

Procedure 121.3 Discrimination Complaint Procedure

January 14, 2026

Supersedes previous procedure 121.3 dated January 28, 2015



Summary

I. Overview

Genesee Community College is committed to maintaining campuses and a workplace free from sexual harassment and from unlawful discrimination. SUNY, in its continuing effort to seek equity in education and employment, and in support of federal and state anti-discrimination legislation, has adopted a complaint procedure for the prompt and equitable investigation and resolution of allegations of unlawful discrimination on the basis of race, color, national origin, religion, creed, age, sex, sexual orientation, disability, gender identity, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

Harassment is one form of unlawful discrimination on the basis of the above protected categories. SUNY will take steps to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, and to remedy its discriminatory effects on the victim(s) and others, if appropriate. Conduct that may constitute harassment is described in the Definitions section. Sex discrimination includes sexual harassment and sexual violence. Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure is strictly prohibited and may result in disciplinary action.

II. Applicability

This procedure may be used by any student or employee of the College, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the College, as well as third- parties who are participating in a College-sponsored program or affiliated activity. Employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards, and any other procedures defined by contract will continue to operate as before.

Furthermore, this procedure does not in any way deprive a complainant of the right to file with outside enforcement agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the United States Department of Education and the Office of Federal Contract Compliance of the United States Department of Labor. However, after filing with one of these outside enforcement agencies, or upon the initiation of litigation, the complaint will be referred to the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator for investigation. More detailed information may be obtained from the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator.

The Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator, who receives any complaint of alleged discrimination, shall inform the complainant about the complaint process and other options to resolve the issue, assist the complainant in the use of the complaint form and understanding the nature of the incident, and provide the complainant with information about various internal and external mechanisms through which the complaint may be filed, including applicable time limits for filing with each agency.

Upon receipt of a sex discrimination complaint or report, the college will provide to the complainant a written notice describing the available options, including pursuing a criminal complaint with a law enforcement agency, pursuing the college's investigation and disciplinary process, or pursuing both options at the same time; and the potential consequences of pursuing both options (i.e., possible temporary delay of the fact-finding aspect of the college's investigation while the law enforcement agency is in the process of gathering evidence). Additionally, the Title IX Coordinator will ensure that complainants in sex discrimination cases are made aware of their Title IX rights, available remedies and resources on and off-campus (such as counseling, local rape crisis center), and interim measures of protection. For more information, see the [Students' Bill of Rights](#). Assistance will be available whether or not a formal complaint is contemplated, or even possible.

III. Affirmative Action Officer / Title IX Coordinator / Title VI Coordinator

Christa Aldrich, Executive Director for Human Resources
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Process

I. Overview

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

Genesee Community College reserves the right to pursue any complaint of discrimination about which it becomes aware. Based on information received, the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator may exercise her/his discretion and initiate a complaint on behalf of the Campus community, regardless of complainant cooperation or involvement.

Genesee Community College 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 campus will resume its investigation as soon as it is notified by the law enforcement agency that it has completed the evidence

gathering process. Genesee Community College 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.

The complainant is not required to pursue the College internal procedures before filing a complaint with a state or federal agency. In addition, if the complainant chooses to pursue the College internal procedure, the complainant is free to file a complaint with the appropriate state or federal agency at any point during the process.

During any portion of the procedures detailed hereafter, the parties shall not employ audio or video taping devices. Complaints and investigations will be kept confidential to the extent possible.

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure is strictly prohibited and may result in disciplinary action. Retaliation is an adverse action taken against an individual as a result of complaining about unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness.

Participants who experience retaliation should contact the campus Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator.

II. Complaint Consultation and Review

Any student or employee, or any third party may consult with the Affirmative Action Officer/Title IX Coordinator/ Title VI Coordinator regarding potential discrimination or harassment. This initial contact may occur by telephone, e-mail, or in person—the latter being preferred. The Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator will assist the individual in understanding the nature of the incident, the complaint process, resources available to the individual, and other options to resolve the issue. Assistance will be available whether or not a formal complaint is contemplated or even possible.

It is the responsibility of the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator to respond to all such inquiries, reports and requests as promptly as possible and in a manner appropriate to the particular circumstances. This response may include interim measures to protect the parties during the investigation process. Interim measures will not disproportionately impact the complainant. Interim measures for students may include but is not limited to information about how to obtain counseling and academic assistance in the event of sexual assault, and steps to take if the accused individual lives on campus and/or attends class with the complainant. Interim measures involving employees in collective bargaining units should be determined in consultation with the Vice President for Finance and Administration.

Employees who observe or become aware of acts of discrimination or harassment, including sex discrimination, sexual harassment, and sexual violence, should report this information to the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator. If the complaints or concerns are reported to and/or observed by an administrator, manager or supervisor or an employee with either Title IX compliance responsibilities or the authority to take action to redress the harassment, they shall be

immediately referred to the Title IX Coordinator. Complaints of sexual violence will not be resolved by using mediation, but instead must be referred immediately to the campus Title IX Coordinator. The complainant will not be required to resolve the problem directly with the respondent in cases of sex discrimination.

III. Filing Complaints and Time Limits

Although in rare instances verbal complaints may be acted upon, the procedures set forth here rest upon the submission of a written complaint that will enable there to be a full and fair investigation of the facts. It is the complainant's responsibility to be certain that any complaint is filed within the applicable time limit.

If the complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator may terminate any further processing of the complaint or direct the complainant to an alternative forum (Appendix A). Complaints of sex discrimination brought beyond the 90-day period will be tracked and investigated to the extent possible consistent with the campus Title IX obligations, including the duty to spot patterns and address systemic issues. Additionally, the Title IX Coordinator will ensure that complainants in sex discrimination cases are made aware of their Title IX rights, available remedies and resources on and off-campus, interim remedies, and the right, if any, to file a complaint with local law enforcement.

All complaints must be submitted on the forms provided by the College. (Appendix B) The Charge of Discrimination form will be used for both the initiation of complaints under the informal procedure and the conversion of the complaint to the formal procedure.

The Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator is available to assist in preparing the complaint. They will ensure that complainants are aware of their Title IX rights and available resources on and off-campus (such as counseling, local rape crisis center), and the right, if any, to file a complaint with local law enforcement. Campuses will comply with law enforcement requests for cooperation and such cooperation may require the campus to temporarily suspend the fact-finding aspect of an investigation while the law enforcement agency is in the process of gathering evidence. The campus will resume its Title IX investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering process. Genesee Community College will implement appropriate, reasonable, and available interim steps during the law enforcement agency's investigation period to provide for the safety of the complainant and the campus community.

As soon as reasonably possible after the date of filing of the complaint, the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator will mail a notice of the complaint and a copy of the complaint to the Respondent(s).

A. Employees

Employees must file a written complaint with the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator within 90 calendar days following the alleged discriminatory act or the date on which the complainant first knew or reasonably should have known of such act.

B. Students

Students must file a complaint within 90 calendar days following the alleged discriminatory act or 90 calendar days after a final grade is received, for the semester during which the discriminatory acts occurred, if that date is later.

IV. Complaint Contents

The complaint shall contain:

1. The name, local and permanent address(es), telephone number(s), and status (faculty, staff, student, third party) of the complainant.
2. A statement of facts explaining what happened and what the complainant believes constituted the unlawful discriminatory acts in sufficient detail to give each Respondent reasonable notice of what is claimed against him/her. The statement should include the date, approximate time and place where the alleged acts of unlawful discrimination or harassment occurred. If the acts occurred on more than one date, the statement should also include the last date on which the acts occurred as well as detailed information about the prior acts. The names of any potential witnesses should be provided.
3. The name(s), address(es) and telephone number(s) of the respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination.
4. Identification of the status of the persons charged whether faculty, staff, or student.
5. A statement indicating whether or not the complainant has filed or reported information concerning the incidents referred to in the complaint with a non-campus official or agency, under any other complaint or complaint procedure. If an external complaint has been filed, the statement should indicate the name of the department or agency with which the information was filed and its address.
6. A description of any corrective or remedial action that the complainant would like to see taken.
7. Such other or supplemental information as may be requested.
8. Signature of complainant and the date complaint signed.

V. Informal Resolution

If a complainant elects to have the matter dealt with in an informal manner, the Affirmative Action Officer/Title IX Coordinator/ Title VI Coordinator will attempt to reasonably resolve the problem to the mutual satisfaction of the parties.

In seeking an informal resolution, the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator shall attempt to review all relevant information, interview pertinent witnesses, and bring together the complainant and the respondent, if desirable. If a resolution satisfactory to both the complainant and the respondent is reached within 24 calendar days from the filing of the complaint, through the efforts of the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator, the officer shall close the case, sending a written notice to that effect to the complainant and respondent. The written notice, a copy of which shall be attached to the original complaint form in the officer's file, shall contain the terms of any

agreement reached by complainant and respondent, and shall be signed and dated by the complainant, the respondent and the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator. (See Forms for the Memorandum: Status - Resolved form)

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

The time limitations set forth above may be extended by mutual agreement of the complainant and respondent with the approval of the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator. Such extension shall be confirmed in writing by the complainant and respondent. The Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator will also have the discretion to reasonably extend the deadlines if an investigation is deemed complex.

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

VI. Formal Resolution

The formal complaint proceeding is commenced by the filing of a complaint form as described above. The 90-day time limit also applies to the filing of a formal complaint. If the complainant first pursued the informal process and subsequently wishes to pursue a formal complaint, he/she may do so by checking the appropriate box and signing and dating the complaint form.

A. Notice to Parties

Upon receipt of a complaint, the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator will provide an initialed, signed, date-stamped copy of the complaint to the

Complainant. As soon as reasonably possible after the date of filing of the complaint, the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator will mail a notice of complaint and a copy of the complaint to the Respondent(s). Alternatively, such notice with a copy of the complaint may be given by personal delivery, provided such delivery is made by the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator (or designee) and, that proper proof of such delivery, including the date, time and place where such delivery occurred is entered in the records maintained by or for the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator.

B. Tripartite Panel Selection

Within 7 calendar days of receipt of the complaint, the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator shall send notification to the Complainant, the Respondent and the President that a review of the matter shall take place by a tripartite panel to be selected by the President or his/her designee.

The tripartite panel members shall choose a chair among themselves. Selection must be completed, and written notification of designees submitted to the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator no later than 7 calendar days after the complainant, the respondent and the campus president received notice.

C. Panel Review

The tripartite panel shall review all relevant information, interview pertinent witnesses and, at their discretion, hear testimony from and bring together the complainant and the respondent, if desirable. Both the complainant and the respondent(s) shall be entitled to submit written statements or other relevant and material evidence and witnesses, and to provide rebuttal to the written record compiled by the tripartite panel. Complainant has the right to request alternative arrangements if the complainant does not want to be in the same room as the accused. These alternative arrangements must be consistent with the rights of the accused and must enable both parties and the panel to hear each other during any hearing.

D. Findings and Recommendations

Within 15 calendar days from the completion of selection of the panel, the chairperson of the tripartite panel shall submit a summary of its findings and the panel's recommendation(s) for further action, on a form to be provided by the Affirmative Action Officer/Title IX Coordinator/ Title VI Coordinator, to the President. The burden of proof in cases of sex discrimination is preponderance of the evidence. When the panel transmits the summary of its Findings and the panel's recommendations to the President, the panel will also send, concurrently, copies of both the summary of its findings and recommendation(s) to the Complainant, Respondent and the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator.

Within 10 calendar days of receipt of the written summary, the President or designee shall issue a written statement to the complainant and respondent, indicating what action the President proposes to take. The action proposed by the President or designee may consist of:

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

The action of the President (or designee) shall be final for purposes of this discrimination procedure.

E. Notice of Outcome

No later than 7 calendar days following issuance of the statement by the President, as the case may be, the Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator shall issue a letter to the complainant and to the respondent(s) advising them that the matter, for purposes of this discrimination procedure, is closed.

F. Time Limitations

The time limitations set forth above may be extended by mutual agreement of the complainant and respondent with the approval of the panel. The panel will also have the discretion to reasonably extend the deadlines if an investigation is deemed complex. Such extension shall be confirmed in writing.

G. External Agencies

If the complainant is dissatisfied with the president's decision, the complainant may elect to file a complaint with one or more state and federal agencies. The campus Affirmative Action Officer/Title IX Coordinator/Title VI Coordinator will provide general information on state and federal guidelines and laws, as well as names and addresses of various enforcement agencies (Appendix A).

VII. Definitions

Harassment on the Basis of Protected Characteristic(s) other than Sex/Gender – harassment based on race, color, age, religion, national origin, disability, sexual orientation or other protected characteristics is oral, written, graphic or physical conduct relating to an individual's protected characteristics that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities.

Sex Discrimination – behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex. This includes but is not limited to sexual harassment, sexual assault, sexual violence by employees, students, or third parties. Employees should report sexual harassment that they observe or become aware of to the Affirmative Action Officer/Title IX Coordinator.

Sexual assault is defined as a physical sexual act or acts committed against a person's will and consent or when a person is incapable of giving active consent, incapable of appraising the nature of the conduct, or incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or acts. Sexual assault is an extreme form of sexual harassment. * Sexual assault includes what is commonly known as "rape," whether forcible or non-forcible, "date rape" and "acquaintance rape." Nothing contained in this definition shall be construed to limit or, conflict with the sex offenses enumerated in Article 130 of the New York State Penal Law, which shall be the guiding reference in determining if alleged conduct is consistent with the definition of sexual assault.

Sexual Harassment in the Educational Setting – unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the

basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the educational institution's program.

Sexual Harassment in the Employment Setting – unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when any of the following occurs:

- Submission to such conduct is made a term or condition of an individual's continued employment, promotion, or other condition of employment.
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting an employee or job applicant.
- Such conduct is intended to interfere, or results in interference, with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual Violence – physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

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

VIII. Related Documents

Policy 1020.1: Nondiscrimination Policy 1021: Sexual Harassment Policy 1021.1: Student's Bill of Rights
Procedure 121: Preventing and Addressing Sexual Harassment on Campus Procedure 121.1 Sexual
Violence Response
Procedure 121.2: Option for Confidentiality Disclosing Sexual Violence

Appendix A: External Enforcement Agencies

NEW YORK STATE DIVISION OF HUMAN RIGHTS

State Headquarters

New York State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, NY 10458
Tel: (718) 741-8400
Fax: (718) 741-3214

Albany

New York State Division of Human Rights
Empire State Plaza
Corning Tower, 28th Floor
Albany, NY 12220
Tel: (518) 474-2705
Fax: (518) 473-3422

Binghamton

New York State Division of Human Rights
44 Hawley Street, Room 603
Binghamton, NY 13901
Tel: (607) 721-8467
Fax: (607) 721-8470

Brooklyn

New York State Division of Human Rights
55 Hanson Place, Room 304
Brooklyn, NY 11217
Tel: (718) 722-2856
Fax: (718) 722-2869

Buffalo

New York State Division of Human Rights
The Walter J. Mahoney State Office Building
65 Court Street, Suite 506
Buffalo, NY 14202
Tel: (716) 847-7632
Fax: (716) 847-7625

Manhattan

New York State Division of Human Rights
20 Exchange Place, 2nd Floor
New York, NY 10005
Tel: (212) 480-2522
Fax: (212) 480-0143

New York State Division of Human Rights
Adam Clayton Powell State Office Building
163 West 124th Street, 4th Floor
New York, NY 10027
Tel: (212) 961-8650
Fax: (212) 961-4425

Long Island

New York State Division of Human Rights
175 Fulton Avenue, Suite 404
Hempstead, NY 11550
Tel: (516) 538-1360
Fax: (516) 483-6589

New York State Division of Human Rights
State Office Building
250 Veterans Memorial Highway, Room 2B49
Hauppauge, NY 11788
Tel: (631) 952-6434
Fax: (631) 952-4920

Rochester

New York State Division of Human Rights
One Monroe Square
259 Monroe Avenue 3rd Floor
Rochester, NY 14607
Tel: (585) 238-8250
Fax: (585) 238-8259

Syracuse

New York State Division of Human Rights
333 E. Washington Street, Room 443
Syracuse, NY 13202
Tel: (315) 428-4633
Fax: (315) 428-4638

Peekskill

New York State Division of Human Rights
8 John Walsh Boulevard, Suite 204
Peekskill, NY 10566
Tel: (914) 788-8050
Fax: (914) 788-8059

Office of Sexual Harassment

New York State Division of Human Rights
Office of Sexual Harassment
55 Hanson Place, Suite 347
Brooklyn, NY 11217
Tel: (718) 722-2060 or 1-800-427-2773
Fax: (718) 722-4525

Office of AIDS Discrimination

New York State Division of Human Rights
Office of AIDS Discrimination
20 Exchange Place, 2nd Floor
New York, NY 10005
Tel: (212) 480-2522
Fax: (212) 480-0143

UNITED STATES DEPARTMENT OF LABOR**Office of Federal Contract Compliance Programs**

201 Varick Street, Room 750
New York, NY 10014
Tel: (212) 337-2006
Fax: (212) 620-7705

Buffalo District Office

6 Fountain Plaza, Suite 300
Buffalo, NY 14202-2199
Tel: (716) 551-5065
Fax: (716) 551-4035

New York District Office

26 Federal Plaza, Room 36-116
New York, NY 10278
Tel: (212) 264-7742
Fax: (212) 264-8166

NEW YORK STATE DEPARTMENT OF LABOR**New York State Department of Labor**

State Campus, Building 12, Room 500
Albany, NY 12240
Tel: (518) 457-2746
Fax: (518) 457-6908

**UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION****EEOC National Headquarters**

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Washington, DC 20507
Tel: (202) 663-4900
Fax: (202) 663-4912

EEOC Field Office

6 Fountain Plaza, Suite 350
Buffalo, NY 14202
Tel: (716) 551-4441
Fax: (716) 551-4387

OCR National Headquarters

U.S. Department of Education
Office of Civil Rights Customer Service Team
Mary E. Switzer Building
330 C. Street SW
Washington, DC 20202
Tel: (800) 421-3481
Fax: (202) 205-9862

Office for Civil Rights

New York Office
75 Park Place, 14th Floor
New York, NY 10007-2146
Tel: (212) 637-6466
Fax: (212) 264-3803