

# Complaint Procedure for the Review of Allegations of Unlawful Discrimination

Binghamton University, in its continuing effort to seek equity in education and employment and consistent with Federal and State antidiscrimination legislation, has adopted a complaint procedure for

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## *Jurisdiction of the Affirmative Action Office*

Binghamton University is responsible for providing a learning and working environment free from discrimination. The University reserves the right to pursue any complaint of discrimination about which it becomes aware. Based on information received by the AA, the AAO or designee may exercise their own discretion and initiate a complaint on behalf of the University community.

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

If, at any time during the course of resolving or investigating a complaint of discrimination, the AAO or designee determines that a complaint is not within the jurisdiction of the office, it may refer the complaint to the appropriate authority.

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90-day period. In the event that the Complainant would be barred under these procedures, the Complainant may contact AA with regard to other

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referred to a proper University department/agency if the complaint does not fall within the jurisdiction of the AA;  
advised of the protection against retaliation;  
advised of the university policy on confidentiality;  
advised of the option to file a complaint with one of the external Federal/State investigative agencies at any time.

Should the AA staff determine that a complaint of unlawful discrimination merits further review, they will immediately commence an investigation. The complaint shall contain:

The name, local and permanent address (es), and telephone number(s) of the Complainant;

A statement of facts explaining what happened and what the Complainant believes constituted the unlawful discriminatory acts in sufficient detail to give each Respondent reasonable notice of what is claimed against him/her. The statement should include the date, approximate time and place where the alleged acts of unlawful discrimination or harassment occurred. If the acts occurred on more than one date, the statement should also include the last date on which the acts occurred as well as detailed information about the prior acts. The names of any potential witnesses should be provided, if appropriate;

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;

Identification of the status of the persons charged, whether faculty, staff, student or affiliated individual;

A statement indicating whether or not the Complainant has filed or reported information concerning the incidents referred to in the complaint with a non-- -University official or agency, under any other complaint or complaint procedure. If an external complaint has been filed, the statement should indicate the name of the person or department or agency with which the information was filed and its address or to which it was reported;

Other supplemental information as may be requested.

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

## ***Investigative Procedures***

If a Complainant elects to have the matter dealt with in an informal manner, the AAO will attempt to reasonably resolve the problem to the mutual satisfaction of the parties. The AA staff will attempt to resolve the complaint at the earliest intervention point. If these efforts are not successful, and the AA staff has determined that the complaint merits further investigation, the Complainant and

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repeated incidents would create a strong claim of discrimination, a



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## *Appendix B*





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Appendix C

## BINGHAMTON UNIVERSITY – Affirmative Action

### *Complaint Intake Form*

This form can be used by students, employees, and third parties to file a complaint of discrimination based on race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

### **Complaint Intake & Information (please print or type)**

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1. Your Name: \_\_\_\_\_

Preferred Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Primary Phone #: \_\_\_\_\_

Additional Phone #: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

Y

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Name(s)\_\_\_\_\_

3. Have you previously filed an informal complaint:    No        Yes (approx. date):\_\_\_\_\_

To whom (person or office) have you previously reported the informal complaint:\_\_\_\_\_

Have you previously reported information concerning this individual/behavior:

No        Yes