

Common Questions About Reporting Discrimination and Harassment

What happens during an investigation?

EDI investigations will generally include the following steps:

1. Meeting or speaking with the person reporting discrimination or harassment.
2. Notifying the supervisor of the person accused of discrimination or harassment about the investigation.
3. Meeting with the person accused of discrimination or harassment in order to explain the allegations and obtain their response.
4. Reviewing any relevant documents, policies or other information submitted by the parties to the complaint.
5. Interviewing third-party witnesses.
6. Holding a follow-up meeting with the person reporting discrimination or harassment to explain the responses to the claims.
7. Making a finding and/or recommendations based on the investigation.

With or without an investigation, EDI can work with the parties to assist in resolving a complaint.

What if I'm not sure I want an investigation? Will my information be kept confidential?

In most cases, we can honor your request not to move forward with an investigation. In some circumstances—for example, where not moving forward would create a risk to you or others, or potentially violate the law—we may have to address the situation. Your information will always be kept private, meaning that we will not disclose it to anyone without a legitimate need to know (for example, we need to contact someone about a safety concern or to conduct the investigation). We will not contact anyone without telling you first, and we will take action to protect you against retaliation or reprisal.

What are some potential outcomes of reporting discrimination or harassment?

Most people who report discrimination or harassment are seeking a resolution to their concerns; if possible and appropriate, we will seek to achieve a resolution

that is satisfactory to all parties. There are additional potential outcomes of a discrimination or harassment report, as below:

- Both parties reach a resolution, and there are no other issues requiring EDI involvement.
- The reporting party elects to withdraw the complaint and/or requests that there be no further investigation. If there are no other factors that require continuation of the investigation, the investigation is closed. EDI will retain a record of the complaint.
- There is insufficient evidence to support a finding of a violation of the university's policies against discrimination and/or harassment. Both parties will be notified of the outcome and EDI will retain a record of the complaint.
- There is sufficient evidence to support a finding of a violation of the university's policies against discrimination and/or harassment. In this event, EDI will recommend appropriate action to the supervisor or unit head to remedy such violation(s).

If the discrimination or harassment is such that it could result in disciplinary action, EDI may refer the matter through the applicable campus disciplinary mechanism(s) (e.g., Employee Relations, Student Conduct and Advocacy). If this is necessary, we will ensure that you are provided with information about the disciplinary process. It is your choice whether you want to participate in the disciplinary process.

What protections and rights do I have if I report discrimination, or if I'm accused of discrimination or harassment?

- You are protected against retaliation for reporting discrimination and/or participating in an investigation. If any negative action is taken against you as a result of filing a report or participating in an investigation, we will investigate this allegation separately.
- If you are accused of discrimination or harassment, you are entitled to due process, including knowledge of the specific allegation(s) against you and an opportunity to respond.
- Anyone who meets with EDI may choose to be accompanied by a person of their choice; individuals who accompany a complainant, respondent or third-party witness must maintain confidentiality and may not impede or interfere with the investigator's ability to obtain necessary information.

To Report Discrimination or Seek Advice

OFFICE OF EQUITY, DIVERSITY AND INCLUSION

406 Capen Hall
Buffalo, NY 14260
716-645-2266 | FAX 716-645-3952
diversity@buffalo.edu
buffalo.edu/equity
Sharon Nolan-Weiss, Director & Title IX/ADA Coordinator

If you have experienced sexual violence, dating violence or stalking, there are multiple reporting and support options. For more information, please contact EDI or visit buffalo.edu/use.

Avenues of reporting outside UB include:

NEW YORK STATE DIVISION OF HUMAN RIGHTS

The Walter J. Mahoney State Office Building
65 Court St., Suite 506
Buffalo, NY 14202
716-847-7632
dhr.ny.gov

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Olympic Towers
300 Pearl Street, Suite 450
Buffalo, NY 14202
1-800-669-4000
eeoc.gov

OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION

New York Office
32 Old Slip, 26th Floor
New York, NY 10005-2500
646-428-3900
ed.gov/about/offices/list/ocr

Complaints to these agencies are subject to applicable time limitations. It is important to note that filing an internal complaint pursuant to the university's procedures may not extend the time limits established by state and federal enforcement agencies.

Definitions

Complainant/Reporting Party: An individual bringing forward a report of harassment, discrimination or retaliation, whether on the individual's behalf or on behalf of another person or group.

Discrimination: Different treatment of an individual or group based upon a factor protected by law—including race, color, national origin, sex, religion, age, disability, gender, pregnancy, gender identity, gender expression, sexual orientation, predisposing genetic characteristics, marital status, familial status, veteran status, military status, domestic violence victim status and criminal conviction status—that adversely affects the individual's or group's employment or academic status. Policies or practices that adversely impact a protected group may also constitute discrimination, even when applied in a consistent manner.

Discrimination may also result from failure of the university to provide accommodations to an individual when required due to the individual's disability, religion, pregnancy, maternity, breastfeeding, transgender or sexual violence victim status.

Harassment: A form of discrimination consisting of oral, written, graphic or physical conduct relating to an individual's protected characteristics that has the effect of subjecting the individual to inferior terms, conditions or privileges of employment or interferes with or limits the ability of an individual to participate in or benefit from the university's programs or activities. Such conduct must amount to more than petty slights or trivial inconveniences, but need not be severe or pervasive. Engaging in speech or expression protected by the First Amendment is not a violation of the university's policies against discrimination and harassment.

Respondent: An individual or entity against whom a report of discrimination and/or harassment has been filed.

Retaliation: An adverse action taken against an individual as a result of that individual having reported discrimination or harassment, having exercised a legal right such as obtaining a reasonable accommodation, and/or having participated in a complaint investigation as a third-party witness. Adverse actions may include, but are not limited to, termination/dismissal, failure to promote or assign salary increases, the assignment of lower grades or performance evaluations than received by other individuals with similar performance, attempts to intimidate or harass the individual, the assignment of less desirable work and/or the provision of negative references with respect to academic work or employment.

Notice of Non-Discrimination

The University at Buffalo is committed to ensuring equal employment, educational opportunity, and equal access to services, programs and activities without regard to an individual's race, color, national origin, sex, religion, age, disability, gender, pregnancy, gender identity, gender expression, sexual orientation, predisposing genetic characteristics, marital status, familial status, veteran status, military status, domestic violence victim status or criminal conviction status. Employees, students, applicants or other members of the university community (including but not limited to vendors, visitors and guests) may not be subjected to harassment that is prohibited by law or treated adversely based upon a protected characteristic.

The University's policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence.

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to:

Sharon Nolan-Weiss

Director of the Office of Equity, Diversity and Inclusion
Title IX/ADA Coordinator
406 Capen Hall
Buffalo, NY 14260
716-645-2266 | EMAIL diversity@buffalo.edu

Inquiries may also be directed to:

Office for Civil Rights, U.S. Department of Education

New York Office
32 Old Slip, 26th Floor
New York, NY 10005-2500
646-428-3900 | EMAIL OCR.NewYork@ed.gov

A GUIDE TO Reporting Discrimination and Harassment

→ Everyone at UB deserves the opportunity to achieve their best. Discrimination or harassment, in any form, runs counter to this expectation and will not be tolerated. The Office of Equity, Diversity and Inclusion (EDI) is the university office responsible for promoting an atmosphere in which people can work and learn free from discrimination and harassment.

If you would like to file a report of discrimination and/or harassment; are seeking guidance about disability, religious, pregnancy or transgender accommodations; or are just looking for a confidential place to obtain information and advice, EDI can help. →