ed characteristics that is sufficiently severe and/or serious, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefits from the educational institution’s programs or activities.

Filing a Sexual Harassment Sex Discrimination Complaint

Faculty, Staff and Students

The State University of New York (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. The College 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. 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.

Investigation Process

Pursuant to the State University of New York’s Discrimination Complaint Procedure, the complaint will be investigated expeditiously by the Executive Assistant to the President/Title IX Coordinator. Confidentiality shall be maintained whenever possible. However, absolute confidentiality is not always possible. Complaints are handled with discretion according to the principles of due process and fundamental fairness as follows:

1. A person bringing a complaint in good faith will suffer no retaliation.
2. The complaint should be in writing and sufficiently detailed.
3. The person charged will be promptly notified and given an opportunity to respond.
4. Employees must file a complaint within 180 days of the incident. Complaints beyond the 180-day period will be evaluated on a case-by-case basis.
5. Students must file a complaint within 180 calendar days following the alleged discriminatory act or 90 calendar days after the final grade is received in the semester of the course that was taken.

If a complaint is found to be valid, appropriate administrative action shall be taken, which may include, but is not limited to, counseling referrals, termination, demotion, reassignment, suspension, reprimand or training, depending on the severity of the behavior.

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 Executive Assistant to the President/Title IX Coordinator, Dr. Veronica Henry at 631 420-2622.

Sexual harassment in the workplace is a prohibited practice under Section 703 of Title VII of the 1964 Civil Rights Act as amended by the Equal Employment Opportunity Act of 1973. Inasmuch as the Equal Employment Opportunity Commission holds supervisory personnel liable for the actions of their employees and outsiders with respect to the above policy, supervisory personnel are required to inform their staff of the institutional policy and of the seriousness of the issue.

For information, contact:

Dr. Veronica Henry
Executive Assistant to the President
Chief Diversity Officer
Title IX Coordinator
Farmingdale State College
Horton Hall - Room 210
631-420-2622

Revised July 18, 2017
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 programs.

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.

Such conduct, whether committed by supervisors or non-supervisory personnel, is specifically prohibited. This includes, but is not limited to: repeated offensive and unwanted sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; graphic or degrading verbal comments about an individual or his or her appearance; the unwanted display of sexually suggestive objects or pictures; or any offensive physical contact, such as petting, pinching, or brushing against another’s body.

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, sexual violence and sexual assault cases, which asks whether it is “more likely than not” that the sexual harassment, sexual assault or sexual violence occurred. If the evidence presented meets this standard, then the accused should be found responsible.

Executive Assistant to the President/Title IX Coordinator

The College has a duty to promptly address complaints of sex discrimination, including sexual harassment, sexual assault and sexual violence, to limit the effects of the discrimination, and to prevent its recurrence.

Any faculty or staff member who receives a complaint of sex discrimination, or who wishes to file such a complaint on his/her own shall report the complaint to the Executive Assistant to the President/Title IX Coordinator, Dr. Veronica Henry at 631 420-2622.

If an employee or student feels that he/she has been a victim of sexual harassment, the incident may also be addressed informally with a Farmingdale State College staff member or the Director of Human Resources, who in turn will notify the Executive Assistant to the President/Title IX Coordinator. These discussions will be handled professionally and with discretion. If appropriate, an attempt will be made to resolve the problems informally and/or formally through the use of The State University of New York's Discrimination Complaint Procedure. http://www.farmingdale.edu/administration/equity-diversity/pdf/discrimination_complaint_procedure.pdf

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 protect-