

# **ALBANY LAW SCHOOL**

## **PROHIBITION OF DISCRIMINATION, HARASSMENT, AND RETALIATION FOR THE CAMPUS COMMUNITY**

EFFECTIVE JANUARY 1, 2020

UPDATED JULY 19, 2023

### **I. POLICY AND DEFINITIONS**

#### **PURPOSE AND SCOPE OF THE POLICY**

Albany Law School (“Albany Law” or the “Law School”) strictly prohibits discrimination and harassment because of race, color, creed, religion, sex, sexual orientation, national origin, age, physical or mental disability, genetic predisposition to diseases or carrier status, marital status, military status, domestic violence victim status, and any other category protected by applicable federal, state, or local law. Albany Law also prohibits retaliation in any form against any individual who opposes a discriminatory practice, makes a good faith complaint of harassment, and/or furnishes information or otherwise participates in an investigation of any such allegations, regardless of the outcome.

All members of the campus community, including, but not limited to, administrators, members of the Board of Trustees, faculty, students, staff, and visitors including individuals attending Law School sponsored programs and/or events (“Law School Community”) are responsible for preventing discrimination, harassment, and retaliation and acting in accordance with this policy. Note that Section II (Complaints Related to President and Dean or the Board of Trustees) below addresses complaints by or against the President and Dean, as well as a member of the Board of Trustees. Except as otherwise noted in Section II (Complaints Related to President and Dean or the Board of Trustees), all complaints of discrimination, harassment, or retaliation made by or against a Law School student will be investigated and resolved through the Albany Law School Student Policy on Harassment, Sexual Assault & Relationship Violence.

This Policy addresses all Albany Law faculty, staff, and visitors of the Law School’s facilities. Albany Law will not tolerate any such discrimination, harassment, or retaliation, and the commission of any such conduct by anyone subject to this Policy (or other similar policies) will result in appropriate remedial action, up to, and including termination of employment for employees and other forms of remedial action to prevent future violations of this Policy for non-employees of the Law School.

#### **DEFINITIONS**

##### **CONFIDENTIALITY**

As set forth in this Policy, the Law School encourages victims of discrimination, harassment, and retaliation to report the offending conduct. Individuals who make a complaint under this Policy are advised that confidentiality cannot be guaranteed. However, in investigating and adjudicating allegations of discrimination, harassment, and

retaliation under this Policy, the Law School will make a reasonable effort to ensure that information related to a complaint is shared on a need-to-know basis and that such information is not disseminated to anyone that does not have a legitimate reason to know the information.

#### DISCRIMINATION

Discrimination is defined as any distinction, preference, advantage for, or detriment to an individual compared to others that is based on an individual's actual or perceived race, color, creed, religion, sex, sexual orientation, gender identity, gender expression, transgender status, national origin, age, physical or mental disability, genetic predisposition to diseases or carrier status, marital status, military status, domestic violence victim status, or any other category protected by applicable federal, state, or local law, that adversely affects a term or condition of an individual's employment, education, living environment, or participation in a Law School activity, or is used as the basis for or factor in decisions affecting that individual's employment, education, living environment, or participation in a Law School activity.

#### SEXUAL HARASSMENT:

Sexual harassment is defined as any unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

1. Submission to the conduct is made a term or condition of employment or educational opportunity;
2. Submission to or rejection of the conduct is used as a basis for decisions affecting the individual; or
3. The conduct has the purpose or effect of unreasonably interfering with the employee's or student's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.
4. It is unlawful for anyone to harass or discriminate against a person of the same or a different gender, whether by birth or other identification, or a person who does not identify with either gender.

This definition includes many forms of offensive behavior, including, but not limited to:

1. Unwanted sexual advances;
2. Offering employment or academic benefits in exchange for sexual favors;
3. Making or threatening reprisals after a negative response to sexual advances;
4. Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters;

5. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about any employee's or student's body or dress;
6. Verbal sexual advances or propositions;
7. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes, or invitations;
8. Physical conduct such as touching, assault, or impeding or blocking movements; or
9. Retaliation for reporting harassment, threatening to report harassment, or participating in an investigation involving allegations of harassment, or sex or gender-based misconduct, regardless of the outcome.

Sexual harassment is unlawful whether it is harassment by a coworker, supervisor, faculty member staff member, anyone doing business with or on behalf of Albany Law School or any other member of the Law School Community, whether addressed in this Policy or other policies or otherwise prohibited by law.

In addition, it is important to recognize that sexual harassment may be injurious to a third party when that person is negatively affected by unwelcome or welcome sexual conduct between other individuals in that third party's workspace or classroom – or any other setting that requires an employee or student to be present for purposes of work or learning.

#### DISCRIMINATORY HARASSMENT:

Discriminatory harassment is defined as unwelcomed verbal or physical conduct based on an individual's race, color, creed, religion, sex, sexual orientation, national origin, age, physical or mental disability, genetic predisposition to diseases or carrier status, marital status, military status, domestic violence victim status, and any other category protected by applicable federal, state, or local law, when:

1. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; degrades, humiliates, or denies a person or persons the full and free exercise of their rights or privileges; or unreasonably interferes with an individual's work performance or the progress of the individual's education;
2. The acquiescing to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; or
3. The acquiescing to or resisting of such conduct by an individual is used as the basis for employment or academic decisions affecting such an individual.

Discriminatory harassment also includes any harassment toward someone on the basis of that person's race, color, creed, religion, sex, sexual orientation, national origin, age, physical or mental disability, genetic predisposition to diseases or carrier status, marital status, military status, domestic violence victim status, and any other category protected by applicable federal, state, or local law.

Discriminatory harassment does not include petty slights or trivial inconveniences, but rather unwanted conduct that impacts the work or educational environment as described above.

Examples of discriminatory harassment may include, but are not limited to:

1. Verbal conduct such as threats, epithets, derogatory comments, or slurs;
2. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
3. Physical conduct such as assault, unwanted touching, or blocking normal movement; or

Any form of retaliation for reporting harassment, threatening to report harassment, or participating in an investigation involving allegations of harassment, or sex or gender-based misconduct, regardless of the outcome.

Any Albany Law employee or member of the Law School Community covered by this Policy who has a responsibility to report and to whom a report is made or who otherwise becomes aware of a violation of this Policy is expected to promptly report such violation to a member of the Harassment Committee.

#### RETALIATION:

Albany Law will not retaliate and forbids retaliation against anyone covered by this Policy who engages in protected activity. Protected activities include:

1. Opposing a discriminatory practice;
2. Making a good faith complaint of discrimination or harassment, or encouraging/assisting someone else covered by this Policy in making such a complaint; or
3. Furnishing information or participating in any manner as a witness in an investigation or proceeding related to such a complaint.

Retaliation includes any conduct, whether or not workplace or employment-related, directed at someone because they made such a complaint, encouraged or assisted another person covered by this Policy in making a good faith complaint, or participated in such an investigation related to a complaint of unlawful discrimination or harassment, which might deter a reasonable person from making or supporting a charge of unlawful

discrimination or harassment. Employees who commit retaliatory actions will face disciplinary action, up to and including termination of employment. The Law School will take appropriate remedial measures against non-employees who engage in retaliation in violation of this Policy.

Any person covered by this Policy who believes they have been the victim of retaliation are encouraged to report the matter to a Member of the Harassment Committee.

## **II. COMPLAINTS RELATED TO PRESIDENT AND DEAN OR THE BOARD OF TRUSTEES**

In the event a complaint under this Policy involves the President and Dean or a Member of the Board of Trustees as an accused party, the matter shall be immediately referred to and handled by the Committee on Trustees and Governance of the Board of Trustees. In such cases, the Policy on the Prohibition of Discrimination, Harassment, and Retaliation for the President, Dean and Board of Trustees shall apply to the complaint and the case will proceed under such policy. In cases when the President and Dean or a Member of the Board of Trustees is a complainant and the accused is a member of the faculty or staff or a visitor or a student, the case will proceed under this Policy, however the members of the Subcommittee assigned to the case shall use an external investigator as provided in Section V. Investigations. Para 1 herein, and the consent of the President and Dean or Vice President for Finance and Business shall not be required (although such officers shall be informed of the complaint and the use of the outside investigator).

## **III. EXPECTATIONS WITH RESPECT TO CONSENSUAL SEXUAL RELATIONSHIPS**

Sexual relationships between faculty and students, staff and students, and members of the Board of Trustees and students are problematic due to the inherent power differential. Therefore, sexual or romantic relationships between faculty and students, staff and students, and Trustees and students are absolutely prohibited. Similarly, sexual or romantic relationships between a supervisor or manager and any person with lesser authority within the chain of command are absolutely prohibited.

## **IV. EXPECTATION WITH RESPECT TO VIOLATIONS OF THE LAW SCHOOL'S STUDENT POLICY ON HARASSMENT, SEXUAL ASSAULT & RELATIONSHIP VIOLENCE**

All employees and Trustees are expected to review and must familiarize themselves with the Law School's Student Policy on Harassment, Sexual Assault & Relationship Violence. Unless you are designated to be a Confidential Resource, employees and Trustees who learn of any information that may be considered a violation of the Law School's Student Policy on Harassment, Sexual Assault & Relationship Violence Policy are expected to report this information immediately to the Law School's Title IX Coordinator or the Director of Human Resources.

## **V. PROCEDURES FOR HANDLING COMPLAINTS OF HARASSMENT/DISCRIMINATION**

### **HARASSMENT COMMITTEE**

1. The Harassment Committee shall be composed of three faculty members and four staff members. The Title IX Coordinator and Director of Human Resources are permanent staff appointments to the Committee. All other members are appointed by the President and Dean and serve term appointments. A current list of Harassment Committee members will be available on the Law School's portal. The Title IX Coordinator, who will serve as the Chair of the Harassment Committee, will call the first meeting in the fall of each academic year. In the event a complaint under this policy involves the Title IX Coordinator, or the Title IX Coordinator otherwise has a conflict of interest with a particular complaint, the Director of Human Resources or if a conflict with that person, then a person appointed by the President will serve as Chair of the Committee for such complaint.

2. Members of the Harassment Committee shall receive annual training with respect to this Policy, the procedures under this Policy, and current legal issues regarding harassment. The Title IX Coordinator shall arrange for this training in the fall of each year.

3. Committee members shall serve three-year terms.

4. The members of the Committee will treat each complaint confidentially; information obtained from the complainant will not be discussed with other personnel except as necessary to investigate and resolve the complaint.

5. Notwithstanding the foregoing, the Chair of the Harassment Committee will notify the President and Dean, the Chair of the Board, and Vice President for Finance and Business of any complaint of harassment, discrimination, retaliation or other allegation that suggests that a violation of this Policy has occurred, when it becomes known to the Harassment Committee or any member thereof. If the allegation involves the President and Dean, or a member of the Board of Trustees, as a complainant or an accused, notification also must be made to the Chair of the Committee on Trustees and Governance of the Board of Trustees.

6. The Title IX Coordinator is charged with educating the Law School Community about harassment and this Policy.

#### **INITIATING A COMPLAINT**

1. Anyone who believes that they are a victim of discrimination or harassment in violation of this Policy is encouraged to promptly report the offending conduct to a member of the Harassment Committee. All members of the Law School community who have an obligation to report and who are aware of instances of discrimination, harassment, or retaliation prohibited by this Policy are expected to report them to a Harassment Committee member. However, in cases relating to students, the member of the Law School Community should report the alleged conduct to the Law School's Title IX Coordinator or Director of Human Resources as set forth in Section IV above.

2. Upon receipt of a complaint, the Harassment Committee member will also determine whether the complaint falls within the purview of the Law School's Student

Policy on Harassment, Sexual Assault & Relationship Violence. Complaints falling within the purview of that Policy will be referred to the Title IX Coordinator for proper action.

3. In the event the initial complaint is presented to the President and Dean, the matter shall be referred by the President and Dean to the Chair of the Harassment Committee for further action.

4. Upon receipt of any complaint alleging a violation of this Policy, the Chair of the Harassment Committee shall select and designate a subcommittee of the Harassment Committee that will be assigned to the particular complaint.

5. Upon receipt of any complaint, the assigned Subcommittee may make an initial determination that the underlying conduct, even if true, would not constitute a violation of this Policy. Such a determination will be documented, and the complaint will not be referred to investigation. In those instances where conduct, even if true, does not constitute a violation of this Policy and does not warrant investigation by the Harassment Committee, but may otherwise require corrective action to be taken, the Subcommittee may refer the matter to Student Affairs, Academic Affairs, Human Resources, or another appropriate official for further action.

6. In those instances where a complainant does not want to move forward with a formal complaint or investigation, the Law School retains discretion to conduct an investigation on behalf of the individual who made the initial report for the purpose of providing a harassment-free, retaliation-free and discrimination-free environment for all members of the Law School community. The assigned Subcommittee will make a determination as to whether the Law School will proceed with such an investigation by evaluating the following factors:

a. The severity, pervasiveness and impact of the harassment, discrimination, or retaliation alleged to have occurred;

b. Whether there have been other complaints of harassment, discrimination, or retaliation involving the same accused individual;

c. Whether the accused individual has made threats of further harassment, discrimination, or retaliation to the complainant or others;

d. Whether the Law School possesses other means to obtain evidence that is relevant to the investigation; and

e. The overall safety of the campus community (including the complainant).

If after reviewing the above factors, the Subcommittee decides to conduct an investigation, the Subcommittee shall notify the Law School's President and Dean of that decision. In the event the Subcommittee decides to conduct an investigation on behalf of the Law School, the Subcommittee will follow the steps outlined in Section V (Procedures for Handling Complaints of Harassment/Discrimination).

## INVESTIGATION

1. After receiving a complaint of a violation of this Policy or information that suggests that a violation of this Policy may have occurred, the assigned Subcommittee will determine whether to handle the investigation internally by the members of the Subcommittee or whether to select an external investigator to conduct the investigation. If the Subcommittee determines that an external investigator should be used, the Chair of the Harassment Committee shall request approval from the President and Dean or Vice President for Finance and Business.

2. At the outset of an investigation, the accused will be provided with a copy of this Policy as well as written notice of the allegations that have been raised. The accused will also be afforded the opportunity to fully participate in the investigation, including, but not limited to, an interview by the investigator(s) and the opportunity to present evidence and identify witnesses on the accused's behalf.

3. The purpose of the investigation is to establish whether, based on a preponderance of the evidence standard (more likely than not), there is a reasonable basis for believing that the alleged violation of this Policy has occurred. In conducting the investigation, the Subcommittee or external investigator must interview the complainant, the accused, and other persons believed to have pertinent factual knowledge, and review any pertinent documentation. The complainant and accused individual will be notified if there is a need for an extension of time to complete the investigation. At all times, the designated investigator(s) conducting the investigation will take steps to ensure confidentiality. The Subcommittee will periodically apprise the parties of the status of the investigation.

4. Upon completion of the investigation, the investigator(s) will prepare a written report of findings (the "Investigative Report"). The Investigative Report will include a detailed summary of all evidence gathered during the investigation, including information reported by the complainant, accused, and other witnesses, as well as all documents or other evidence obtained by the investigator(s) during the course of the investigation.

5. If an external investigator is used, the investigator's Investigative Report will not include a recommendation as to whether this Policy has been violated, but may comment on the credibility of those interviewed. After receipt of the external investigator's Investigative Report, the Subcommittee shall review the Investigative Report and based upon a majority vote of the Subcommittee, shall render a written recommendation as to whether this Policy has been violated. The Subcommittee must use the preponderance of the evidence standard in making its recommendation and base its decision on a review of the evidence gathered during the investigation and the Investigative Report prepared by the external investigator. Unless more time is required and the parties are notified, the investigation, external investigator's Investigative Report, and Subcommittee's written recommendation will be completed within sixty (60) calendar days after the initial receipt of a complaint.



6. If the Subcommittee conducts the investigation, the Subcommittee will prepare the Investigative Report. The Subcommittee's Investigative Report will include a written recommendation, based upon a majority vote of the Subcommittee, as to whether this Policy has been violated. The Subcommittee must use the preponderance of the evidence standard in making its recommendation and base its decision on a review of the evidence gathered during the investigation and its own Investigative Report. Unless more time is required, the Subcommittee's Investigative Report and written recommendation will be completed within sixty (60) calendar days after the initial receipt of a complaint.

7. After the Subcommittee has prepared its written recommendation, the Investigative Report, written recommendation, and all information/documents gathered during the investigation, will deliver for formal action to:

a. The President and Dean, if the complaint is against a faculty member; or

b. The Vice President for Finance and Business or Director of Human Resources, if the complaint is against a staff member or other member of the Law School Community (other than the President and Dean or a member of the Board of Trustees). The Vice President for Finance and Business and Director of Human Resources may confer with the President and Dean when necessary; or

c. In the event the Dean has a conflict of interest with a complaint, it shall be delivered to the Vice President for Finance and Business or Director of Human Resources for appropriate action; or

d. In the event the Vice President for Finance and Business or Director of Human Resources has a conflict of interest with a complaint, it shall be delivered to the Dean for appropriate action.

8. The recipient of the Subcommittee's written recommendation will review the materials submitted and, based on a preponderance of the evidence standard, prepare a written determination as to whether this Policy has been violated. The written determination must include a detailed recitation of the facts and information gathered during the investigation, as well as a detailed basis for the determination. Where a decision is reached that this Policy has been violated, the written determination shall also include the sanctions that will be implemented against the individual who violated the Policy. In the event the Dean or the Vice President for Finance and Business or Director of Human Resources makes a determination at odds with the written recommendation of the subcommittee, that shall be explained in the written determination.

9. Both the complainant and the accused will be notified, in writing, of the outcome of the investigation and any formal action that will be taken.

10. At any time after a complaint has been made but before formal remedial action has been taken, the Subcommittee may work with the complainant and the accused individual to informally resolve the complaint. All informal resolutions must be

agreed to by both the complainant and the accused, as well as approved by the Chair of the Harassment Committee.

#### **FORMAL ACTION**

1. The decision to take formal action will be determined in accordance with appropriate procedures or policies applicable to faculty and staff, or in accordance with any contracts of employment that may exist.

2. If formal action requires a hearing pursuant to faculty rules, in addition to procedures governing panel hearings under faculty rules, upon written request from the complainant or the accused, made before or after the start of the hearing process, the hearing panel shall close all, or part of any hearing held in connection with a harassment complaint.

3. To the extent practicable, any formal action will be completed within 60 days following referral of the matter by the Subcommittee. The complainant and the accused will be informed promptly about the outcome of the proceedings through a formal determination letter.

#### **PROTECTION OF THE PARTIES**

1. After consulting with the Executive Committee of the Board of Trustees, the President and Dean may, at any time during an investigation of a violation of this Policy, suspend any member of the Law School Community who has been accused of violating this Policy from Law School activities or responsibilities while the investigation is pending.

2. A complainant found to have been intentionally dishonest in making an allegation of harassment or discrimination, or if found to have made such allegations maliciously, is subject to appropriate disciplinary and/or remedial action.

3. To the extent possible, the investigations and proceedings will be conducted in a way calculated to protect the confidentiality interests of all parties to the extent practicable and consistent with investigatory best practices.

4. During interviews, the complainant or the accused has the right to be accompanied by a representative of his or her choice, at his or her own expense. The representative may only act in a supporting role and is not permitted to speak on behalf of the complainant or the accused. Representatives who do not respect this limitation will not be permitted to participate in the process.

## APPENDIX A

### Committee Members with Contact Information:

<p>Melissa Breger          Professor of Law          Room M201, 1928 Bldg.          (518) 445-3325  <a href="mailto:mbreg@albanylaw.edu">mbreg@albanylaw.edu</a>          Term exp. 2025</p>	<p>Joseph Connors          Professor of Law          Room U105, 2000 Bldg.          (518) 445-3224  <a href="mailto:jconn@albanylaw.edu">jconn@albanylaw.edu</a>          Term exp. 2027</p>	<p>Keith Hirokawa          Professor of Law          Room M512, 1928 Bldg.          (518) 445-3360  <a href="mailto:khiro@albanylaw.edu">khiro@albanylaw.edu</a>          Term exp. 2026</p>
<p>Lauren Mineau          Assistant Director of          Communications and          Marketing          Room U322, 2000 Bldg.          (518) 445-3286  <a href="mailto:lmine@albanylaw.edu">lmine@albanylaw.edu</a>          Term exp. 2026</p>	<p>Andrea Wedler          Director of Financial Aid          Room U227, 2000 Bldg.          (518) 445-2388  <a href="mailto:awedl@albanylaw.edu">awedl@albanylaw.edu</a>          Term exp. 2025</p>	
<p><b>Permanent Members:</b></p>		
<p>Sherri Donnelly          Director of Human Resources          Room U231, 2000 Bldg.          (518) 445-2396  <a href="mailto:sdonn@albanylaw.edu">sdonn@albanylaw.edu</a></p> <p>Jackie Moran          Title IX Coordinator          (518) 445-3346  <a href="mailto:jmora@albanylaw.edu">jmora@albanylaw.edu</a>  <a href="mailto:TitleIXCoordinator@albanylaw.edu">TitleIXCoordinator@albanylaw.edu</a></p>		

## NEW YORK STATE WORKPLACE SEXUAL HARASSMENT SUPPLEMENTAL POLICY

In compliance with New York State law, the Law School provides for the following notifications concerning workplace sexual harassment. The following does not replace – and is instead in addition to – the Law School’s Policy on Prohibition of Discrimination, Harassment and Retaliation (“Harassment Policy”), and the Law School’s Student Policy on Harassment, Sexual Assault & Relationship Violence. Sexual harassment is defined in the Law School’s Harassment Policy, and the procedures for reporting, investigating and adjudicating complaints of sexual harassment are contained in the Harassment Policy.

The Law School’s policies addressing sexual harassment apply to all employees. They also apply to individuals who are not employees of the Law School but are employees of contractors, subcontractors, vendors, consultants, and other persons who provide services in the Law School’s workplace, such as interns and temporary employees.

Sexual harassment is a form of employee misconduct. A Law School employee who is experiencing sexual harassment or suspects that another individual is being harassed may contact his/her supervisor or department head or a member of the Law School’s Harassment Committee, as outlined in the Harassment Policy. A Law School supervisor or manager who receives a complaint or information about workplace sexual harassment is required to take appropriate action. Appropriate action may include immediately intervening if harassment is witnessed by the supervisor or manager, and in all instances includes reporting the situation to the Law School’s Director of Human Resources. In addition to being subject to discipline if they themselves engage in sex discrimination, sexually harassing conduct, or retaliation, persons with supervisory authority over other Law School employees will be subject to discipline for knowingly allowing sexual harassment to continue. A reporting form is provided as an attachment to this policy that employees may use, if they wish, to submit a report of workplace sexual harassment.

The Law School reserves the right to take action to correct – including to discipline – behaviors that violate the Law School’s professional conduct expectations even if the conduct does not violate the law. Therefore, not all situations that violate Law School policy will constitute a violation of the law or allow for a legal remedy. The following agencies enforce laws prohibiting sexual harassment. An individual who has experienced sexual harassment may file a complaint with the Law School or also may file a complaint with an enforcement agency.

The **New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL)**, codified as N.Y. Executive Law, art. 15, § 290 et seq., which prohibits sexual harassment in employment in New York State, and protects employees, and other individuals working in an employer’s workplace. A complaint alleging a violation of the Human Rights Law may be filed either with DHR, subject to a one-year statute of limitations, or in New York State Supreme Court, subject to a three-year statute of limitations.

The DHR will investigate the complaint to determine if unlawful harassment occurred and if the circumstances amount to a violation of the law. If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which varies, but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including reversing an unlawful employment action, paying monetary damages, attorneys' fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 [www.dhr.ny.gov](http://www.dhr.ny.gov). The DHR can be contacted at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form and contact information for DHR's regional offices across New York State.

The **United States Equal Employment Opportunity Commission (EEOC)** enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC also investigates complaints, but does not hold hearings or award relief. The EEOC may take other action including pursuing cases in federal court on behalf of complaining parties, or issuing a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred.

The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), or visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual files an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the individual's right to proceed in federal court.

There may be additional applicable laws, including local laws, or agencies that address the topics covered by this policy. If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. An employee who believes that a crime has been committed, or if the employee believes he/she is in physical danger, is urged to file a report with the local police department immediately.

Individuals are reminded that no one who in good-faith makes a complaint of sexual harassment or participates in an investigation into sexual harassment – whether an internal Law School process or an external enforcement agency process – may be retaliated against. Retaliation is against Law School policy and it is against the law.

# ALBANY LAW SCHOOL

## *Harassment Reporting Form*

This form is designed to assist individuals making a report under Albany Law School's (the "Law School") policy on the Prohibition of Discrimination, Harassment, and Retaliation (the "Policy"). If you believe you are being or have been subjected to conduct in violation of the Policy, or witness or otherwise become aware of such conduct, you are expected to report such, either verbally or in writing. It is the Law School's policy to promptly and thoroughly investigate such reports.

If you wish to make a written report, you may use this form to do so. If you are more comfortable reporting verbally or in another manner, you are welcome to do so. For information concerning additional alternate avenues of reporting, please refer to the Policy.

The Law School prohibits retaliation against any individual who opposes a discrimination practice, makes a good faith report of discrimination or harassment, or who participates in an investigation of such a report. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters more efficiently.

### **INFORMATION ABOUT YOU**

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Work Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Job Title: \_\_\_\_\_ Email: \_\_\_\_\_

Select Preferred Communication Method:     Phone     Email     In person

### **INFORMATION ABOUT YOUR SUPERVISOR (IF APPLICABLE)**

Immediate Supervisor's Name: \_\_\_\_\_

Title: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Work Email: \_\_\_\_\_

Work Address: \_\_\_\_\_

## INFORMATION CONCERNING SUSPECTED POLICY VIOLATION

1. Your report concerns:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Work Email: \_\_\_\_\_

Work Address: \_\_\_\_\_

Relationship to you:  Supervisor  Subordinate  Co-Worker

Other: \_\_\_\_\_

2. Please describe the conduct or incident(s) that is/are the basis of this report and how the conduct is affecting you and your work. Describe each act or incident separately including dates, times, locations and your reaction and/or action(s) taken in response. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Why do you believe the conduct or incident(s) described above violate(s) the Policy?

4. Is the conduct continuing?  Yes  No

5. Please list the name and contact information of any witnesses or individuals that may have information related to your report:

6. Are there any documents or other evidence of the conduct or incident? If so, please describe and/or attach.

7. What is your desired outcome of the investigation?

Upon receipt of this notification, you will be contacted by a member of the Harassment Committee. Every effort will be made to assure that confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. For additional information, please refer to the Policy.

*The information provided in this report is true, accurate and complete. I am willing to cooperate fully in the investigation of this report and provide whatever evidence the Law School deems relevant.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_