



Policy Title **Title IX Grievance Policy for Addressing Formal Complaints of Sexual Harassment**

Policy Number	2110.1
Category	Administration & Community Relations, Student, Human Resources
Applicability	College-wide
Responsible Office	Office of Legal Affairs, Chief Diversity Officer/Title IX Coordinator
Effective Date	October 19, 2023

I. Policy Statement

Sexual harassment is against state and federal law, including Title IX of the Educational Amendments of 1972 (Title IX). Suffolk County Community College is committed to maintaining an educational and working environment free from sexual harassment and therefore prohibits sexual harassment of students and employees. The College will maintain detailed policies and procedures for both students and employees which address definitions, protections, prohibited behavior (including retaliation), complaint reporting, grievance procedures, non-investigatory measures (including supportive measures), investigations, resolution, and procedures for issuing disciplinary sanctions (including a live hearing where required) consistent with Title IX and its implementing regulations.

In response to a formal complaint of covered sexual harassment, as defined within this policy, the College will follow a grievance procedure that complies with Title IX’s implementing regulations.

II. Reason for Policy / Purpose

Title IX prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX’s prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student’s ability to equally access our educational programs and opportunities.

The U.S. Department of Education’s current regulations implementing Title IX of the Education Amendments of 1972 (referred to within this policy as the “Final Rule”):

- Define the meaning of “sexual harassment” (including forms of sex-based violence) covered by the Final Rule;
- Address how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment; and
- Mandate a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment within the meaning of the Final Rule.

The full text of the Final Rule and its extensive Preamble are available [here](#).

III. Scope and Applicability

In recent years, “Title IX” cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, the College must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule’s definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy/Procedure for Addressing Formal Complaints of Sexual Harassment established and defined pursuant to this policy. This policy only applies to formal complaints of sexual harassment, as those terms are defined within Title IX’s implementing regulations, brought on or after August 14, 2020.

Suffolk County Community College remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, the College has a [Student Code of Conduct](#) that defines certain sex-based offenses which constitute a violation of campus policy. The College also has the [Equal Opportunity and Anti-Discrimination Policy](#) as well as the Sexual Harassment Policy and Grievance procedures for [Employees](#) and [Students](#).

To the extent that alleged misconduct falls outside the Title IX Grievance Policy/Procedure, or misconduct falling outside the Title IX Grievance Policy/Procedure is discovered in the course of investigating covered Title IX misconduct, the College retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Student Code of Conduct or through a separate grievance proceeding for claims against College employees. The Student Code of Conduct, as well as the referenced grievance policies for claims against College employees are located on the College website.

The elements established in the Title IX Grievance Policy/Procedure under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Student Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

Revocation by Operation of Law: Should any portion of the Title IX Final Rule be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing [Student Code of Conduct, the Equal Opportunity and Anti-Discrimination Policy](#) or the Sexual Harassment Policy and Grievance procedures for [Employees](#) and [Students](#).

Nondiscrimination in Application: The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to

individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

IV. Responsible Office/Executive

The Office of Legal Affairs and the Chief Diversity Officer/Title IX Coordinator have responsibility for the implementation and review of this Policy. Individuals with questions about this Policy should contact the Chief Diversity Officer/Title IX Coordinator for more information.

V. Definitions

For purposes of this Title IX Grievance Policy/Procedure, definitions of the following terms shall be in accordance with the Final Rule, as outlined below:

Covered Sexual Harassment: For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.;
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York State domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York State.; or
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Student Code of Conduct, [the Equal Opportunity and Anti-Discrimination Policy](#) or the Sexual Harassment Policy and Grievance procedures for [Employees](#) and [Students](#).

Consent: For the purposes of this Title IX Grievance Policy/Procedure, “consent” means [Affirmative Consent as defined by New York State Law](#): “a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.” Affirmative consent includes the following principles:

- Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may initially be given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

For more information, see the College’s [Definition of Affirmative Consent](#).

Education Program or Activity: For the purposes of this Title IX Grievance Policy/Procedure, Suffolk County Community College’s “education program or activity” includes:

- Any on-campus premises
- Any off-campus premises that Suffolk County Community College has substantial control over.
- Any College-sponsored off-campus event that Suffolk County Community College has substantial control over.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Suffolk County Community College’s programs and activities over which the College has substantial control.

Formal Complaint: For the purposes of this Title IX Grievance Policy/Procedure, “formal complaint” means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Suffolk County Community College’s education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy/Procedure to investigate the allegation of sexual harassment.

Complainant: For the purposes of this Title IX Grievance Policy/Procedure, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined in this policy/procedure.

Respondent: For the purposes of this Title IX Grievance Policy/Procedure, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined in this policy/procedure.

VI. Making a Report Regarding Covered Sexual Harassment to the College

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the College's Title IX Coordinator is as follows and can also be found at www.sunysuffolk.edu/titleix:

Christina Vargas
Title IX Coordinator
Office of Legal Affairs, NFL Room 230
533 College Road, Selden, NY 11784
vargasc@sunysuffolk.edu
631-451-4950

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Confidential Reporting:

The following Officials may provide confidentiality (Individuals who are confidential resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency.):

- [Mental Health and Wellness Services](#)
 - Email: mentalhealth@sunysuffolk.edu
 - Ammerman Campus: 631-451-4530, 631-451-4053
 - Eastern Campus: 631-548-2650
 - Michael J. Grant Campus: 631-851-6872
- [Student Health Services](#)
 - Ammerman Campus: 631-451-4047
 - Eastern Campus: 631-548-2510
 - Michael J. Grant Campus: 631-851-6709

Private Reporting:

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- [Title IX Coordinator](#)
- [Deputy Title IX Coordinators](#)
 - Campus Associate Deans of Student Affairs
 - Ammerman Campus: Dr. Edward Martinez, 631-451-4716
 - Eastern Campus/Culinary Arts: Dr. Mary Reese, 631-548-2514
 - Michael J. Grant Campus: Dr. Meryl Rogers, 631-851-6521
 - Affirmative Action Officer: Dr. Dionne Walker-Belgrave, 631-451-4051

VII. Non-Investigatory Measures Available under the Title IX Grievance Policy

Supportive Measures:

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Suffolk County Community College regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive. Supportive measures may include but are not limited to:

- On- and off-campus counseling;
- Extensions of deadlines or other course related adjustments
- Modifications of work or class schedules;
- Escorts by Public Safety;
- Restrictions on contact between the parties (no contact orders)
- Changes in work location
- Increased security as appropriate.
- Referrals to community-based support and advocacy networks.

The College will maintain the confidentiality of any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Emergency Removal:

Consistent with the Final Rule, the College retains the authority to remove a respondent from the College's program or activity on an emergency basis, where the College (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If the College determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. Student respondents should submit such appeals in writing within three (3) business days of the date of notification of

removal to the Campus Executive Dean/CEO. Employee-respondents should submit such appeals to the Office of Human Resources, or by following applicable procedures in the relevant collective bargaining agreement.

Administrative Leave:

Consistent with the Final Rule, the College retains the authority to place an employee respondent on administrative leave during the Title IX Grievance Process, consistent and in accordance with any applicable policy, practice, or procedures outlined in the employee's respective collective bargaining agreement and applicable law.

VIII. Retaliation

The College will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under the College's Title IX Grievance Policy/Procedure, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except: (1) as permitted by the Family Educational Rights & Privacy Act (FERPA) and its implementing regulations; (2) as required by law; or (3) to carry out the purposes of the Final Rule, including the conduct of any investigation, hearing, or judicial proceeding under the Title IX Grievance Policy/Procedure.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under the Title IX Grievance Policy/Procedure.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment. The College's [Policy on Alcohol and Drug Use Amnesty in Sexual and Personal Violence Cases](#) also applies to students utilizing this grievance procedure.

Complaints alleging retaliation may be filed according to the College's [Equal Opportunity and Anti-Discrimination Policy](#).

IX. Related Administrative Procedures

The College President, in consultation with the Office of Legal Affairs and the Title IX Coordinator, will approve and publish procedures consistent with this policy for responding to formal complaints of sexual harassment consistent with the Final Rule, including a grievance process compliant with the Final Rule. These related procedures and documents, as they may be updated from time to time, are outlined below:

- 2110.1-P: Title IX Grievance Procedure for Addressing Formal Complaints of Sexual Harassment
- [Current Title IX Coordinator & Deputy Title IX Coordinators](#)

X. Cross-References

- [Sexual and Romantic Relationships Policy](#)
- [SUNY Sexual Harassment Response & Prevention Policy Statement](#)
- [Student Code of Conduct](#)
- [Equal Opportunity and Anti-Discrimination Policy](#)
- [Sexual Harassment Policy and Grievance Procedures for Employees](#)
- [Sexual Harassment Policy and Grievance Procedures for Students](#)

XI. References

- Middle States Commission on Higher Education (MSCHE) [Standard II](#)
- Title IX of the Education Amendments of 1972
- 34 CFR Part 106 (Title IX implementing regulations and Final Rule)
- Violence Against Women Act (VAWA)
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)
- NYS Education Law Article 129-B

XII. History / Revision Dates

Board of Trustees Adoption Date: October 19, 2023

Last Revision Date: N/A