



Complaint Procedure For Allegations Of Discrimination

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Stony Brook University
Administration Building 201
Stony Brook, NY 11794-0251
(631) 632-6280 Phone
(631) 632-9428 Fax
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Complaint Procedure for Allegation of Discrimination¹

I. Introduction

Stony Brook University (including Stony Brook Medicine, Long Island State Veterans Home, and all other Stony Brook University facilities and programs), referred to herein as the “University,” has a longstanding commitment to equal employment and educational opportunity, and to creating and maintaining workplace, educational, and recreational environments that are safe and accessible, and free of all forms of **discrimination**.

As part of the University’s effort and consistent with SUNY policy and Federal and State law, the University’s Office of Equity and Access has published this Complaint Procedure for Allegations of Discrimination (Complaint Procedure) for the prompt, effective and impartial investigation of the following violations of University policy:

1. **Discrimination** on the basis of race, sex, sexual orientation, gender identity or expression, religion, age, color, creed, national or ethnic origin, **disability**, marital status, familial status, pregnancy, genetic predisposition, criminal convictions, **domestic violence** victim status, and veteran or military status and all other protected classes under federal or state laws. Harassment on the basis of any protected category is **discriminatory harassment** and is a form of **discrimination**².
2. **Sexual Misconduct**, which is a form of **discrimination** on the basis of sex, gender and/or gender identity and includes, but is not limited to: **Discriminatory Harassment and Sexual Harassment, Non-Consensual Sexual Contact, Non-consensual Sexual Intercourse and/or Penetration, Non-consensual Physical Violent Contact During Sexual Contact, Sexual Violence or Assault, Domestic Violence, Dating Violence and Stalking**.
3. Violations or irregularities in the EEOC Search and Selection Process.
4. **Retaliation** against any individual for filing a **discrimination** complaint or participating in any investigation under the jurisdiction of OEA. **Retaliation** against an individual who files a Complaint or participates in an investigation is a form of **discrimination**.

The above allegations, if substantiated, constitute prohibited conduct and a violation of the Stony Brook University Policy Manual, the Code of Student Responsibility and/or the Stony Brook University Non-Discrimination Statement

¹ This Complaint Procedure has been written in compliance with Stony Brook University Policy, SUNY Policy, SUNY Research Foundation Policy, Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act, the Rehabilitation Act of 1973, New York State Human Rights Law, New York State Human Rights Law, New York State Education Law § 129B and all other applicable federal and state laws.

This document is provided for informational purposes only. It is not intended to be interpreted or relied upon as legal advice. Anyone seeking or requiring legal advice should consult an attorney.

² Refusal to provide or inadequate provision of a **reasonable accommodation** to otherwise qualified disabled individuals or inaccessible facility(s) is a form of **disability discrimination** under the Americans with Disabilities Act and a violation of Stony Brook policy. Initial requests for employee accommodation should be made to the Office of Equity and Access (oea_ada@stonybrook.edu) or Student Accessibility Support Center (for students). Initial concerns about facility access should be made the applicable Building Manager or FIXIT. Please use the OEA Complaint Intake Form found in Appendix C to file a complaint if you do not receive a satisfactory response after following these processes. Contact information for the various HRs, DSS and FIXIT can be found in Appendix D.

and Title IX Notice of Non-Discrimination.³ Prohibited conduct and important terms (highlighted in bold throughout) are outlined in more detail in the definitions provided in Appendix B.

Stony Brook University shall make reasonable efforts to investigate and address instances of **discrimination** of which it becomes aware, at times in the absence of a complaint or cooperation of a **Complainant**. Please note, however, that OEA's ability to conduct an exhaustive investigation may be limited in cases where OEA is unable to identify an alleged victim of **discrimination** or the **Complainant** refuses to or fails to participate in the investigation.

II. Applicability of Complaint Procedure

This Complaint Procedure may be used by any University student and/or employee or any **third-party** individual outside the **University community**, including, but not limited to guests, visitors, vendors and volunteers who are participating in a University-sponsored program or affiliated activity. If you consider yourself to be or have been a target of **discrimination** or harassment at any University-related facility, program, activity or event you may file a complaint with the Office of Equity and Access under this Complaint Procedure.

Employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards, and any other procedures defined by contract will continue to operate as before.

This Complaint Procedure is intended to balance the rights of those bringing complaints of **discrimination** [the **Complainant(s)** or **Reporting Individual(s)**] with those against whom such claims are brought [the **Respondent(s)**].

III. The Office of Equity and Access (OEA)

OEA is charged with promoting the University's commitment to equal employment and educational opportunity. Part of this role is the equitable investigation of alleged incidents of **discrimination**. OEA is a neutral fact-finding office. OEA investigators are trained in conducting investigations into **discrimination**-based complaints. Both **parties** will have the opportunity to offer relevant information in support or defense of an allegation for the investigator's consideration. OEA does not advocate on behalf of any **party** to a complaint - we represent the University's principles of equal opportunity, nondiscrimination, diversity and equity.

A. Sexual Misconduct / Title IX Office

OEA serves as the University Sexual Misconduct / Title IX Office and the OEA Assistant Vice President (AVP) serves as the Title IX Coordinator. As Title IX Coordinator, the OEA AVP oversees investigations filed under this Complaint Procedure.

B. ADA Office

OEA serves as the University ADA Office and its AVP serves as the ADA Coordinator.

1. Requests for Accommodation should be brought to the Office of Equity and Access (OEA) (for employees) or Student Accessibility Support Center (SASC) (for students) to begin the Accommodation Process.

³ These documents are available on-line for your reference:

University Policy Manual: <https://www.stonybrook.edu/policy/>

Code of Student Responsibility: <https://www.stonybrook.edu/commcms/studentaffairs/scs/conduct.php>

Non-Discrimination Statement and Notice of Title IX Non-Discrimination:

https://www.stonybrook.edu/commcms/pres/from_president/message_011917.php

2. Concerns regarding an inaccessible or non-compliant facility should be brought to the attention of the applicable Building Manager or FIXIT.
3. Complaints regarding the Accommodation process or initial response to concerns regarding inaccessibility to University facilities should be brought to the Office of Equity and Access (OEA).

Please see Appendix D for contact information regarding requesting an Accommodation or reporting an accessibility concern to FIXIT - <https://www.stonybrook.edu/fixit/> or the appropriate Building Manager. Names and contact information for building managers should be posted in the building lobby.

IV. Jurisdiction

The University will investigate any alleged acts of **discrimination** of which it becomes aware. Based on information received by the OEA, the OEA AVP or designee may exercise his/her own discretion and initiate an investigation into any alleged incident of **discrimination** in the presence or absence of an official complaint.

Depending on the circumstances, allegations of **discrimination** may be referred to and/or investigated concurrently by OEA and other University offices, including Employee and Labor Relations (“Labor Relations”) and the Office of Student Conduct and Community Standards (SCCS). For example in cases where non-sexual misconduct **discrimination** is alleged against a student, SCCS may take the lead and consult with OEA as necessary throughout the process.

If at any time during the course of investigating a complaint the OEA AVP or designee determines that a complaint is not within the jurisdiction of the office, the complaint and **Complainant** and/or the **Reporting Individual** shall be referred to the appropriate office and the matter shall be considered concluded by OEA.

The OEA AVP or designee may determine that a specific complaint is of such a serious nature that the matter must be referred immediately to another University office, including, when necessary due to the existence of an on-going threat to the **University community**, the University Police Department (UPD).

V. Filing a Complaint

A complaint regarding an incident of **discrimination** at any University-related facility, program, activity or event may be filed with OEA by any member of the **University community** or a **third-party** in writing using the form included in this Complaint Procedure, on-line using OEA’s on-line complaint forms or by appointment. Although written complaints are not required, OEA may request **complainants** to submit a written complaint to better ensure documentation of the complaint and a full and fair investigation of the facts. The included form in Appendix C can be submitted in person at the OEA office, via email, fax or US mail. [You may also file a written complaint electronically 24 hours a day 7 days a week at www.stonybrook.edu/reportit.](http://www.stonybrook.edu/reportit) If you require assistance completing this form or filing a complaint in writing, please contact OEA for assistance.

If you continue to experience on-going **discrimination** after filing a report, including **retaliation**, please report this to OEA promptly. If at any time you feel unsafe for any reason, contact University or local police immediately.

Please see contact information for filing a complaint below:

A. Office of Equity and Access (OEA)

201 Administration Building
Stony Brook University
Stony Brook, NY 11794-0251
(631) 632-6280 Ph / (631) 632-9428 Fax

oea@stonybrook.edu – non-sexual misconduct complaints

titleix@stonybrook.edu – sexual misconduct complaints

<https://www.stonybrook.edu/reportit> - on-line complaint form

<https://www.stonybrook.edu/commcms/oea-sm-tix/about/contact-us.php> - list of OEA contact information including Deputy Title IX Coordinators

Complaints may be filed against any member of the **University community** or any third-party who is participating in a University sponsored program or affiliated activity. Please note, however, that the University may only have limited jurisdiction over **third-parties**. (i.e. **Respondents** who are not employees or students of the University). This may limit the action or actions that the University may take against such **parties**.

B. Time Limits

In the interest of ensuring a safe and welcoming environment at University facilities and University sponsored programs or affiliated activities there is no time limit which bars the reporting of an incident of alleged **discrimination**. Note, however, that the more time that lapses between the incident and the investigation the more difficult it will be for the University to obtain complete and accurate **witness** statements and other information to address the complaint.

C. Supervisory Responsibility

Complaints or concerns that are reported to, or act(s)/conduct that is observed by an administrator, manager or supervisor involving an alleged act of **discrimination**, should be promptly referred to OEA for appropriate action. All other employees are also encouraged to make such reports to OEA or a Deputy Title IX Coordinator.

D. Sexual Misconduct Complaints

All individuals reporting incidents of **sexual misconduct** will be informed by OEA of their options and resources. **Reporting Individuals** and **complainants** will be provided information describing their rights, available options, including pursuing a criminal complaint with local or state law enforcement and/or pursuing the University's investigation and disciplinary process and/or pursuing both options at the same time. A list of available resources, including counseling services, medical services, and other on and off campus community resources will also be provided. This information and assistance will be made available whether or a complaint is made, contemplated or even possible. Many of these resources are included as Appendix D.

- 1. Right to Report to the University or Law Enforcement or Not to Report:** Individuals who are victims of **domestic violence, dating violence, stalking**, or sexual assault have the right to make a report to University Police, local law enforcement and/or state police, or choose not to report; to report the incident to Stony Brook University, to be protected by the University from **retaliation** for reporting an incident and to receive assistance and resources from the University.
- 2. Student Drug and Alcohol Amnesty Policy:** In recognition of the importance of the health and safety of every Stony Brook University student and to encourage students not to hesitate to report any incident of **sexual misconduct** out of fear of the possible consequences for their own use of drug or alcohol use in violation of the Student Code of Responsibility, students acting in good faith that disclose any incident of **domestic violence, dating violence, stalking**, or sexual assault to Stony Brook University officials or law enforcement will not be subject to action for violations of alcohol and/or drug use policies occurring at or near the time of the reported incident. [For more information,](#)

[please see section VII.C.3. **Amnesty** of the University Code of Student Responsibility at: <https://www.stonybrook.edu/commcms/studentaffairs/sccs/conduct.php>](https://www.stonybrook.edu/commcms/studentaffairs/sccs/conduct.php)

E. Interim Measures

Interim measures, such as a “No-contact Directive,” or housing restriction and/or reassignment, may be available as appropriate, during an investigation if the either or both **parties** live and/or attend class on-campus.⁴

OEA staff may work with the SCCS or Employee and Labor Relations (Labor Relations) to issue a “No-contact” directive as appropriate and/or may refer the **parties** to the SCCS or Labor Relations for assistance with making such arrangements. Any **party** may request a prompt review, reasonable under the circumstances, of the need for and terms of any interim measure, including potential modification and are permitted to present relevant information in support of his or her request.

F. Conflict of Interest

Any information concerning factors that could prejudice the outcome of an investigation or an objective evaluation of the relevant information in support or defense of an allegation should be brought to the attention of the OEA AVP immediately. In the event that a conflict of interest arises, the University will take necessary measures which may include reassignment of the investigation to another investigator or investigators. If an OEA staff member is the **Respondent**, the matter may be referred to the President or his/her designee. If the President is the **Respondent**, the OEA will refer the complaint to the Office of General Counsel.

G. Privacy versus Confidentiality

Stony Brook University offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information provided to OEA or any other non-confidential resources will be relayed only as necessary for the OEA or other applicable University Official to investigate and/or seek a resolution as required under Federal and State law.

OEA staff conducts its investigation in a confidential manner to the extent practicable and/or permitted by law. Note, however, that the OEA’s fact-finding may also be utilized by other offices, including, but not limited to, Labor Relations (as consistent with the collective bargaining agreements) or the SCCS.

The **parties** and **witnesses** are expected to cooperate fully in the investigation, and respect and preserve the integrity of the investigative process and the privacy of all **parties**.

H. Obligation to Investigate

If a student discloses an alleged incident of sexual misconduct to a non-confidential employee that disclosure may be reported to the Title IX Coordinator whether or not the student requests confidentiality. Certain Stony Brook employees, designated as responsible employees, are required to report incidents of sexual misconduct.

If the Title IX Coordinator becomes aware of an incident of sexual misconduct, Stony Brook may be required to investigate. The Title IX Coordinator may not be able to honor a request not to investigate or for confidentiality if failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. The Title IX Coordinator must weigh the request against Stony Brook’s obligation to

⁴ [For more information on Interim Measures please see the Code of Student Responsibility VII.D3. available on-line at <https://www.stonybrook.edu/commcms/studentaffairs/sccs/conduct.php>](https://www.stonybrook.edu/commcms/studentaffairs/sccs/conduct.php)

provide a safe, welcoming and non-discriminatory environment. Factors used to determine whether to or not to honor a request for confidentiality or not to investigate include (but are not limited to):

1. whether the respondent has a history of violent behavior or is repeat offender;
2. the increased risk that the respondent will commit additional acts of violence;
3. whether the accused used a weapon or force;
4. whether the reporting individual is a minor;
5. whether the University has other means to obtain evidence such as security footage;
6. and whether available information reveals a pattern at a given location or by a particular group.

Stony Brook may provide interim measures or other assistance to a reporting individual regardless of whether that individual consents to an investigation.

If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, Stony Brook is not obligated to begin an investigation based on this information.

VI. Procedures for Investigating Complaints

This Complaint Procedure provides an outline of the process for investigating complaints⁵. A flow chart depicting this process can be found in Appendix A.

A. Overview

The review and investigation process follows the outline below:

1. Receipt of inquiry, report or complaint.
2. Initial **Complainant** Interview
3. Conduct Comprehensive investigation (if indicated following preliminary review).
4. Determination: Refer for appropriate administrative action or conclude matter.

B. Time Frame

Absent extenuating circumstances the investigation process, from receipt of a complaint through determination is expected to take place within ninety (90) calendar days from the University's receipt of the complaint⁶. Note however, the period of time required to take in an initial inquiry, report or complaint from the initial interview process through the conclusion of the investigation and resolution, may be impacted by various factors, such as the complexity of the case, immediate availability of **parties**, **witnesses** and other information in support or defense of an allegation, on-going criminal investigations, etc. Therefore the time frame may exceed ninety (90) days.

C. Expectations

The University's procedures are not designed to replicate a judicial process. The following outlines OEA's expectations of the **parties**:

1. The **parties** are expected to meet with OEA staff as needed and requested;
2. The **parties** shall be prohibited from using audio or video recording devices at any time;

⁵ [More information regarding complaints with student respondent\(s\), including an outline of the hearing board or review panel process is available in the University Code of Student Responsibility which can be found at: https://www.stonybrook.edu/commcms/studentaffairs/scs/conduct.php](https://www.stonybrook.edu/commcms/studentaffairs/scs/conduct.php)

3. OEA will provide the **parties** with periodic updates, as deemed appropriate and/or necessary;
4. At the conclusion of the investigation, OEA will provide the **parties** with written notice of whether the complaint has or has not been substantiated.

D. Advisors

1. Advisors, advocates and representatives of either **party** may not participate at any meeting convened by OEA. OEA may allow an advisor, advocate or representative to attend and observe an interview or meeting at OEA's discretion.
2. The **parties** are expected to communicate with OEA directly, not through any advisor, advocate or representative, including legal counsel. Exceptions may be made at OEA's discretion, such as in cases where a translator or an accommodation for a **disability** is necessary or when a language barrier exists.

E. Process

1. Receipt of Inquiry, Report or Complaint

- a. Review the allegation(s);
- b. Confirm OEA's jurisdiction over the matter and that OEA is the appropriate University office to address the allegation(s);
- c. Determine whether complaint merits further review and an investigation is required, assign investigator as appropriate;
- d. Determine if any extraordinary procedures such as interim measures should be implemented to prevent any potential on-going **discrimination** and ensure the safety of the **parties** and the **University community**; and
- e. Relay information to other offices, such as Employee and Labor Relations and SCCS (as necessary).

2. Conduct Initial Complainant Interview: The OEA staff will ask the **Reporting Individual** and/or **Complainant** to participate in an initial intake interview, the goals of which will be the following:

- a. Review the completed Complaint Intake Form. The **Complainant** should complete this form prior to the intake interview. Please contact OEA if you require assistance completing this form.) (See Appendix C);
- b. Discuss and clarify the allegations;
- c. Identify relevant **witnesses** and any other person potentially impacted by alleged **discrimination**;
- d. Review OEA complaint investigation process;
- e. Review the University's policy prohibiting **retaliation**;
- f. Review OEA's privacy versus confidentiality policy in on-going investigations;
- g. Advise **Complainants** of their right to also contact University and or local and or state police at any time if they are concerned that there has been a violation of the penal law; and

Employees: OEA may take any action it deems necessary and appropriate to address the situation including foregoing completion of an investigation and refer the matter to Labor Relations, as appropriate.

Students: OEA may forego completion of an investigation and refer the matter to the University Community Standards Office and/or Student Affairs, as appropriate.

Third-Party: OEA may not have jurisdiction over third-party respondents and will, as necessary, refer the matter to University office(s) able to take steps necessary to prevent any further or on-going **discrimination**, including University Police.

H. Complainant's Inaction, Failure to Pursue or Withdrawal

During an investigation, if a **complainant** declines to cooperate with OEA or notifies OEA that they no longer wish to pursue a complaint, OEA may consider the matter closed and may take no further action, with appropriate notification to the **parties**. OEA also reserves the right to continue its investigation, regardless of **complainant** cooperation or involvement.

VII. Other Available Options

A. On-Campus and Off-Campus Resources

Various on-campus and off campus resources are available to assist individuals who have been affected by **discrimination**. Services offered may include counseling, health care, mental health care, victim advocacy, legal assistance, visa and immigration assistance, student financial aid services, class scheduling and housing assistance, among others. A list of these offices and organization is included as Appendix D. Resources and assistance may be available whether or not a complainant chooses to participate in the investigative or disciplinary process.

B. Law Enforcement

This Complaint Procedure does not deprive a **complainant** of the right to report any alleged **discrimination** to any appropriate law enforcement agency, including the Stony Brook University Police, New York State Police, Suffolk County Police or any other applicable federal, state or local law enforcement agency if they believe there may have been a violation of the penal law. Any questions about whether a specific incident violates the penal law should be directed to law enforcement, the District Attorney or competent legal counsel.

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

C. External Agencies

This Complaint Procedure does not deprive a **complainant** of the right to file a complaint with outside enforcement agencies, such as the New York State Division of Human Rights, the United States Equal Employment Opportunity Commission, the Office for Civil Rights of the United States Department of Education and the Office of Federal Contract Compliance of the United States Department of Labor. The **complainant** is not required to pursue the University's internal Complaint Procedures before filing a complaint with a state or federal agency. If the **complainant** chooses to pursue the University's internal Complaint Procedure, the **complainant** is free to file a complaint with the

appropriate state and/or federal enforcement agencies at any point in the process, subject to applicable time limitations. It is important to note that filing an internal complaint pursuant to this Complaint Procedure does not extend the time limits established by state and federal enforcement agencies. A list of state and federal enforcement agencies are listed in Appendix D.

Upon filing with an external agency, the University internal complaint may be referred to the Office of General Counsel for review, defense or, if deemed appropriate, mediation, conciliation, or settlement with the external agency, or such other actions as may be in the interests of the University, including the termination of the internal process.

To file a complaint pursuant to this Complaint Procedure, request assistance or for additional information, please contact:

[For additional information, visit the OEA website at: www.stonybrook.edu/oea](http://www.stonybrook.edu/oea)

[To file a complaint on-line please go to: https://www.stonybrook.edu/reportit](https://www.stonybrook.edu/reportit)

Office of Equity and Access (OEA)

Email: OEA@stonybrook.edu

Phone: 631-632-6280

Fax: 631-632-9428

West Campus Office – by appointment only

201 Administration Building

Stony Brook, NY 11794-0251

East Campus Satellite Office – by appointment only

University Hospital - Level 5, Room 624

To directly contact the AVP of OEA:

Marjolie Leonard

Assistant Vice President, Title IX and ADA Coordinator
The Office of Equity and Access

Email: marjolie.leonard@stonybrook.edu

Phone: 631-632-6280

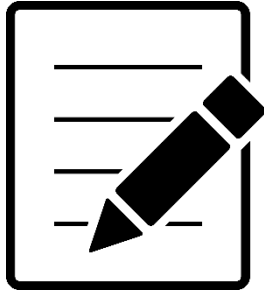
201 Administration Building

Stony Brook, NY 11794-0251



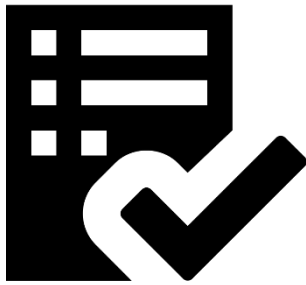
Appendix A

OEA Complaint Investigation Process



1. Review Inquiry, Report or Complaint

- Review allegation(s).
- Assign investigator as appropriate.
- Implement Interim Measures, as appropriate.
- Contact other offices as appropriate (ex. Employee and Labor Relations or Student Conduct and Community Standards).



2. Initial Complainant Interview

- Review allegation(s).
- Identify relevant witnesses and other available and relevant information in support of the allegation.
- Review OEA process and applicable Stony Brook University policies.
- Review rights of parties and resources available.



3. Comprehensive Investigation

- Interview and review allegations with Respondent(s).
- Interview relevant and available witnesses.
- Review other relevant information in support or defense of allegation(s).



4. Determination

- Substantiated allegation:
 - Employee Respondent – refer to Employee and Labor Relations and/or Human Resources.
 - Student Respondent – refer to Student Conduct and Community Standards.
 - 3rd party Respondent- refer to another office as appropriate.
- Unsubstantiated allegation - OEA closes case.

Notice of Determination to Both Parties



Appendix B Definitions

For purposes of this Complaint Procedure the following are defined as:

Consent or Consensual

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

1. Non-consent / Limitations of Consent

- a. Consent to any sexual contact or any specific sexual act cannot be given if an individual is under the age of 17.
- b. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any sexual act.
- c. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.
- d. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- e. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by:
 - (i) A physical or mental condition, infirmity or disability that limits informed decision making;
 - (ii) The lack of consciousness or being asleep;
 - (iii) Being involuntarily restrained; or
 - (iv) If an individual otherwise cannot consent.
- f. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants (whether voluntary or involuntary) may be incapacitated and therefore unable to consent.
- g. Consent cannot be given when it is the result of any coercion, intimidation, force or threat of immediate or future harm.
 - (i) Coercion is the use of an unreasonable amount of pressure to engage in sexual activity. Coercion is more than an effort to persuade entice or attract another person to engage in sexual activity.
 - (ii) Intimidation is an implied threat that menaces or causes reasonable fear in another person.
- h. Consent cannot be given when it is the result of the use of physical intimidation to secure compliance with sexual activity.
- i. Intoxication or impairment of the Respondent is no defense to charges of sexual misconduct.

2. Revocation of Consent

- a. When consent is withdrawn or cannot be given, sexual activity must stop.
- b. Failure to cease sexual contact promptly in response to withdrawal of consent constitutes prohibited non-consensual sexual contact.

Complainants

Any member of the University community who alleges or it is alleged is a victim of discrimination is a Complainant, including individuals who choose not to participate in any investigation into the alleged discriminatory incident or conduct.

Dating Violence

Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim is an act of dating violence. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the nature and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary socializing between two individuals in a business or social context shall constitute a romantic or intimate relationship. Dating violence is a form of sexual harassment. Sexual harassment is a form of discrimination. This definition does not include acts covered under domestic violence. Dating violence includes:

Isolation: Trying to cut off relationships with other family and friends.

Emotional abuse: Humiliating the victim in front of friends, guilt and manipulation if confronted, extreme and persistent jealousy.

1. **Intimidation:** Instilling fear through threatening behavior, verbal aggression, abuse of animals or destruction of property.
2. **Coercion:** Threatening to harm themselves or a third-party if demands are not met or the relationship is ended.
3. **Physical:** Using or threatening to use physically assaultive behavior such as hitting, shoving, grabbing, shaking, slapping, beating, kicking, etc.
4. **Sexual:** Non-consensual sexual touching or non-consensual sexual activity.
5. **Harassment:** Using electronic media (internet, cell phones, texting, and social media) or other means to keep track of the victim.

Domestic Violence

Any felony or misdemeanor crime of violence committed by a current and/or former spouse and/or intimate partner of the victim is an act of domestic violence. An intimate partner includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an intimate relationships, including but not limited to, couples who live together or have lived together. Domestic violence is a form of sexual harassment. Sexual harassment is a form of discrimination.

Disability

A disability is a physical or mental impairment that substantially limits one or more major life activities. This includes people who have a record of such an impairment or are regarded as having such an impairment.

Discrimination

Stony Brook University prohibits discrimination on the basis of race, sex, sexual orientation, gender identity or expression, religion, age, color, creed, national or ethnic origin, disability, marital status, familial status, genetic predisposition, criminal convictions, domestic violence victim status, and veteran or military status and all other

protected classes under federal or state laws in the administration of its policies, programs, activities, or other Stony Brook University administered programs or employment, and includes the terms, conditions, and privileges of employment and/or access for students, faculty, and staff. Stony Brook University's non-discrimination policy affects all employment practices including, but not limited to, recruiting, hiring, transfers, promotions, benefits, compensation, training, educational opportunities, discipline, daily responsibilities and terminations. Discrimination on the basis of sex, gender and/or gender identity includes, but is not limited to: discriminatory harassment and sexual harassment, non-consensual sexual contact, sexual violence or assault, domestic violence, dating violence and stalking.

Discriminatory Harassment

Any improper conduct toward a particular individual, individuals, or groups on the basis of one or more of the categories indicated above in the definition of discrimination and which is sufficiently severe or pervasive that it has the purpose and/or effect of:

1. Creating an intimidating, hostile, or offensive work or educational environment for individuals and/or groups; or
2. Unreasonably interfering with the work, academic performance, living environment, personal security, or participation in any University-sponsored activity of individuals and/or groups.

Discriminatory harassment is a form of discrimination, which is prohibited and should be reported.

Non-consensual Sexual Contact

Any contact of a sexual nature which is unwanted or unwelcome. Sexual contact with another person without consent is prohibited. Non-consensual sexual contact is a form of sexual harassment. Sexual harassment is a form of discrimination. Non-consensual sexual contact may include but is not limited to:

1. Attempted penetration
2. Brushing up against another in a sexual manner
3. Fondling
4. Grabbing
5. Kissing
6. Pinching

Non-consensual Sexual Intercourse and/or Penetration

Any sexual penetration or intercourse that is unwanted or unwelcome is non-consensual sexual intercourse and/or penetration. Non-consensual sexual intercourse and/or penetration is a form of sexual harassment. Sexual harassment is a form of discrimination. Prohibited conduct includes but is not limited to non-consensual:

1. Anal and vaginal penetration and attempted penetration and/or intercourse.
2. Oral sex or attempted oral sex, or the insertion of a foreign object into the vagina, urethra, penis or rectum of another.
3. This also includes what may be referred to as sexual assault, which is also commonly known as "rape," whether forcible, or non-forcible, "date rape" and "acquaintance rape."

Non-consensual Physical Violence Contact During Sexual Contact

Prohibited conduct includes but is not limited to punching, choking, burning or otherwise intentionally causing serious physical harm without consent of a partner. Non-consensual physical violent contact during sexual contact is a form of sexual harassment. Sexual harassment is a form of discrimination.

Party or Parties

The term party or parties refers to the Complainant(s) and/or the Reporting Individual and the Respondent(s) involved in the complaint.

Reasonable Accommodation

A reasonable accommodation is a change to the application process, work or academic environment, or the way things are usually done that allows an otherwise qualified person with a disability to be considered for a position or academic program, to perform the essential functions of a job or academic program or to enjoy equal benefits and privileges of employment or education as are enjoyed by other similarly situated individuals without disabilities and that is effective and does not impose an undue burden on the University.

Reporting Individual

Any member of the University community who reports an alleged incident of discrimination or alleges on-going discrimination is a Reporting Individual. A Reporting Individual may or may not also be a Complainant.

Respondent(s)

Any member of the University community against whom an allegation of discriminatory conduct is made.

Retaliation

Retaliation against an employee, student or any witness who participates in any University investigation is a form of prohibited discrimination. Retaliation is also prohibited against any individual who files a discrimination complaint or participates in a complaint investigation in any manner. Any substantiated act of retaliation may result in sanctions or other disciplinary action as covered University Policy (including the Code of Student Responsibility) and or disciplinary procedures, pursuant to applicable collective bargaining agreements, and applicable policies and procedures.

Sexual Harassment

Sexual harassment is unwelcome sexual advances, unwelcome requests for sexual favors, requests for sexual favors in exchange for some benefit, and/or unwelcome verbal, physical or communicative (verbal, non-verbal and electronic) conduct of an abusive sexual nature which interferes with an individual's work or academic performance or creates an intimidating, hostile or offensive work or academic environment. Sexual violence is a form of sexual harassment. Sexual harassment occurs when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment or education; or
2. Submission to or rejection of such behavior by an individual is used as the basis for employment or educational decisions affecting the individual; or
3. A behavior is sufficiently severe, persistent or pervasive to interfere with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment. Such prohibited conduct includes, but is not limited to, unwelcome sexual communication, touching, and non-consensual sexual contact, including but not limited to sexual touching, intercourse, and violence. Examples of sexual harassment include, but are not limited to:
 - a. Comments
 - b. Derogatory statements or other verbal abuse
 - c. Exploitation
 - d. Graphic or sexually suggestive comments about an individual's attire or body
 - e. Graphic or sexually suggestive gestures
 - f. Exposing one's genitals
 - g. Inquiries or discussions about sexual activities
 - h. Profanities
 - i. Sexually suggestive letters or other written materials
 - j. Slurs

- k. Teasing
- l. Touching

Sexual Misconduct

Sexual misconduct, which can occur in many forms, is discrimination on the basis of sex and/or gender, and may occur between people of the same or opposite sex, or who identify as LGBTQ, is prohibited and should be reported. Sexual misconduct includes, but is not limited to, sexual harassment in all forms, including non-consensual sexual contact, non-consensual sexual penetration, non-consensual violent contact during sexual contact, dating violence, domestic violence and stalking.

Stalking

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

Third-party

Third-party refers to individuals outside the University community including, but not limited to, visitors, guests, volunteers, and/or vendors at University-related facilities, programs, activities or events.

University Community

The University Community includes, but is not limited to, employees and students of Stony Brook University.

Witness or Witnesses

An individual who has direct knowledge of or regarding the allegation.



Appendix C
OEA Complaint Intake Form
COMPLETE THIS FORM ON-LINE

Your Information – Please complete the following:

Name: SBUID:

Home Address:

Street City State Zip

Daytime Phone: Work Home Cell Evening Phone: Work Home Cell

May we contact you at work?

Please identify your relationship(s) to the University:

State RF Foundation Resident Grad Student Undergrad Applicant
Third-Party (please explain): Other (please explain):

If you are an employee, please complete the following:

Job Title: Date of Hire:

Department Union (if applicable):

Supervisor Name / Job Title:

OPTIONAL - Complete any categories below that may be relevant this complaint:

Race/Ethnicity: Religious Affiliation:

Sex/Gender: Nature of Disability:

Military Status: Marital Status:

Other Relevant Personal Information (please attach additional sheets if necessary):

Multiple empty rows for additional information.

Complaint Information

Please be as complete and specific as possible. Attach additional sheets if necessary.

Name(s) of Individual(s) who allegedly violated University policy(Respondent):

Please identify Respondent's relationship(s) to the University:

- State RF Foundation Resident Grad Student Undergrad Applicant
- Third-Party (please explain): Other (please explain):

Please identify Respondent's relationship(s) to YOU:

- Supervisor Colleague Social RA/RD Roommate Classmate
- Unknown (please explain): Other (please explain):

Respondent's Title:

Respondent's Department:

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

- Denied Equal Treatment Denied Promotion Denied Fair Grade Denied Access to Program
- Denied Training Denied FMLA Inaccessible Facility Denied Accommodation
- Harassment (non-sexual) Discriminatory Harassment Terminated
- Sexual Harassment Dating Violence Domestic Violence Stalking
- Sexual Misconduct or Violence Hostile Work Environment Forced Retirement/Resignation Denied Equal Pay / Compensation
- Retaliation Failure to Renew Failure to Hire Recruitment Violation

Other (please explain):

Date of first incident:

Date of Most Recent

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

- Race Sex Religion Age Color Creed Disability
- Sexual Orientation Marital Status Familial Status Criminal Convictions Genetic Predisposition
- Gender Identity or Expression National or Ethnic Origin Domestic Violence Victim Status Pregnancy
- Other Protected Class under State and/or Federal law (please explain):

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

1. Give a detailed account of anything that happened to you that was discriminatory or violated Stony Brook policy. Please provide dates, name and titles of everyone involved.

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

3. Did you report the incident(s) to anyone at Stony Brook University? Please detail to whom you reported and the date, time and context of the report:

4. Was anyone else treated the same way you were? If so, please provide their names and any contact information:

5. Did anyone witness the behavior? If so, please provide their names and any contact information:

6. Are there any documents, communications, social media posts or other evidence that will support your case? If so, are you able to provide them? Please explain:

7. What injury have you sustained as a result of this alleged incident (Lost wages, benefits, etc.)?

8. What remedy are you requesting:

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

I swear or affirm that I have read the above allegation and that it is true to the best of my knowledge, information or belief. I understand that I should keep all information learned during the complaint investigation process should be kept confidential by Complainants and Reporting Individuals and that the Office of Equity and Access (OEA) keeps all information gathered relative to allegations of discrimination in confidence to the extent practicable or allowable by law. However, OEA may provide relevant information to the appropriate University staff as necessary. I understand that it is a violation of State and Federal law and Stony Brook University policy for anyone to retaliate against any individual involved in an investigation of discrimination. I understand that if I am subjected to any adverse action that I feel may be retaliatory it should be reported to the immediately to OEA. I understand that the filing of an internal complaint with Stony Brook University is not a waiver of my right to file a formal complaint of unlawful discrimination with the New York State Division of Human Rights, the Equal Employment Opportunity Commission (EEOC), the Federal courts, or the State courts. I understand that the filing of an internal complaint does not stop the statute of limitations for filing external complaints with EEOC, the NYS Division of Human Rights, litigation, or any other agency hearing such complaints. I am aware that should I choose to file a verified complaint with an outside agency, such a complaint must be filed with EEOC within 180 days of the alleged incident, and with the State Division of Human Rights within 365 days of the alleged incident. I understand policy and the information contained in it does not constitute legal advice. If you require legal advice, consult an attorney. By submitting this form I am certifying the above statements to be true and factual to the best of my knowledge.

Signature:

Name:

Date:

Appendix D Resources

File a Complaint at Stony Brook

[Office of Equity & Access](#)

201 Administration
Ph: (631)632-6280 / Fax: (631) 632-9428
oea@stonybrook.edu
<https://www.stonybrook.edu/oea>

[Title IX and ADA Coordinator](#)

Marjolie Leonard
Assistant Vice President
Ph: (631) 632-6280 / Fax: (631) 632 9428
oea@stonybrook.edu
<https://www.stonybrook.edu/oea>

[University Police Department \(UPD\)](#)

Campus Phone: 911 or 333
Non-Campus Phone: (631) 632-3333
<http://www.stonybrook.edu/police/>

[Office of Student Conduct and Community Standards](#)

348 Administration
Ph: (631) 632-6705
communitystandards@stonybrook.edu
<http://www.stonybrook.edu/commcms/studentaffairs/scs/>

[Employee and Labor Relations](#)

www.stonybrook.edu/lrweb/
Stony Brook University West Campus, Health Science Center, and SBU Southampton - 291A Administration
Ph: (631) 632-6140

Stony Brook Medicine

HSC Level 3 Room 040
Ph: (631) 444-3780

Long Island State Veterans Home

Ph: (631) 444-8617

Disability Related Assistance at Stony Brook

[Office of Equity and Access - Employees](#)

Paulene Toussaint, ADA Specialist
Ph: (631) 632-6280
access@stonybrook.edu

[Student Accessibility Support Center \(SASC\) - Students](#)

(631) 632-6748
SASC@stonybrook.edu
<https://www.stonybrook.edu/commcms/studentaffairs/sasc/>

[Facilities and Maintenance – FIXIT](#)

FIXIT request <https://www.stonybrook.edu/fixit/>
Campus Residences (631)-632-9585
West Campus, Research and Development Park, and Stony Brook Southampton (631) 632-6400
Stony Brook Medicine (University Hospital, Health Sciences Tower, Basic Science Tower, and other Hospital facilities) (631) 444-2400
Long Island State Veterans Home (631) 444-8780

Services at Stony Brook

[Campus Residences](#)

Lock changes, limiting building access, room changes and referrals for counseling and support.
Ph: (631) 632-6750
<https://www.stonybrook.edu/commcms/studentaffairs/res/>

[Dean of Students](#)

Provides assistance for students who have academic concerns.
Ellen Driscoll, Assistant Dean of Students
Student Activities Center, Suite 222
Ph: (631) 632-7320
<http://studentaffairs.stonybrook.edu/dos/>

[Employee Assistance Program \(EAP\)](#)

Assistance for Employee is available. EAP provides voluntary, confidential and comprehensive services for the purpose of enhancing the overall well-being and productivity of faculty and staff.
Ph: (631) 632-6085
www.stonybrook.edu/eap

[Ombudsman's Office](#)

Provides assistance, information on options and review any concerns you may have.
Ph: (631) 632-9200
www.stonybrook.edu/ombuds

SAFE RIDE

Ph: (631) 632-RIDE (7433)

SB GUARDIANRegister your cell phone to connect quickly with UPD at:
www.stonybrook.edu/commcms/emergency**Walk Service**Ph: (631) 632-WALK (9255)
On-campus escort service

Support Resources at Stony Brook

Advocate Coordinator Program

Provides support and resource options to students, faculty and staff that experience sexual or interpersonal violence. Assists anyone that choose to report with all steps of the investigation/review process.

Stony Brook Union, 108
Ph: (631) 457-9981 Mobile**Center for Prevention and Outreach (CPO)**

Depression, Substance Abuse, Sexual Violence & Health Education Services – FREE OF CHARGE

Student Union, 108

Ph: (631) 632-2748

<https://stonybrook.edu/cpo>**Counseling and Psychological Services (CAPS)**Student Health Services, 2nd Floor
Health Sciences Center Office, Level 3 Room 3-040F
No fee - by appointment only: (631) 632-6720<https://studentaffairs.stonybrook.edu/caps/>**Interfaith Center**

Melville Library

Ph: (631) 632-6565 Fax: (631) 632-6576

<https://www.sbinterfaith.org/>

SANE Center (Sexual Assault Nurse Examiner)

Go to Stony Brook University Hospital Emergency Room within 120 hours.

You do not have to involve the police or any SBU official. Evidence will be held for at least 30 days in case you decide to involve the police or other authorities. FREE OF CHARGE - If you do not have insurance, or if you are afraid to use your insurance, treatment and examinations are provided free of charge.

Ph: (631) 444-2465

Student Health Services

Student Health Center - 1 Stadium Road

Ph: (631) 632-6740

www.studentaffairs.stonybrook.edu/shs

SUNY and NYS Resources

New York State Police Campus Sexual Assault Victims Unit<https://consentfirst.troopers.ny.gov>

1-844-845-7269 (non-emergency)

SUNY Discrimination Complaint Procedureshttps://www.suny.edu/sunypp/documents.cfm?doc_id=451**SAVR (Sexual Assault & Violence Response) Resources**

If you are a member of a SUNY community and have experienced sexual assault, domestic violence, dating violence and stalking, the Sexual Assault & Violence Response (SUNY SAVR) Resources Website provides you with information you can use to seek resources and support, and to report the crime to law enforcement and the campus.

<https://www.suny.edu/violence-response/>

Community Resources

VIBS (Victim Information Bureau of Suffolk)

24/7 hour hotline & free confidential services to victims of domestic violence, rape & sexual assault.

Ph: (631) 360-3606

hotline@vibs.org – www.vibs.org**NY State Domestic Violence Hotline**

Confidential support. English & Español/multi-language/deaf or hard of hearing accessibility.

Ph: (800) 942-6906

SANE Center (Sexual Assault Nurse Examiner)

Forensic medical exams, testing and treatment.

Peconic Bay Medical Center

1300 Roanoke Ave, Riverhead, NY 11901

Ph: (631) 548-6000 (24/7)

CONFIDENTIAL & FREE OF CHARGE

Brighter Tomorrows

Victims' shelter, transitional housing & domestic violence hotline

Ph: (631) 395-1800 - www.brightertomorrows.org**L.I. Against Domestic Violence**

Prevention. Support. Healing – Precinct & Court
Advocacy
Ph: (631) 666-7181
www.Liadv.org

Long Island GLBT Community Centers

Violence Hotline
Ph: (631) 665-2300
www.lgbtcenters.org

National Domestic Violence Hotline

Ph (800) 799-SAFE (7233) – www.thehotline.org

Planned Parenthood Hudson Peconic, Inc.

Health care provider, educator, and advocate, servicing
women, men, teens & families
Ph: (631) 361-7526 / (800)230-7526

RAINN (Rape, Abuse & Incest National Network)

National Sexual Assault Hotline
Ph: (800) 656-HOPE (4673) -

Response of Suffolk County

Counseling and other services for individuals in crisis.
Ph (631) 754-7500 – www.responsehotline.org

The Crime Victims Center

Sexual assault, family violence and violent crime
services and prevention support.
Ph: (631) 689-2672
<https://www.parentsformeganslaw.org/cvchome.jsp>

The Retreat, Inc.

Domestic violence hotline provides support &
residential services.
Ph: (631) 329-2200 – www.theretreatinc.org

The Safe Center LI

Services for victims of domestic violence.
Ph: (516) 542-0404 – hotline: (516) 542-0404 (24/7)
info@tscli.org – www.tscli.org

Safe Horizon Rape and Sexual Assault Hotline

Ph: (212) 227-3000 or Ph (866) 689-HELP (4357)

Suffolk County Coalition Against Domestic Violence

24 hour hotline; provide shelter & service for victims of
domestic violence.
Ph: (631) 666-718 – hotline: (631) 666-8833 (24/7)

Suffolk County Office of Women’s Services

Helpline, referrals, counseling and resources. Free,
Bilingual, Confidential & Anonymous
Ph: (631) 853-8222 (8284)

*Information about confidentiality and cost was provided by the organization listed. This list is provided for
informational purposes only and SBU does not endorse or warranty any services of any organizations listed above.

External Agencies

New York State Division of Human Rights

State Headquarters

One Fordham Plaza
4th Floor
Bronx, New York 10458
Ph: (718) 741-8400

InfoBronx@dhr.ny.gov

Long Island District

175 Fulton Avenue, Suite 404
Hempstead, New York 11550
Ph: (516) 538-1360

InfoLongIsland@hdr.ny.gov

State Office Building

Veterans Memorial Building
250 Veterans Memorial Highway
Suite 2B-49
Hauppauge, New York 11788
Ph: (631) 952-6434

InfoLongIsland@hdr.ny.gov

Office of Sexual Harassment

55 Hanson Place, Room 900
Brooklyn, New York 11217
Ph: (718) 722-2060

Office of Federal Contract Compliance Programs

New York District Office

26 Federal Plaza, Room 36-116
New York, New York 10278-0002
Ph: (212) 264-7742 / Fax: (212) 264-8166

Equal Employment Opportunity Commission

New York District Office

33 Whitehall Street, 5th Floor
New York, New York 10004
Ph: (800) 669-4000 / Fax: (212) 336-3790

US Department of Education Office of Civil Rights

Headquarters

Lyndon Baines Johnson (LBJ)

U.S. Department of Education Building

400 Maryland Ave, SW
Washington, DC 20202
Ph: (202) 401-0418 / Fax: (202) 260-7465

New York

Financial Square
32 Old Slip, 25th Floor
New York, New York 10005
Ph: (646) 428-3906 / Fax: (646) 428-3907



ReportIt.

24/7 online access to report an incident
and/or file a complaint is available at:

www.stonybrook.edu/reportit