

Procedure Title:

Category:

HR / Labor Relations
Legal and Compliance

Responsible Office:

[General Counsel](#)

There are three tracks for procedures based on affiliation of the respondent and of the applicable law(s):

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about sex discrimination or Sex-Based Harassment in connection with providing those services; or

- (3) an employee of SUNY who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination or Sex-Based Harassment. The employee's confidential status is only with respect to information received while conducting the study.

Disciplinary Sanctions means consequences imposed on a student Respondent following a determination under this Grievance Procedure that the Respondent violated SUNY's prohibition on sex discrimination or Sex-Based Harassment.

Discrimination on the Basis of Sex Under Title IX means discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Education Program or Activity means any academic, extracurricular, research, occupational training, or other Education Program or Activity operated by SUNY that receives Federal financial assistance.

Party means Complainant or Respondent.

Peer Retaliation means Retaliation by a Student against another Student.

Relevant means related to the allegations of sex discrimination and Sex-Based Harassment under investigation as part of these Grievance Procedures. Questions are Relevant when they seek evidence that may aid in showing whether the alleged sex discrimination or Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination or Sex-Based Harassment occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person SUNY identifies as having had their equal access to SUNY's Education Program or Activity limited or denied by Sex-Based Harassment. These measures are provided to restore or preserve that person's access to SUNY's Education Program or Activity after SUNY determines that sex discrimination or Sex-Based Harassment occurred.

Respondent means a person who is alleged to have violated SUNY's prohibition on sex discrimination Sex-Based Harassment.

Retaliation means intimidation, threats, coercion, or discrimination by any person at SUNY, a Student, or an employee or other person authorized by SUNY to provide aid, benefit, or service under SUNY's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a Complaint, testified, assisted or participated or refused to participate in any manner in an investigation under these Grievance Procedure.

Sex-Based Harassment means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

- (1) **Quid pro quo harassment.** An employee, agent or other person authorized by SUNY's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- (2) **Hostile Environment harassment** is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from SUNY's Education Program or Activity (i.e., creates a Hostile Environment). Whether a Hostile Environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the Complainant's ability to access SUNY's Education Program or Activity; (ii) the type, frequency, and duration of the conduct; (iii) the Parties' ages, roles within SUNY's Education Program or Activity, previous interactions and other factors about each Party that may be Relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other Sex-Based Harassment in SUNY's Education Program or Activity;
- (3) **Sexual Assault** is defined in the Clery Act, 20 U.S.C. 1092(f) means any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent;
- (4) **Dating Violence** (as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act) means any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.
- (5) **Domestic Violence** means any felony or misdemeanor crime committed by a person who: (A) is a current or former partner of the victim under the family or Domestic Violence laws of New York, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or

Student means a person who has gained Admission.

Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that Party's access to SUNY's Education Program or Activity, including measures that are designed to protect the safety of the Parties or SUNY's educational environment; or (2) provide support during SUNY's Grievance Procedures for Sex Discrimination and Sex-Based Harassment.

Title IX Procedures

I. Provisions Applying to Both Title IX Related Procedures

Effective Date

These Procedures apply to incidents that occur on or after August 1, 2024. Any incidents reported under these Procedures that occurred on or before July 31, 2024, will be processed through the institution's 2020 Title IX Grievance Policy and other applicable policies at the time when the reported incident occurred.

Should any portion of the 2024 Title IX Final Rule (89 Fed. Reg. 33474 (Apr. 29, 2024)), be stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified to not require elements of these Grievance Procedures, these Grievance Procedures in their entirety, or the invalidated elements of these Procedures, they will be deemed revoked as of the publication date of the opinion or order from the Court and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the date of the opinion or order publication by the Court. If these Procedures are revoked in this manner, any conduct covered under these Procedures shall be investigated and adjudicated under the previous 2020 Title IX Grievance Policy at the local institutional level and/or the local institution's student Code of Conduct and/or Sexual Misconduct Policies and/or procedures, as applicable. SUNY will update these Grievance Procedures as soon as practicable to reflect any court rulings or changes that invalidate parts of these Grievance Procedures, if applicable.

Scope of Procedures

SUNY has adopted grievance procedures that provide for the prompt and equitable resolution of sex discrimination and sex-based harassment Complaints made by students, employees, or other individuals who are participating or attempting to participate in its Education Program or Activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Sex discrimination, as defined by Title IX, includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Title IX's prohibition on sex discrimination includes sex-based harassment in the form of quid pro

Supportive Measures

If the Complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with the campus's Office for Student Accommodations to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973 and/or other applicable laws in the implementation of any supportive measures. In the case of employees, the Title IX Coordinator will work with SUNY's Office of Human Resources to provide appropriate reasonable accommodations as necessary under employment laws.

Reporting Sex Discrimination to the Institution

Complaints

Complaints may be submitted in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

The campus will display the contact information for their Title IX Coordinator directly on their website and in their local procedures, if any, which will include the Title IX Coordinator's name, title, office address, email address, and telephone number, as demonstrated below:

Contact Information for the Title IX Coordinator at % L Q J K D P W R Q 8 Q L Y H U V L W \:

Name: _____ U Q G U H Z D N H U _____

Title: _____ 7 L W O H ; ; R U G L Q D W R U _____

Office Address: _____ R X S H U S P L Q L V W U D W L R Q % L O G L Q J _____

Email Address: _____ D E D N H U # L Q J K P W R Q H G X _____

Telephone Number: _____

The following people have a right to make a **Complaint of Sex Discrimination**, including Complaints of sex-based harassment, requesting that SUNY investigate and make a determination about alleged discrimination under Title IX:

- A "Complainant," which includes: a student or employee of SUNY who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- A person other than a student or employee of SUNY who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in SUNY Education Program or Activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or SUNY Title IX Coordinator.

With respect to **Complaints of Sex Discrimination Other than Sex-Based Harassment**, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee of SUNY; or
- Any person other than a student or employee who was participating or attempting to participate in SUNY's Education Program or Activity at the time of the alleged sex discrimination.

Confidential Reports

The following officials at SUNY Campuses will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX:

- Title IX Coordinator or designee(s);
- Officials with Authority to institute corrective measures under Title IX;
- All employees not designated as confidential under the Procedures.

The following officials at SUNY Campuses may provide confidentiality:

- Counselors at the Psychological Counseling Center on campus;
- Employees in the Student Health Center;
- Others that may be designated by the institution on the local level in accordance with the applicable definitions.

Is there a particular format that the Complaint needs to be in?

A Complaint can be an oral or written request to a Campus that objectively can be understood as a request for the Campus to investigate and make a determination about alleged Sex Discrimination, Sex-Based Harassment and/or retaliation under Title IX at the institution.

Who can I report a Complaint to?

Any reports of Sex Discrimination or Sex-Based Harassment or Retaliation under Title IX may be made directly to the Title IX Coordinator or any other Title IX designated official.

- changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Leaves of absence;
- Increased security and monitoring of certain areas of the campus; or
- Training and education programs related to sex-based harassment.

Supportive measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or SUNY's educational environment, or to provide support during a Campus's grievance procedures.

The Campus may modify or terminate supportive measures at the conclusion of grievance procedures or may continue them beyond that point within its discretion.

The Campus will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to SUNY's Education Program or Activity, or there is an exception that applies, including, without limitation:

- The Campus has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to an appropriate third-party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute sex discrimination, sex-based harassment, and/or retaliation under Title IX in SUNY's Education Program or Activity;
- As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law, or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

Process for Review of Supportive Measures

SUNY provides for a Complainant or Respondent to seek modification or reversal of its decision to provide, deny, modify or terminate a supportive measure.

This review will be done by an impartial employee of the Campus, who did not make the challenged decision on the original supportive measure request. The impartial employee of who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedure as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (e.g., two-way no contact orders).

Emergency Removal

SUNY retains the authority to remove a Respondent from its Education Program or Activity on an emergency basis, where the Campus (1) undertakes an individualized safety and risk analysis, and (2) determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination, sex-based harassment and/or retaliation justifies removal. For any SUNY persons etoyestiftaharassmeasp12 (pldc2 Td{9(a

Questions are Relevant when they seek evidence that may aid in showing whether the alleged sex discrimination, Sex-Based Harassment or retaliation occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination, Sex-Based Harassment or retaliation occurred.

Relevant but Always Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by SUNY to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the Campus obtains that Party's or witness's voluntary, written consent for use in its grievance procedure; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex discrimination or sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex discrimination or sex-based harassment or preclude determination that sex discrimination or sex-based harassment occurred.

Retaliation

SUNY prohibits retaliation, including peer retaliation, in its Education Program or Activity. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under SUNY's Grievance Procedures.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes Retaliation. This includes any charges filed against an individual for Code of Conduct violations that do not involve sex discrimination or Sex-Based Harassment, but that arise from the same facts or circumstances as a report or Complaint of sex discrimination or a report or Complaint of Sex-Based Harassment.

Upon receiving a Complaint alleging retaliation or upon receiving information about conduct that reasonably may constitute retaliation under Title IX, the Campus will initiate the appropriate grievance procedure.

The Campus will keep the identity of any individual who has made a report or Complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Complaint of Sex-Based Harassment or sex discrimination under SUNY or the Campus's Title IX Grievance Procedure, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under SUNY's Title IX Grievance Procedure.

II. Track 1: The Title IX Grievance Procedure for Sex Discrimination Other than Sex-Based Harassment for Students and Employees, Title IX Retaliation for Students and Employees, and Sex-Based Harassment Occurring Between Employees

Basic Requirements

- a) **Equitable Treatment** SUNY will treat Complainants and Respondents equitably.
- b) **Conflicts and Bias:** SUNY requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.
- c) **Presumption:** SUNY presumes that the Respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its Grievance Procedure.
- d) **Reasonably Prompt Timeframes:** SUNY has established timeframes for the major stages of the grievance procedures: Evaluation (i.e., the decision whether to dismiss or investigate a Complaint shall take up to seven (7) business days; investigation shall take up to forty-five (45) business days; determination shall take up to fourteen (14) business days; and appeal shall take up to fourteen (14) business days.
- e) **Extensions** SUNY has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay. Any delay will be provided to both parties in writing.
- f) **Privacy:** SUNY will take reasonable steps to protect the privacy of the Parties and witnesses during its grievance procedure. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedure. The Parties cannot engage in retaliation, including against witnesses.

- g) **Objectivity:** SUNY will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
- h) **Impermissible Evidence:** Impermissible evidence, and questions seeking that evidence, are not allowed under the 2024 Title IX regulations (i.e., will not be accessed or considered, except by

an equal opportunity to access the relevant and not otherwise impermissible underlying evidence in the Investigative Report, upon the request of any Party.

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Basic Requirements of the Grievance Procedure

The Campus is required to:

- Treat Complainants and Respondents equitably;
- Ensure that any person designated by the Campus as a Title IX Coordinator, investigator, or decisionmaker does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
- Establish reasonably prompt timeframes for the major stages of this Grievance Procedure, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay;
 - **Reasonably Prompt Timeframes:** SUNY has established timeframes for the major stages of this track of the grievance procedure: Evaluation (i.e., the decision whether to dismiss or investigate a Complaint shall take up to seven (7) business days; investigation shall take up to forty-five (45) business days; determination shall take up to fourteen (14) business days; and appeal shall take up to fourteen (14) business days.
- Ensure that reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the Grievance Procedure are taken, provided that the steps do not restrict the abilities of the Parties to obtain and present evidence, including by speaking to witnesses (as long as such does not result in Retaliation), consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in this Grievance Procedure;
- Ensure an objective evaluation of all evidence that is Relevant and not otherwise impermissible under these procedures, including both inculpatory and exculpatory evidence, and provide that credibility determinations must not be based on a person's status as a Complainant, Respondent or Witness;
- Exclude impermissible evidence from consideration as defined in the Grievance Procedure; and
- Clearly articulate principles for how SUNY will determine which policies and procedures apply if not all such Complaints are handled under this institutional Grievance Procedure.

Note: The decisionmaker may be the same person as the Title IX Coordinator or investigator as allowed by the 2024 Title IX Regulations; no inference of bias or conflict of interest can be drawn solely because the decisionmaker is the same person as the Title IX Coordinator or investigator in a case.

Note on Student employees: when a Complainant or Respondent is both a Student and an employee of the Campus, the Campus must make a fact-specific inquiry to determine whether these procedures apply to that Student employee. The Campus will consider if the Complainant or Respondent's primary relationship with the Campus is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

Written Notice of Allegations

Upon initiating SUNY Grievance Procedure, the Title IX Coordinator shall provide a Notice of Allegations in writing to the Parties whose identities are known. SUNY will provide a Notice of Allegation up to seven (7) business days after it receives a Complaint, if there are no extenuating circumstances.

What does the Notice of Allegations Include?

The written Notice of Allegations must include:

- The Campus's Grievance Procedure;
- Sufficient information available at the time of the issuance of the Notice of Allegations to allow the Parties to respond to the allegations, which includes the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment under the Grievance Procedure, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the Campus;
- A statement that the Parties are entitled to an accurate description of the Relevant and not otherwise impermissible evidence, with an equal opportunity for the Parties to access the underlying Relevant and not otherwise impermissible evidence upon request of any Party;
- A statement that the Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of the Campus's Grievance Procedure and that prior to the determination, the Parties will have an opportunity to

To the extent that the Campus has reasonable concerns for the safety of any person as a result of providing a written Notice of Allegations, the Campus, through the Title IX Coordinator (or designee), may reasonably delay providing the written Notice of Allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

Advisor of Choice and Participation of Advisor of Choice

A Party's advisor of choice may accompanynd

The Campus will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding.

Access to and Review of the Investigative Report

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator and the Human Resources officer and/or their designee, will provide each Party and their advisors of choice with an equal opportunity to access and review an accurate description of the Relevant evidence collected throughout the investigation that is not otherwise impermissible in the form of an investigative report.

The Parties and their advisors of choice will also have an equal opportunity to access and review the underlying Relevant and not otherwise impermissible evidence summarized in the investigative report upon the request of any Party.

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator and the Human Resources officer and/or their designee, will provide each Party and their advisors of choice with a reasonable opportunity to respond to the investigative report.

The Campus will take reasonable steps to prevent and address the Parties' and their advisors of choice's unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to the Campus's institution's Student Code of Conduct, if applicable, and other SUNY or Campus policies and/or procedures that may apply.

Review and Access to Relevant and Not Otherwise Impermissible Evidence

Each Party will have an equal opportunity to suggest fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible, to the Title IX Coordinator and/or an investigator designated by the Title IX Coordinator and designee from Human Resources through the investigative process. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance, consistent with this Grievance Procedure.

SUNY will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to the Campus Student Code of Conduct and other SUNY and Campus policies and/or procedures that may apply.

SUNY does not provide for a live hearing under this Grievance Procedure. However, Title IX requires that there be live questioning to assess a Party's or witness's credibility to the extent

credibility is both in dispute and Relevant to evaluating one or more allegations of Sex-Based Harassment.

The investigator/decisionmaker will question Parties and witnesses to adequately assess a Party's or witness's credibility to the extent credibility is both in dispute and Relevant to evaluating one or more allegations of Sex-Based Harassment. This will occur during individual meetings with a Party or witness.

Each Party shall have the opportunity to propose questions that the Party wants asked of any Party or witness and have those questions asked by the investigator/decisionmaker during one or more individual meetings, including follow-up meetings, with a Party or witness, subject to the appropriate procedures outlined below regarding the decisionmaker's advance evaluation of all questions. Each Party will be provided with an audio or audiovisual recording or transcript with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

Timeframes

An investigation shall take up to forty-five (45) business days to complete. If there are any delays or extensions, the Title IX Coordinator (or designee) will appropriately notice the Parties in writing, as detailed below.

Extensions and Delays

SUNY allows for the reasonable extension of timeframes on a case-by-case basis for good cause

on whether a Party or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

A witness' testimony regarding third-Party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

Communication of the Determination in Writing

All determinations on whether Sex-Based Harassment occurred will be communicated to the Parties in writing, simultaneously.

The written determination will include:

- For employees in collective bargaining units, the president or designee may determine that sufficient information exists to refer the matter to their designee for disciplinary action, or other action as may be appropriate under the applicable collective bargaining agreement. The potential outcomes may include a reprimand, suspension, termination, training, fine, demotion, or informal or formal counseling.
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Forms

[Form A](#) - Charge of Discrimination

[Form B](#) - Template for Memorandum Outlining Mutual Agreement Between Parties

Related Procedures

[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

[SUNY Policy Doc. No. 6506](#) - Sexual and Romantic Relationship Policy

[SUNY Policy Doc. No. 6507](#) - Sexual Harassment Response and Prevention Statement

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

[SUNY Student Conduct Institute](#)

Authority

New York State Human Rights Law, available on the [New York State Division of Human Rights website](#)