be the victim of discrimination, harassment, or retaliation may file a complaint with the United States Department of Education’s Office for Civil Rights (“OCR”). Contact information for the OCR is as follows:

- United States Department of Education’s Office for Civil Rights (“OCR”):  
New York Office  
Office for Civil Rights  
U.S. Department of Education  
32 Old Slip, 25th Floor  
New York, NY 10005  
Telephone: 646-428-3900  
Fax: 646-428-3843  
E-mail: [ocr@ed.gov](mailto:ocr@ed.gov).

Online: <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or  
<https://ocrcas.ed.gov>

#### Contact the Local Police Department

If the discrimination or harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

SUNY SCHENECTADY COUNTY COMMUNITY COLLEGE  
DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINT FORM

Name of Complainant: \_\_\_\_\_ Date Filed: \_\_\_\_\_  
(please print)

Home Address: \_\_\_\_\_  
(Street)  
\_\_\_\_\_  
(City) (State) (Zip Code)

Home Telephone: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
(Area Code)

Signature: \_\_\_\_\_

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Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(City) (State) (Zip Code)

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
(Area Code)

Position Held: \_\_\_\_\_

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Basis for filing complaint of discrimination: Circle all that apply:

- |   |                                       |
|---|---------------------------------------|
| Age                                       | Marital or Familial Status            |
| Citizenship                               | Military or Veteran Status            |
| Color                                     | National Origin                       |
| Creed                                     | Race                                  |
| Criminal or Arrest Record                 | Religion                              |
| Disability                                | Reproductive Health Decisions         |
| Gender Characteristics or Expression      | Sex/Gender (including Pregnancy)      |
| Gender Identity                           | Sexual Orientation                    |
| Genetic Predisposition and Carrier Status | Status as Victim of Domestic Violence |

Retaliation

Date(s)/Time(s) alleged discrimination/harassing/retaliatory act(s) occurred: \_\_\_\_\_

Place of alleged act(s): \_\_\_\_\_

Person(s) who committed alleged act(s): \_\_\_\_\_

Witnesses to the alleged act(s):

Description of Events Leading to Filing a Complaint:

Person assisting complainant (Optional):

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Telephone: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
(Area Code)

Relief Sought by Complainant: