



Sexual Harassment Complaint Procedure

Members of Utica College who have complaints of sexual harassment by anyone at this College, including any students, staff, administrators or faculty as well as vendors, contingent employees, clients and consultants are encouraged to report such conduct to the Title IX Coordinator so that (s)he may investigate and resolve the problem. Individuals who feel subjected to sexual harassment should report the circumstances orally and/or in writing as soon as possible to the Title IX Coordinator. A delay in reporting may affect an investigator's ability to gather information relevant to the case.

For the purposes of filing a complaint, "Title IX Coordinator" refers to the Title IX Coordinator and any Deputy Title IX Coordinators. The contact information for Title IX is as follows:

Title IX Coordinator: Lisa Green, Assistant Vice President of Human Resources & Personnel Development
(315) 792-3736 or lgreen@utica.edu

Deputy Title IX Coordinator for Students: Alane Varga, Dean of Students
(315) 792-3100 or avarga@utica.edu

Deputy Title IX Coordinator for Athletics: David Fontaine, Director of Athletics and Physical Education
(315) 792-3050 or dsfontai@utica.edu

The investigator assigned to investigate an allegation of sexual harassment will maintain confidentiality in her/his investigation. However, those who wish to remain anonymous should know that it may be difficult to take action, in some cases, due to lack of detailed information.

Any individual pursuing a complaint may do so without fear of reprisal.

Resolutions of Complaints

If the student or employee does not wish to pursue a formal complaint resolution process, the individual hearing the complaint will make sure to document this. However, there may be instances when, for the safety of others who may be impacted by the alleged action, an investigation will be conducted.

If a student or employee wishes to pursue the matter through a formal resolution process, a written complaint must be submitted to the Title IX Coordinator, giving details of the

alleged harassment, including dates, times, places, name(s) of individual(s) involved and names of any witnesses. The complaint must be addressed to the Title IX Coordinator. Formal complaints will be investigated in the following manner:

Upon receipt of a written complaint, the Title IX Coordinator will identify an appropriate investigator to investigate the complaint. In most cases, the investigator will request an investigatory meeting beginning with the complainant immediately. The investigator will typically meet next with witnesses, and finally with the individual complained against. Please note that while this is the typical order of investigation, there may be situations where the order will be changed for a variety of reasons (accessibility of individuals, to ensure confidentiality, etc.). The investigator will document all meetings. The investigation will be limited to what is necessary to resolve the complaint or make a recommendation. If it appears necessary for the investigator to speak to any individuals other than those involved in the complaint, (s)he will do so only after informing the complainant and person complained against.

If the alleged harasser is a student, it is likely that the investigation will follow the student conduct procedure (see <http://www.utica.edu/student/conduct/sanctions.cfm>).

The assigned investigator will investigate all complaints of sexual harassment expeditiously and professionally. To the extent possible, the investigation will begin upon receipt of the complaint. Complaint resolution will typically occur within 30 days from the time the formal investigation is initiated, unless circumstances surrounding the investigation warrant an extended timeline. The investigator will also maintain the confidentiality of the information provided to her/him in the complaint and investigation process. The only other employee of Utica College who will be informed about the investigation is the Title IX Coordinator, who is responsible for making sure that the proper complaint resolution procedures are followed.

The names or other identifying information regarding witnesses for either party involved in the complaint may be made known to the opposing party, but not without notification to all parties. Referrals for therapists and medical personnel for all individuals involved in an investigation will be made available upon request.

Following the completion of an investigation, the investigator will make one of the following determinations:

Finding of Responsibility/Sustain the Complaint: A finding of sexual harassment has been made and recommendations for corrective action will be identified. Recommended corrective action may include an apology, written or oral reprimand, relief from specific duties, suspension, expulsion, dismissal, or transfer of the employee found to have engaged in sexual harassment.

No Finding of Responsibility/Not Sustain the Complaint: A finding of no sexual harassment has been made.

Insufficient Information: Insufficient information exists on which to make a determination. The investigator will reinvestigate all parties named in the complaint. It

is important to note that in some cases, a finding of insufficient information may not necessarily mean that no further action is required. In cases where the information provided was found to be insufficient, the Title IX Coordinator may decide that there are administrative remedies necessary to safeguard the parties involved. For example, in the case of a finding of insufficient information in a student case, the Title IX Coordinator may decide after reviewing the information that a restricting contact between the students involved will prevent further situations.

Following any determination and recommendations for corrective action, the investigator will document the findings of fact and issue a written decision. The Title IX Coordinator will be notified of decisions. Correspondence with the complainant and the person complained against regarding the findings of the investigation and recommendations for corrective action will take place immediately upon reaching a decision. This correspondence will come from the Title IX Coordinator. If complainants are not satisfied with the attempts to resolve their complaint of sexual harassment, they may seek resolution through other sources, for example, the New York State Division of Human Rights or the Equal Employment Opportunity Commission or, for students, the Office for Civil Rights, U.S. Department of Education.

For additional information regarding Utica College's zero tolerance of sexual harassment, contact any one of the following Title IX resources listed in the opening paragraph of this procedure.

All Title IX coordinators and investigators are trained in complaint resolution and receive additional education about sexual harassment law and its management and psychological applications.

In addition, the Title IX Coordinator will be responsible for a program of information and education concerning sexual harassment in general and Utica College's policy and procedures.