

- advised that the Complainant will not be required to resolve the problem directly with the Respondent and that there will be instances when the informal resolution mechanism may be inappropriate.
- advised of the Complainant's right to end the informal process at any time at any time and begin the formal stage of the complaint process.
- made aware of their rights under Title IX, if applicable, and any applicable available resources, such as counseling and rape crisis centers.

Each Party's Rights and Responsibilities

The College's formal review procedures are not designed to replicate an external judicial process.

Consequently:

- Complainants and Respondents are expected to meet with the AAO as requested and needed.
- Legal counsel retained by a Complainant or Respondent may not participate or be present at any meeting convened by the AAO, unless otherwise required by law.
- Complainants are expected to communicate with the AAO either directly or with the assistance of a person serving in an advocacy or supportive role, but not through legal counsel.
- Respondents are expected to communicate with the AAO directly, not through legal counsel, other intermediaries or persons accompanying them.
- Complainants and Respondents have the right to receive simultaneous written notification of determinations and findings made by the AAO.
- Both the Complainant and the Respondent(s) shall be entitled to submit written statements or other relevant and material evidence and witness names.

Investigative Procedures

If a Complainant elects to have the matter dealt with in an informal manner, the AAO will attempt to reasonably resolve the problem to the mutual satisfaction of the parties within 30 calendar days. If these informal efforts are not successful, and the AAO has determined that the complaint merits further investigation, the Complainant and Respondent shall be advised in writing of the initiation of an investigation. During the investigation the AAO will:

- provide an initialed, signed, date-stamped copy of the complaint to the Complainant.
- 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.
- 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 AAO may extend this deadline for a reasonable period of time. The Complainant will receive notification from the Affirmative Action Office regarding the basis for extension.

In the case that the investigation involves outside law enforcement, the College will cooperate with any requests from the law enforcement agency. Such requests may require the College to temporarily suspend the fact finding aspect of a discrimination or Title IX investigation, which will resume once the law enforcement agency has completed its evidence gathering process.

In the case that the investigation involves outside law enforcement, the College will implement appropriate interim steps during the law enforcement's investigation period to provide for the safety of the victim and the campus community and the avoidance of retaliation. The preponderance of evidence standard will be used in investigating alleged sex discrimination and sexual harassment.

850.03 WHO CAN FILE A COMPLAINT

Employees may file a written complaint with the AAO or TIXC 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. Complainants may complete an intake form, available from the Affirmative Action Office, to initiate an investigation. 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.

It is the Complainant's responsibility to be certain that any complaint is filed within the applicable 180 day period. In the event that the Complainant would be barred under these procedures, the Complainant may contact the Affirmative Action Office with regard to other avenues of recourse that may be available.

If a Complainant elects to withdraw a complaint, this decision must be communicated in writing to the AAO indicating the reason for withdrawal. The College may nevertheless pursue its review of the allegations.

850.04 AGAINST WHOM MAY COMPLAINTS BE BROUGHT?

A complaint of unlawful discrimination may be brought against any student or employee. If your complaint concerns behavior by a vendor or contractor or some other individual who may not be a member of the College community, but who may have an affiliation or a recognized connection to SUNY Cortland, The concerns may be brought to the attention of the AAO or TIXC for assistance.

If the President is the Respondent, the AAO reserves the right to refer the complaint to the Chancellor. The finding and recommendation shall be submitted to the Chancellor or his/her designee. If the AAO is the Respondent, the matter shall be referred to the President or his or her designee.

If a student is the Respondent, the AAO may refer the complaint to the Student Conduct Office for review, investigation and appropriate action through the student conduct process as outlined in the Code of Student Conduct.

Should the Affirmative Action Office determine that a complaint of unlawful discrimination merits further review, the AAO will immediately commence an investigation. The complaint shall contain:

- a. The name, local and permanent address(s), and telephone number(s) of the Complainant.
- b. A statement of facts explaining what happened and what the Complainant believes constituted the unlawful discriminatory acts in sufficient detail to 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.

- c. 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.
- d. Identification of the status of the persons charged whether faculty, staff, student or persons otherwise affiliated with the College.
- e. 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
- f. Other supplemental information as may be requested.

If the Complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the AAO may terminate any further processing of the complaint, refer the complaint to General Counsel or direct the Complainant to the appropriate alternative forum (see Appendix B for a list of alternative forums).

Evaluating the Evidence and Resolution

In reaching its finding, the Affirmative Action Office 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.

The Affirmative Action Office shall make every reasonable effort to resolve the matter. 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 AAO 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 session with the Respondent
- A written counseling memo issued to the Respondent
- No further action at the request of the Complainant

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

Determination

The AAO issues a written statement to the Complainant and Respondent, indicating the finding at the conclusion of the investigation. If a resolution satisfactory to both the Complainant and the Respondent is reached through the efforts of the AAO, the AAO will close the case, sending a written notice to that effect to the Complainant and the

Respondent.

The actions proposed in the finding may consist of:

A determination that the complaint was not substantiated.

If the AAO determines that there is insufficient credible evidence to support the allegation(s) of discrimination, the complaint shall be dismissed, the matter shall be concluded and the College shall take no further action.

A determination that the complaint was substantiated.

For Employees (including student employees) not in a Collective Bargaining Unit:

In consultation with the Human Resources Office and the Office of General Counsel, the President may take such administrative action as he/she deems appropriate under his/her authority as the chief administrative officer of the college, including, but not limited to: termination, demotion, reassignment, suspension, reprimand, or training.

For Students:

In accordance with the Student Code of Conduct, the Director of Student Conduct may initiate the student disciplinary process, which might result in sanctions including but not limited to: community service, counseling, warning or probation, residence hall suspension, suspension, dismissal, loss of privileges, restitution, a letter of apology or other education sanction as outlined in the Student Code of Conduct.

For Employees in Collective Bargaining Units:

The AAO may determine that sufficient information exists to refer the matter to Human Resources for investigation and disciplinary action or other action as may be appropriate under the applicable collective bargaining agreement including, but not limited to: reprimand, probation, suspension, termination of employment, or non-renewal of a contract.

The action of the President 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.

The Affirmative Action Office may:

- Place a confidential written report in its file, subject to applicable law and policy, and disclosure, if required by law.
- Prepare and distribute a written report to the President and any other person designated by the AAO as a person who has a need to know how the complaint was resolved.
- Refer the matter to another department or administrator in the College for review.

If the AAO is unable to resolve the complaint to the satisfaction of the Complainant, the AAO shall again notify the Complainant of his or her right to separately file with appropriate external enforcement agencies.

There is no right of appeal to this procedure. The AAO's decision is considered final for the purposes of this procedure.

[TOP](#)

850.05 SUPERVISORY AND REPORTING 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 be immediately referred to the AAO. Employees with Title IX compliance responsibilities and/or employees who have the authority to take action to redress the harassment must report any complaints to the TIXC. Employees who observe or become aware of sex discrimination, including sexual harassment and sexual violence, should report this information to the campus TIXC. Complaints may also be made directly to the AAO by anyone who experiences, observes, or becomes aware of discrimination or harassment.

850.06 RETALIATION

Any participant 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 have filed a discrimination complaint, including a sex discrimination complaint under Title IX, 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.

850.07 COMPLAINANTS' RIGHTS DURING INVESTIGATIONS

In the case of an investigation of sex discrimination, interim measures will be taken to protect the parties involved while the investigation is taking place. These provisions may include counseling and academic assistance or temporary arrangements if the alleged perpetrator lives on campus and/ or attends classes with the victim. Such interim measures will not disproportionately impact the complainant.

Failure to Cooperate

If the Respondent refuses to cooperate and/or respond in a timely manner, the Affirmative Action Office may forego completion of an investigation and refer the matter to Human Resources or the Student Conduct Office as appropriate, or the office may take any other action it deems necessary and appropriate to address the situation. Failure to cooperate meaningfully in a review of a complaint of discrimination may be grounds for discipline.

Inaction by Complainant

If at any time during an investigation, a Complainant declines to cooperate with the Affirmative Action Office, or if the office determines that the Complainant no longer wishes to pursue his/her complaint, the Affirmative Action Office may consider the matter closed and take no further action or may continue the investigation, if necessary,

with appropriate notification. However, the College has an obligation to make reasonable efforts to investigate and address instances of sex discrimination when it knows or should have known about such instances, regardless of Complainant cooperation or involvement.

850.08 CONFIDENTIALITY

Every effort will be made to protect the privacy of all individuals throughout all phases of the complaint and resolution process. Information about complaints or inquiries will be maintained in confidence to the fullest extent possible. However, an investigation will generally include interviewing necessary parties and coordination when necessary with relevant offices.

In responding to complaints, the AAO will take appropriate action to provide remedies and protect the privacy of all those involved to the fullest extent possible. The AAO 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. Once breached, it will make it difficult for the AAO to successfully conclude the complaint investigation process to the satisfaction of the complainant. Additionally, Federal law prohibits retaliation. Adverse action taken against any individual who files a complaint, or who assists or participates in any manner in an investigation proceeding, or hearing is against the law.

The complainant and respondent will receive a preliminary report summarizing the complaint and the initial findings of fact.

The College will make every effort to prevent discrimination and harassment, to prevent the reoccurrence of discrimination and harassment, and to remedy the discriminatory effects on victims and others affected by discrimination or harassment.

850.09 JURISDICTION OF THE AFFIRMATIVE ACTION OFFICE

SUNY Cortland is responsible for providing a learning and working environment free of discrimination. The College has an obligation to make reasonable efforts to investigate and address instances of sex discrimination when it knows or should have known about such instances, regardless of complainant cooperation or involvement. Based on information received by the Affirmative Action Office, the AAO or designee may exercise his/her own discretion and initiate a complaint on behalf of the College community.

In addition, the Affirmative Action Office may determine that a specific complaint of unlawful discrimination or harassment is of such a serious or potentially criminal nature that the investigative steps outlined in this process should be accelerated or eliminated. This determination, if made, shall be communicated to the Human Resources or Student Conduct Office for appropriate action, which may include the initiation of disciplinary and/or other action.

If, at any time during the course of resolving or investigating a complaint of discrimination, the AAO or designee determines that a complaint is not within the jurisdiction of the office, the complaint and complainant shall be referred to the appropriate office and the matter shall be considered concluded for the purposes of the Affirmative Action Office.

850.10 ROLE OF THE AFFIRMATIVE ACTION OFFICER

The AAO is trained in investigating and resolving complaints. The officer is available for assistance in filing the complaint with the College and will remain impartial during an investigation. The Affirmative Action Office does not represent any individual or department, but does advocate or behalf of the College's goals of equal opportunity and nondiscrimination.

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

The Affirmative Action Office 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.

In instances of sex discrimination, including sexual harassment, the role of the Title IX Coordinator may parallel the role of the AAO during other discrimination claims.

850.11 APPENDICES

APPENDIX A

Definitions and Prohibited Acts and Behaviors

Sexual Harassment in the Employment Setting is defined as:

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 Harassment in the Educational Setting is defined as:

Unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of 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/Gender:

Harassment based on race, color, age, religion, or national origin, disability, sexual orientation or other protected characteristics may be oral, written, graphic or physical conduct relating to an individual's race, color, or national origin (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.

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 sexual harassment that they observe or become aware of to the TIXC or AAO.

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.

Sexual Violence:

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Preponderance of the Evidence:

The standard of proof in 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.

Retaliation:

An employee or student who participates in the 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:

For a list of statewide external enforcement agencies, see the [Title IX website](http://www2.cortland.edu/offices/Title-IX/discrimination-complaint-policy.dot) (<http://www2.cortland.edu/offices/Title-IX/discrimination-complaint-policy.dot>).

Appendix C

[Complaint Intake and Information Sheet \(/dotAsset/642f46fb-2f4f-45df-b9cb-1b35cd40dfe5.pdf\)](/dotAsset/642f46fb-2f4f-45df-b9cb-1b35cd40dfe5.pdf).

(Revised complaint form and procedures approved by SUNY Legal Counsel October 2015.)

[TOP](#)

CHAPTER 860: Sexual Harassment Prevention and Response

- [860.01 Overview](#)
- [860.02 SUNY Cortland Policy Statement](#)
- [860.03 Definitions](#)
- [860.04 Procedures](#)
- [860.05 Title IX](#)

860.01 OVERVIEW

This policy applies to all employees, applicants for employment, interns or volunteers, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the College. In this policy the terms “employees” refers to this collective group.

Sexual harassment is a form of sex discrimination and is unlawful under federal and state 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.

The State University of New York (SUNY) has developed a uniform Sexual Harassment Policy Statement for all State-operated campuses, community colleges, and System Administration. This uniform policy statement and SUNY Cortland specific procedures and contact information are contained in this document.

860.02 PURPOSE

Sexual harassment is a form of sex discrimination which is unlawful in the workplace under Title VII of the Civil Rights Act of 1964, as amended, and the New York State Human Rights Law. Under Title IX of the Education Amendments of 1972, sexual harassment also is prohibited in the provision of educational services and protects students and employees from sexual harassment.

Sexual harassment is prohibited and will not be tolerated at SUNY. The university has implemented measures to address and prevent sexual harassment and is taking additional affirmative steps to increase awareness of, and sensitivity to, all forms of sexual harassment in order to maintain a workplace and learning environment free of its harmful effects.

Sexual harassment is a form of workplace discrimination and employee misconduct, as well as a form of discrimination in the academic setting, and all employees and students are entitled to work and learn in a campus environment that prevents sexual harassment. All employees and students have a legal right to a workplace and a campus free from sexual harassment, and employees and students can enforce this right by filing a complaint internally with the University, or with a government agency, or in court under federal or state anti-discrimination laws, as detailed in the University's Discrimination and Sexual Harassment Complaint Procedure.

In accordance with applicable law, sexual harassment is generally described as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic benefit; or
- Submission to or rejection of the conduct is used as the basis for an employment or academic decision affecting the person rejecting or submitting to the conduct; or
- The conduct has the purpose or effect of unreasonably interfering with an affected person's work or academic performance, or creating an intimidating, hostile or offensive work or learning environment.

Sexual harassment can include physical touching, verbal comments, non-verbal conduct such as leering or inappropriate written or electronic communications, or a combination of these things. Examples of sexual harassment may include, but are not limited to:

- Seeking sexual favors or a sexual relationship in return for the promise of a favorable grade or academic opportunity;
- Conditioning an employment-related action (such as hiring, promotion, salary increase, or performance appraisal) on a sexual favor or relationship; or

- Intentional and undesired physical contact, sexually explicit language or writing, lewd pictures or notes, and other forms of sexually offensive conduct by individuals in positions of authority, co-workers or student peers, that unreasonably interferes with the ability of a person to perform their employment or academic responsibilities. Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against, or poking another person's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning a target's job performance evaluation, a promotion or other job benefits or detriments, or an educational benefit or detriment;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications, 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 computers or cell phones and sharing such displays while in the workplace or classroom.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, 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 his or her employment or academic duties;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Such behavior can constitute sexual harassment regardless of the sex, gender, sexual orientation, self-identified or perceived sex, gender expression, status of being transgender, or gender identity of any of the persons involved. Sexual harassment is considered a form of employee and student misconduct which may lead to disciplinary action. Further, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Employees and students who believe they have been subjected to sexual harassment may use the University's Discrimination and Sexual Harassment Complaint Procedure for more details on how to have their allegations reviewed, including a link to a complaint form. Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure, is unlawful, is strictly prohibited and may result in disciplinary action.

Retaliation is an adverse action taken against an individual as a result of complaining about or provides information regarding unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Adverse action includes being discharged, disciplined, discriminated against, or otherwise subject to adverse action because the individual reports an incident of sexual harassment, provides

information, or otherwise assists in any investigation of a sexual harassment complaint. Participants who experience retaliation should contact the campus Affirmative Action Officer (AAO), and may file a complaint pursuant to these procedures.

SUNY campuses and System Administration shall take the necessary steps to ensure that this Sexual Harassment Response and Prevention Policy Statement is distributed, implemented, and enforced in accordance with their respective policies.

860.03 DEFINITIONS

See Appendix A in Section 850.11.

The definition of sexual harassment provided by the U.S. Department of Education is available on the Title IX Website (<https://www2.cortland.edu/titleix/>). (See section 860.05).

860.04 PROCEDURES

Any sex discrimination as detailed in the SUNY policy statement above, including but not limited to sexual harassment and sexual assault, regardless of the identity of the accused, may be brought to the Affirmative Action Officer or Title IX Coordinator.

Complaints or concerns that are reported to a supervisor concerning an act of discrimination or harassment, or acts of discrimination or harassment that a supervisor observes or becomes aware of must be properly responded to as a discrimination complaint; and promptly reported to the Affirmative Action Officer. The Affirmative Action Officer has authority and responsibility for investigating claims of discrimination by employees under this policy.

Allegations of discrimination made against students, including sex discrimination, sexual harassment and sexual assault may be directed to the Title IX Coordinator or the Student Conduct Office. Employees with Title IX compliance responsibilities and/or employees who have the authority to take action to redress the harassment must report any complaints to the Title IX Coordinator. The Title IX Coordinator has the authority to investigate claims of sex discrimination and/or sexual harassment under this policy.

SUNY Cortland Resource Contact Information

Affirmative Action Officer

Miller Building, Room 301

607-753-2302 (office)

Affirmative Action Website (<https://www2.cortland.edu/offices/hr/affirmative-action/>).

Individuals wishing to file a claim of sexual harassment may do so by following the process set forth in the College's Discrimination Complaint Procedure (see SUNY Cortland Discrimination Complaint Procedure, Chapter 850).

(Revised and Approved by President's Cabinet December 17, 2018)

860.05 TITLE IX

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. It states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

(Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R., Part 106)

Sex discrimination includes sexual harassment, sexual assault, and sexual violence.

While it is often associated with athletics programs, the Title IX law is much broader and applies to many programs at SUNY Cortland. Oversight of campus-wide compliance with Title IX is the primary responsibility of the SUNY Cortland Title IX Coordinator. Contact information is listed below.

SUNY Cortland Resource Contact Information

Title IX Coordinator

Maggie Wetter

President's Office

Miller Building, Room 404

P.O. 2000

Cortland, NY 13045

607-753-4550

Fax: 607-753-5993

titleix@cortland.edu (<mailto:titleix@cortland.edu>).

Additional Information is available on the [Title IX](http://www2.cortland.edu/titleix/) (<http://www2.cortland.edu/titleix/>) website.

The Title IX website contains information on the following:

- Reporting options
- Option for confidentially disclosing sexual violence
- Students' bill of rights
- Resources
- Contact information
- Definitions
- Title IX grievance process
- Protections, accommodations and amnesty

[TOP](#)

CHAPTER 870: POLICY AND PROCEDURES REGARDING DISCRIMINATION OR HARASSMENT BASED ON PROTECTED STATUSES

SUNY Cortland is dedicated to providing a comprehensive educational experience that prepares individuals to function in a diverse society and aims to create an environment where each person's individual dignity is valued. The College prohibits, and will not tolerate discrimination or harassment on the basis of race, color, national origin, religion, creed, age, disability, sex, gender, sexual orientation, self-identified or perceived sex, gender expression, status of being transgender, or gender identity, familial status, pregnancy, predisposing genetic characteristic or carrier status, military status, U.S. Veteran status, domestic violence victim status, prior criminal conviction unrelated to employee's job or, any other characteristic protected by applicable local, state or federal law. SUNY Cortland will comply with all applicable equal employment opportunity/non-discrimination laws. Employees, students, applicants or other members of the College community (including but not limited to vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law or treated adversely based upon a protected characteristic.

Harassment is unwelcome or offensive conduct based on a protected characteristic. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be a supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without the loss of employment or economic injury to the victim.

Discrimination or harassment is considered a form of employee and student misconduct which may lead to disciplinary action. Further, 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.

Employees and students who believe they have been subjected to discrimination or harassment may use SUNY Cortland's [Discrimination Complaint Procedure \(PDF\)](http://www2.cortland.edu/offices/hr/Policies-and-Procedures/pdfs/Discrimination%20Complaint%20Policy%20and%20Procedure.pdf) (<http://www2.cortland.edu/offices/hr/Policies-and-Procedures/pdfs/Discrimination%20Complaint%20Policy%20and%20Procedure.pdf>) for more details on how to have their allegations reviewed, including a link to a complaint form.

Discriminatory acts committed by an employee, agent of the College, or non-employee (vendor, campus visitor or guest) should be promptly reported to the Affirmative Action Officer. Cases involving sex discrimination claims against employees can also be reported to the Title IX Coordinator. The Affirmative Action Officer has authority and responsibility for investigating claims of discrimination and harassment by employees under this policy and can

work to facilitate appropriate responses by non-employees and visitors. Acts committed by a student, or visitor of a student, should promptly be reported to a residence hall director, the Student Conduct Office, or in cases of sex discrimination, including sexual harassment, and sexual assault, may be directed to the Title IX Coordinator. The Title IX Coordinator has the authority to investigate claims of sex discrimination including sexual harassment under this policy.

In situations where a person believes there is an immediate danger please contact University Police 607-753-2111.

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure, is unlawful, is strictly prohibited and may result in disciplinary action. Retaliation is an adverse action taken against an individual as a result of complaining about or provides information regarding unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Adverse action includes being discharged, disciplined, discriminated against, or otherwise subject to adverse action because the individual reports an incident of discrimination or harassment, provides information, or otherwise assists in any investigation of a discrimination or harassment complaint. Participants who experience retaliation should contact the campus Affirmative Action Officer, or Title IX Coordinator as appropriate, and may file a complaint pursuant to these procedures.

Inquiries regarding the application of non-discrimination laws and policies may be directed to the Affirmative Action Officer or in cases of sex discrimination, including sexual harassment, and sexual assault, the Title IX Coordinator may also be contacted. Their contact information office locations are detailed below:

Affirmative Action Officer

Miller Building, Room 301

607-753-2302 (office)

[Affirmative Action Website \(http://www2.cortland.edu/offices/hr/affirmative-action/\)](http://www2.cortland.edu/offices/hr/affirmative-action/)

Title IX Coordinator

Miller Building, Room 404

607-753-2263 (office)

607-753-4550 (direct)

[Title IX Website \(http://www2.cortland.edu/offices/Title-IX/\)](http://www2.cortland.edu/offices/Title-IX/)

Inquiries may also be directed to the United States Department of Education's Office for Civil Rights (OCR), 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel, (646) 428-3900; Email OCR.NewYork@ed.gov (<mailto:OCR.NewYork@ed.gov>).

Individuals wishing to file a claim of discrimination or harassment under this policy may do so by following the process set forth in SUNY Cortland's [Discrimination Complaint Procedure \(PDF\)](#).

(<http://www2.cortland.edu/offices/hr/Policies-and-Procedures/pdfs/Discrimination%20Complaint%20Policy%20and%20Procedure.pdf>).

Related Policies:

- [SUNY – Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York \(https://www.suny.edu/sunypp/documents.cfm?doc_id=533\)](https://www.suny.edu/sunypp/documents.cfm?doc_id=533).
- [SUNY Policies on Sexual Violence Prevention and Response \(http://system.suny.edu/media/suny/content-assets/documents/sexualviolenceprevention/SUNY-Policies-Sexual-Violence-Prevention-Response-Dec012014.pdf\)](http://system.suny.edu/media/suny/content-assets/documents/sexualviolenceprevention/SUNY-Policies-Sexual-Violence-Prevention-Response-Dec012014.pdf)
- [SUNY Policy on Mandatory Reporting and Prevention of Child Sexual Abuse \(https://www.suny.edu/sunypp/documents.cfm?doc_id=759\)](https://www.suny.edu/sunypp/documents.cfm?doc_id=759).
- [SUNY Cortland Bullying in the Workplace and Civility Standards \(https://www2.cortland.edu/dotAsset/4cf5bb9a-77ae-4964-b1a3-7dd5ee34d483.pdf\)](https://www2.cortland.edu/dotAsset/4cf5bb9a-77ae-4964-b1a3-7dd5ee34d483.pdf).
- [SUNY Cortland Sexual Harassment Response and Prevention Policy \(https://www2.cortland.edu/offices/hr/pdfs/SHP%20Final%20Policy%20Stmt%2009.03.19.pdf\)](https://www2.cortland.edu/offices/hr/pdfs/SHP%20Final%20Policy%20Stmt%2009.03.19.pdf).
- [SUNY Cortland Workplace Violence Policy and Procedures \(http://www2.cortland.edu/dotAsset/581418f0-6572-4a17-9ab6-72be6240f09f.pdf\)](http://www2.cortland.edu/dotAsset/581418f0-6572-4a17-9ab6-72be6240f09f.pdf).
- [New York State Human Rights Law \(https://ag.ny.gov/civil-rights/new-york-state-human-rights-law\)](https://ag.ny.gov/civil-rights/new-york-state-human-rights-law).
- [U.S. Equal Employment Opportunity Commission \(https://www.eeoc.gov/employees/index.cfm\)](https://www.eeoc.gov/employees/index.cfm).

Revised and approved President's Cabinet Dec. 17, 2018.

[TOP](#)