



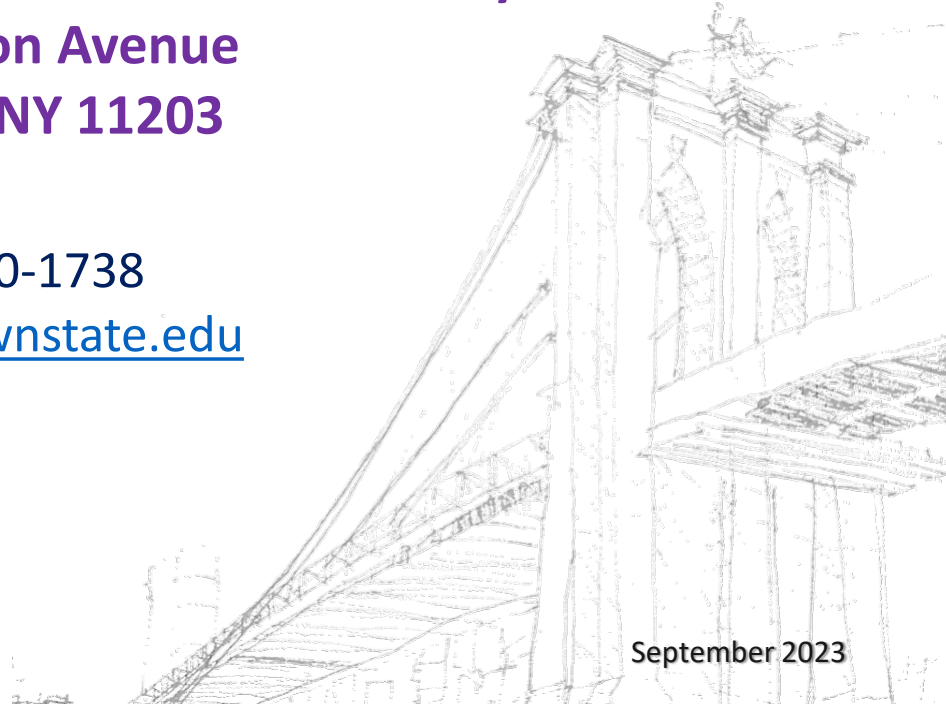
**DOWNSTATE**  
HEALTH SCIENCES UNIVERSITY

# Equal Employment/Educational Opportunity (EEO) Training

**Office of Institutional Equity**  
**SUNY Downstate Health Sciences University**  
**450 Clarkson Avenue**  
**Brooklyn, NY 11203**

(718) 270-1738  
[AskODI@downstate.edu](mailto:AskODI@downstate.edu)

September 2023



# The Office of Institutional Equity

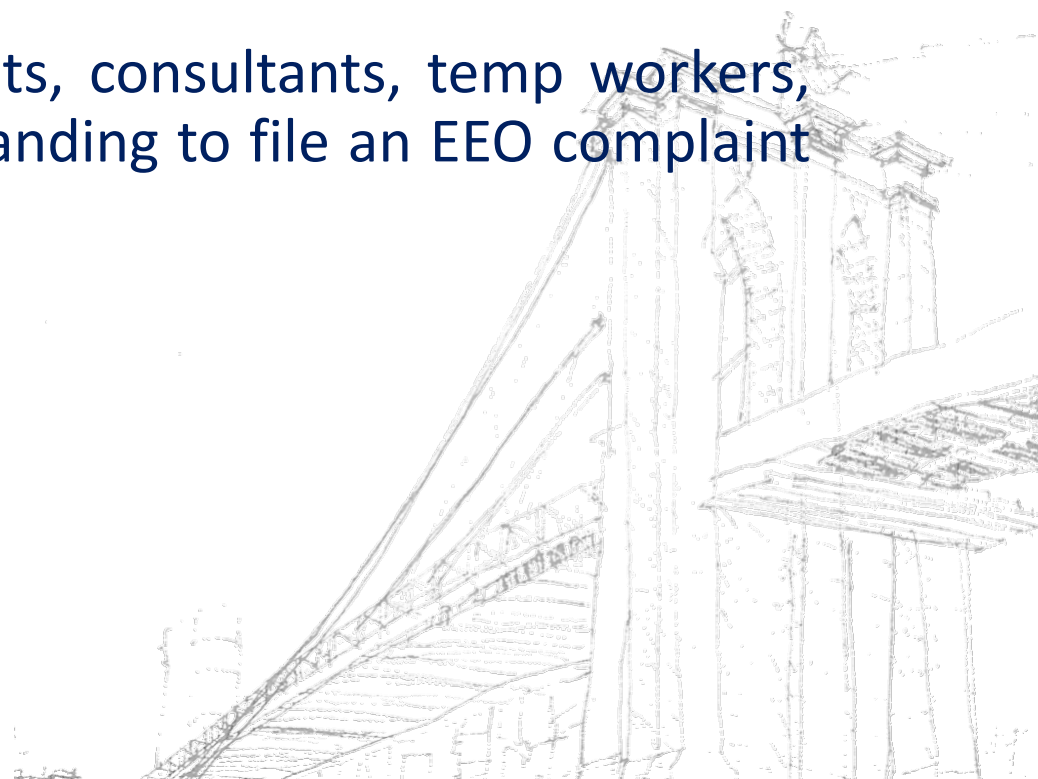
SUNY Downstate has an obligation to ensure that our employees/students/patients/visitors are protected from discrimination/unlawful harassment in the hospital, workplace and in the classroom

- Investigate complaints or incidents of discrimination, sexual harassment and Equal Employment/Educational Opportunity (EEO) related retaliation under **Title VI, VII, IX, \* NYS 129-b, ADA**, etc.
- Prepare and file affirmative action plans with external agencies
- Responds to compliance reviews of SUNY Downstate's EEO programs from state and federal agencies
- Investigate/monitor issues related to disability rights and accommodations
- Conduct professional development, informational and corrective action trainings

**\*Title IX policies and procedures are in accordance with the Final Rule instituted on August 14, 2020.**

# OIE's Jurisdiction

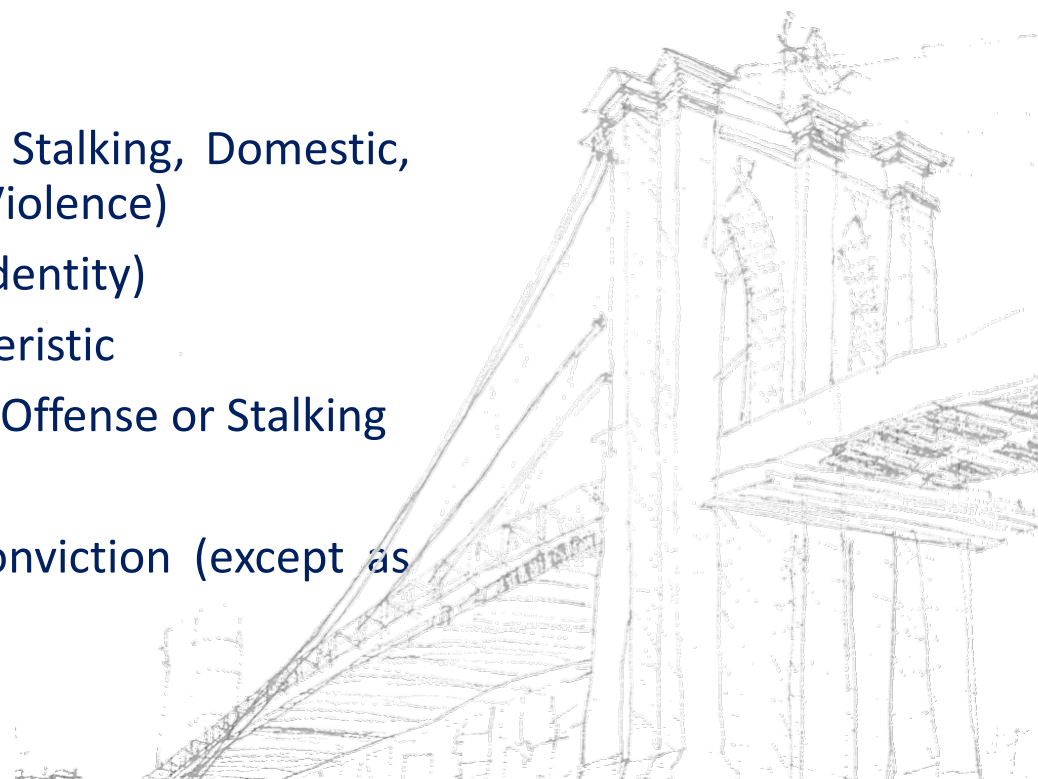
- OIE may exercise jurisdiction to investigate complaints of sexual misconduct and/or discrimination if a party to the complaint is an employee/student/third party.
  - Vendors, visitors, patients, consultants, temp workers, and interns also have standing to file an EEO complaint with OIE.



# Protected Classes

## Actual or Perceived

- ❑ Race/Color
- ❑ Religion/Creed
- ❑ Ethnicity/National Origin
- ❑ Age
- ❑ Disability
- ❑ Sexual Orientation
- ❑ Sexual Harassment (includes Stalking, Domestic, Dating and Intimate Partner Violence)
- ❑ Gender (Pregnancy, Gender Identity)
- ❑ Predisposing Genetic Characteristic
- ❑ Status as Victim of DV/Sexual Offense or Stalking
- ❑ Military status
- ❑ Prior Record of Arrest or Conviction (except as permitted by law)
- ❑ Marital status



# EEO Discrimination Complaints

## Tangible Employment/ Educational Action

Adverse action based on an individual's protected class

### Staff

- Hiring
- Termination
- Promotion
- Training opportunities
- Compensation
- Work Assignments
- Evaluations

### Student

- Grading
- Academic assignments
- Seating assignments
- Transfers
- Academic assistance
- Graduation
- Discipline

## Hostile Work/Academic Environment

Harassment/poor treatment based on an individual's protected class

### Staff/Student

- Derogatory comments/terms
- Jokes
- Gestures
- E-mails
- Pictures/Photos
- Cartoons/Caricatures
- Use of racial epithets/slurs

# EEO Sexual Harassment

## Quid Pro Quo

When submission to sexual demands is made implicitly or explicitly a term or condition of an individual's employment or academic experience.

### Staff

- Hiring
- Termination
- Promotion
- Training opportunities
- Compensation
- Assignment/transfer
- Evaluations

### Student

- Grading
- Advancement
- Promotion
- Unfair treatment
- Discipline
- Assignments
- Seating

## Hostile Work/Academic Environment

Conduct of a sexual nature that interferes with work / academic performance or creates an intimidating or hostile work / academic environment.\*

### Staff/Student

- Unwanted touching
- Displays of sexual materials
  - Pictures/emails/video
- Sexual jokes/Innuendos
- Sexually charged conversations
  - Graphic/sexually suggestive comments; discussions about sexual activity
- Repeated requests for dates
  - Personally or electronically

# Title IX & Education Law §129-b

- **Title IX of the Education Amendments of 1972:\***

- ❖ “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or subject to discrimination under any education program or activity receiving Federal Financial Assistance.”

- **“Enough is Enough” NY Education Law § 129-b of 2015:**

- ❖ Prohibits sexual misconduct (i.e. sexual violence, assault, harassment, etc.) in educational institutions.

**\*Title IX policies and procedures are in accordance with the Final Rule instituted on August 14, 2020.**

# Conduct Outside of the Workplace/School

- SUNY Downstate employees/students may still be held responsible for discrimination or sexual harassment, even if the conduct occurred off campus, if there is a sufficient nexus to the workplace/educational setting.\*
- Examples:
  - Retirement/Holiday parties
  - Social interactions with students/employees
  - Off campus work/school related events





# Bystander Intervention

A bystander is a person who witnesses sexual assault/harassment but is not directly involved.

- A bystander has a unique opportunity to step in and change the outcome of an incident. Calling someone away from an inappropriate interaction, getting security involved, or explaining that a jokes about sexual harassment or assault are not funny, can all play a significant role in protecting someone.

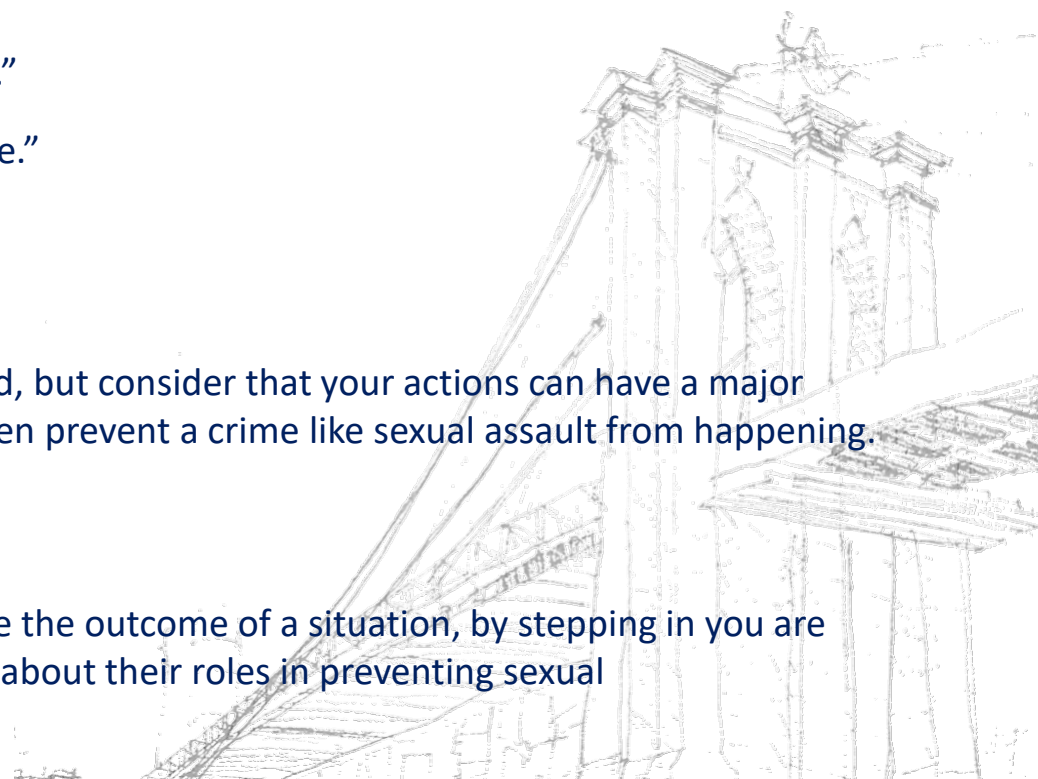
Why do individual avoid getting involved?

- “I don’t know what to do or what to say.”
- “I don’t want my friend to get mad at me.”
- “I’m sure someone else will step in.”
- “It’s not my business.”

These thoughts are feelings are to be expected, but consider that your actions can have a major impact on the outcome of an incident, and even prevent a crime like sexual assault from happening.

Your actions matter.

- Whether or not you were able to change the outcome of a situation, by stepping in you are helping to change the way people think about their roles in preventing sexual assault/harassment.



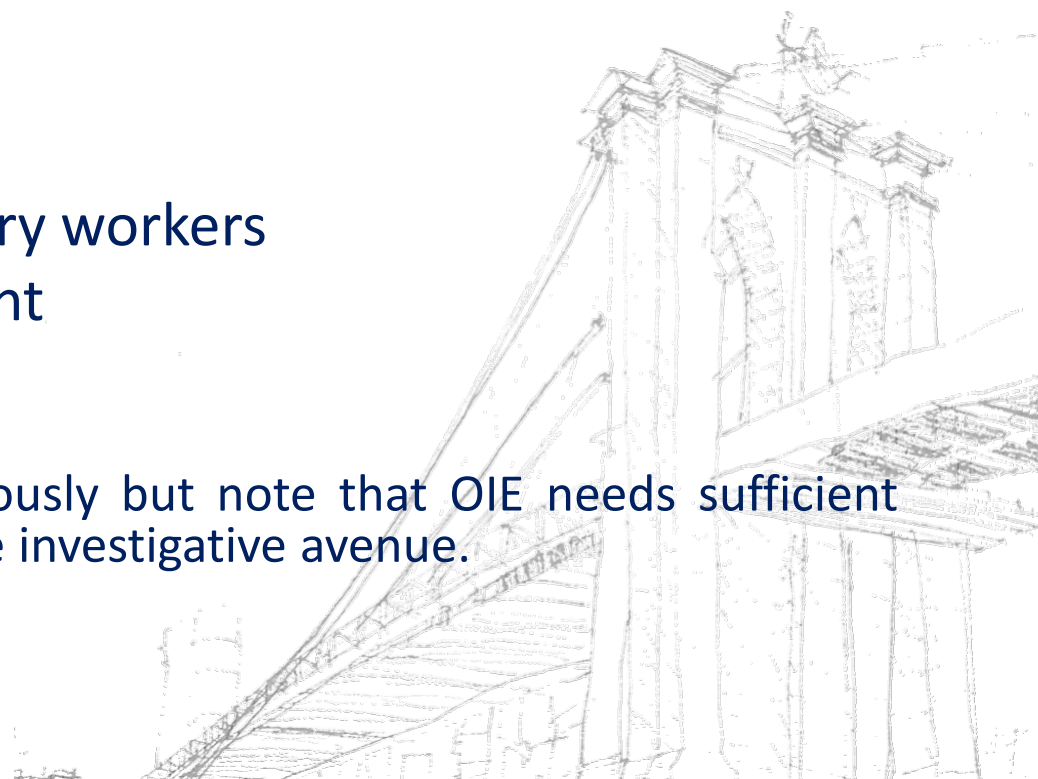
# Who Can File a Complaint?

- Complaints against SUNY Downstate staff members and students:

- Employees
- Students
- Vendors
- Visitors
- Patients
- Consultants and temporary workers
- Applicants for employment

- **Anonymous Complaints**

A complainant may file anonymously but note that OIE needs sufficient information to pursue a legitimate investigative avenue.



# Filing a Complaint

## HOW TO REPORT

### REPORT TO SUPERVISOR

- Orally
- In writing/Email (preferred)

### REPORT TO OIE

- Mail/e-mail
- Call OIE directly (x1738)

## REPORTING REQUIREMENTS

### STAFF COMPLAINTS

- All supervisors are mandated reporters (i.e. responsible employees)
- **“Hesitant complainant”**

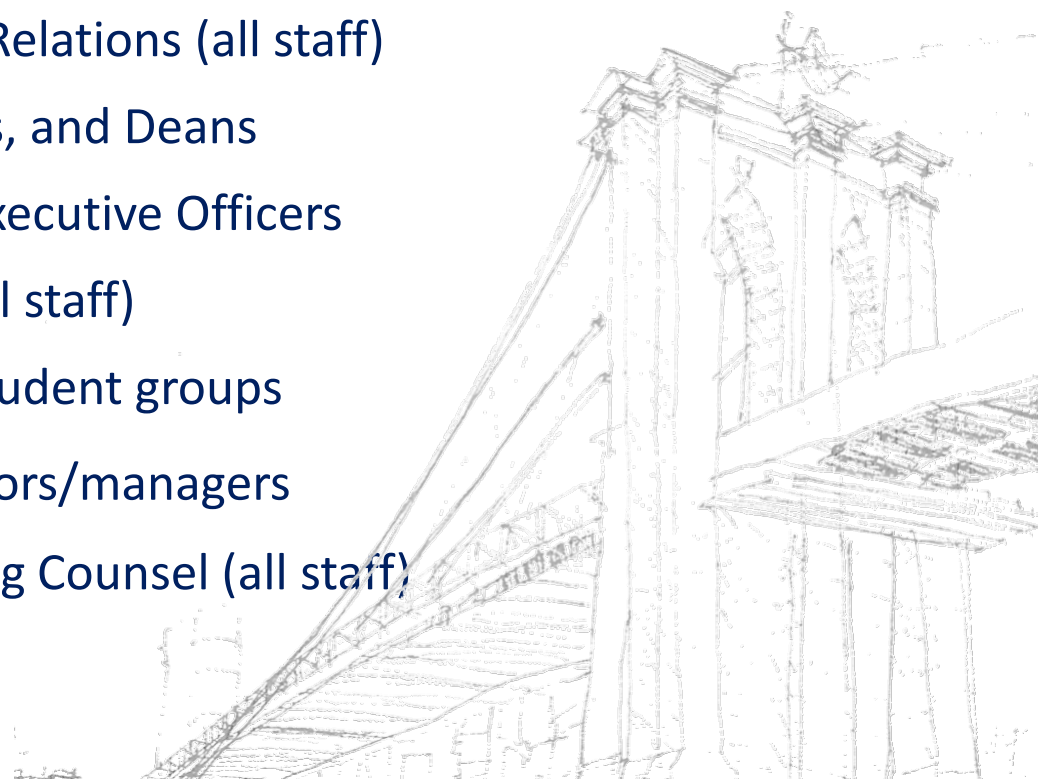
### STUDENT COMPLAINTS

- All staff members are strongly encouraged to report any allegations from students.
- \* Under September 2018 UUP CBA, all faculty members are required to report any allegation of sexual misconduct/gender discrimination to a supervisor or ODI (preferred).

# Mandated Employees

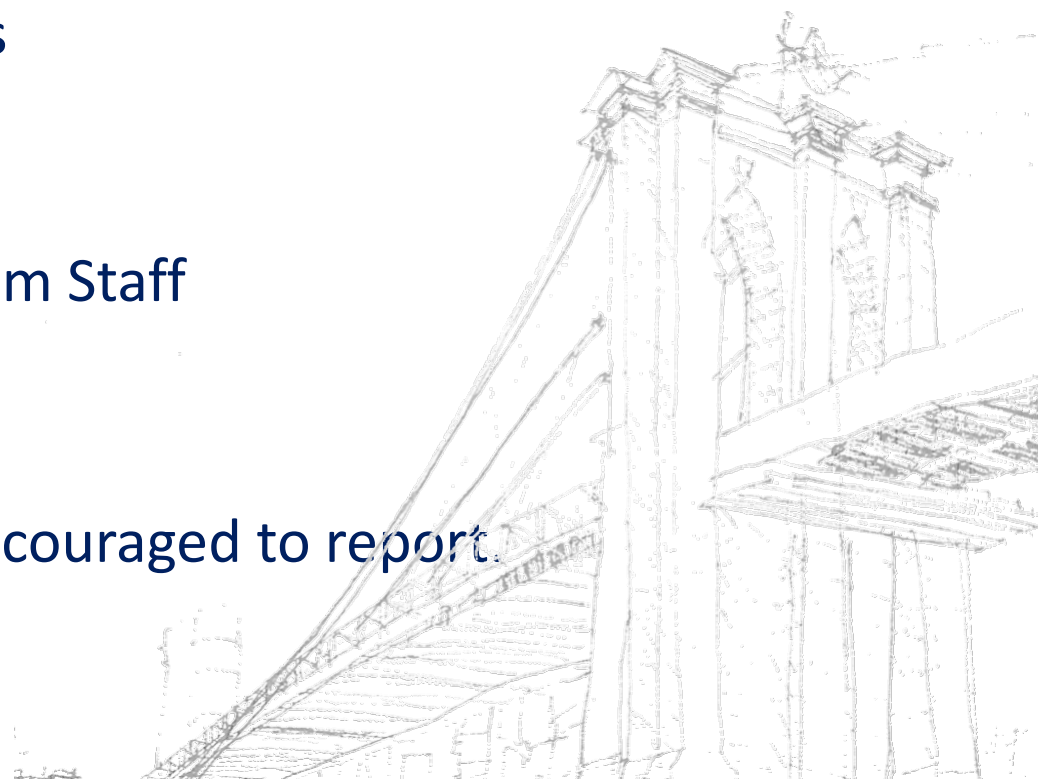
“Mandated Employees” are employees **REQUIRED** to report incidents of discrimination/sexual harassment or sexual violence to the OIE:

- Office of Institutional Equity/Title IX Director (all staff)
- Department of Human Resources (all staff)
- Office of Employee & Labor Relations (all staff)
- College President, VP & AVPs, and Deans
- Department Chairpersons/Executive Officers
- Office of University Police (all staff)
- Faculty or staff advisors to student groups
- Employees who are supervisors/managers
- Office of the Senior Managing Counsel (all staff)



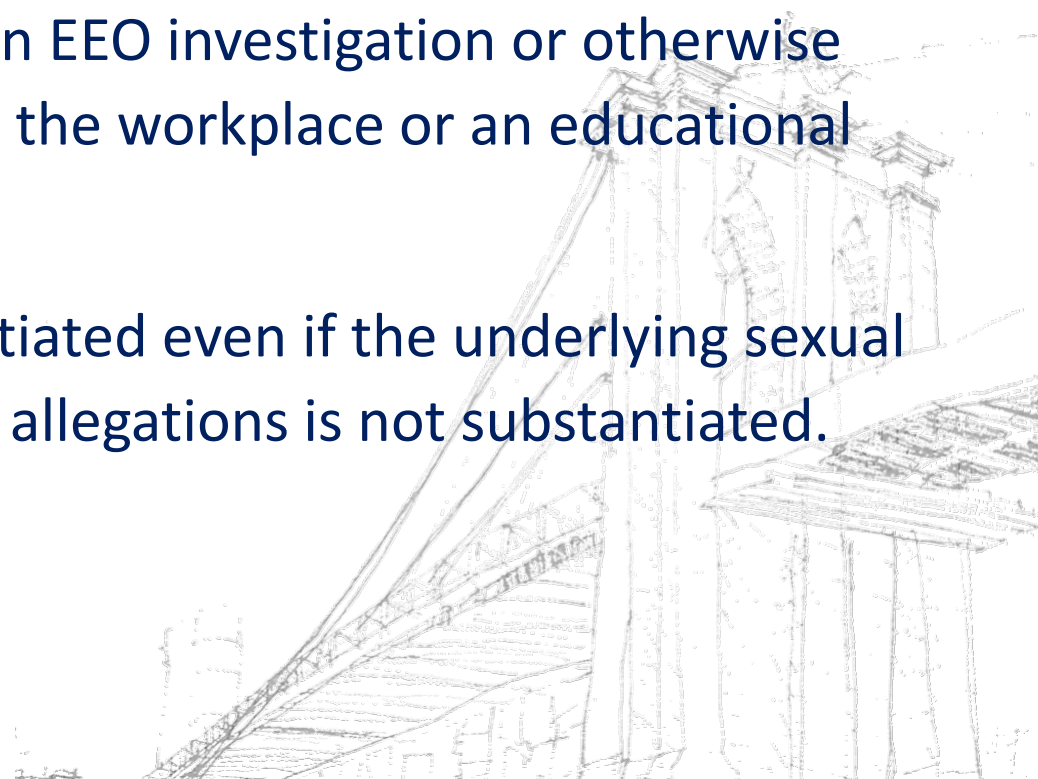
# Confidentiality and Mandatory Reporting

- Only **certain** employees can promise that an individual's allegations of sexual misconduct/discrimination will be handled confidentially.
  - Student Counseling Services
  - Student Health Services
  - Employee Health Services
  - Employee Assistance Program Staff
  - Campus Clergy/Chaplain
- All other staff are strongly encouraged to report.



# Retaliation

- Retaliation is an adverse action taken against an individual due to that individual's opposition to discrimination.
- It is illegal to retaliate against an individual who files an EEO complaint, participates in an EEO investigation or otherwise objects to discrimination in the workplace or an educational setting.
- Retaliation may be substantiated even if the underlying sexual harassment/discrimination allegations is not substantiated.



# Where May I File a Complaint?

If you experience or observe any form of discrimination, sexual harassment and/or sexual assault you should contact:\*

- Office of Institutional Equity/Title IX Director – (718) 270-1738
- University Police – (718) 270-2626
- Human Resources – (718) 270-1191
- Office of Student Affairs – (718) 270-2187

## Off Campus

- Safe Horizon – (866) 689-HELP (4357)
- NYC Domestic & Sexual Violence Hotline – (800) 621-HOPE (4673)

# Office of Institutional Equity (formerly ODI)

## *CONTACTS*

[AskODI@Downstate.edu](mailto:AskODI@Downstate.edu)

**718-270-1738**

**Bolaji Olasokan, Esq.**  
Title IX Director / Deputy EEO Officer

