



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

December 28, 2010

Dr. Nancy L. Zimpher
Chancellor
Office of the Chancellor
State University of New York
State University Plaza
353 Broadway
Albany, NY 12246

Re: Case No. 02-11-6001
State University of New York System

Dear Chancellor Zimpher:

This letter is follow-up to correspondence dated (b)(6),(b)(7)(C) from Russlynn Ali, Assistant Secretary for the U.S. Department of Education, Office for Civil Rights (OCR). As Ms. Ali informed you in that correspondence, OCR is initiating a compliance review of the State University of New York System (SUNY) to determine whether SUNY is in compliance with Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). SUNY is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to initiate this compliance review under Title IX.

This compliance review will entail an examination of SUNY's handling of complaints of sexual violence and sexual harassment under its various procedures to determine if SUNY has responded immediately and appropriately, with particular emphasis on complaints of sexual assault. This will include examination of SUNY's relationships with local police and rape crisis centers. Although the review concerns the entire SUNY system, OCR will focus on four campuses: SUNY at Albany, SUNY-Buffalo State College, SUNY-Morrisville State College, and SUNY at New Paltz.

The regulation implementing Title VI, at 34 C.F.R. § 100.6, requires that a recipient of federal financial assistance make available to OCR information that may be necessary for it to determine whether a recipient is in compliance with the regulations it enforces. 34 C.F.R. § 100.6 states in pertinent part:

- (b) Compliance reports. Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible

Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part.

- (c) Access to sources of information. Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part.


This requirement is incorporated by reference in the regulation implementing Title IX at 34 C.F.R. § 106.71. To facilitate our efforts to complete this compliance review, we request that you forward to OCR, within thirty (30) days from the date of this letter, the information listed on the enclosed data request.

It is unlawful to harass or intimidate an individual who has filed a complaint or participated in actions to secure protected rights.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this letter and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect to the extent provided by law, personally identifiable information that if released could constitute an unwarranted invasion of personal privacy.


Upon receipt of this letter, please notify us of the identity and telephone number of the person who will represent SUNY during OCR's review. If you have questions about this compliance review, please contact Coleen Chin, Senior Attorney, at (646) 428-3809 or coleen.chin@ed.gov; or Erin Gimbel, Compliance Team Leader, at (646) 428-3815 or erin.gimbel@ed.gov.

Very truly yours,

for 
Timothy C.J. Blanchard

cc:

(b)(6)



Data Request
State University of New York System (SUNY)
Compliance Review No. 02-11-6001

Unless otherwise noted, please provide the following information for all SUNY colleges. Indicate in writing if any of the requested items do not exist.

1. The name, title, office address, electronic mail (e-mail) address, and telephone number of each college's Title IX Coordinator. Indicate the method(s) by which this information is disseminated to students and employees. Provide copies of all publications that contain this information.
2. Copies of each college's Title IX grievance procedures. Also provide a copy of each college's sexual harassment and sexual assault policies and procedures. If the college does not have a separate policy and procedure to address sexual harassment and sexual assault complaints, provide the procedures used to address such complaints. Indicate how this information is disseminated to students and employees.
3. If not addressed in the policies and procedures referenced in Data Request 2, above, indicate whether each college has separate entities that investigate and resolve sexual harassment complaints, as opposed to sexual assault complaints. If a different process is used depending upon whether the complaint involves allegations of sexual assault, provide an explanation as to when a complaint would be addressed by one entity as opposed to the other; whether students have an option to utilize either process; and if information is available to students and employees regarding the differences between each process, including remedies and timeframes.
4. A copy of each college's notice of non-discrimination statement stating that it does not discriminate on the basis of sex in the educational programs or activities that it operates, and that it is required by Title IX not to discriminate in such a manner. Indicate how the notice of non-discrimination is disseminated to students and employees.
5. Copies of the Student Code of Conduct and Student Disciplinary Code for SUNY at Albany, SUNY-Buffalo State College, SUNY-Morrisville State College, and SUNY at New Paltz.
6. Copies of any materials regarding sexual harassment and sexual violence that SUNY distributed at SUNY at Albany, SUNY-Buffalo State College, SUNY-Morrisville State College, and SUNY at New Paltz to students during orientation or upon the filing of a sexual harassment or sexual assault complaint.
7. Provide an explanation of how students and employees at SUNY at Albany, SUNY-Buffalo State College, SUNY-Morrisville State College, and SUNY at New Paltz were notified about where and how they may file internal grievances regarding sexual harassment and sexual assault; and information regarding the filing of sexual harassment and sexual assault complaints with the appropriate state and federal agencies.

8. Provide the name of and any materials regarding any campus focus groups at SUNY at Albany, SUNY-Buffalo State College, SUNY-Morrisville State College, and SUNY at New Paltz consisting of representative leaders from the student community (e.g., women's groups, athletes, residential assistants, fraternity and sorority leaders, etc.) and college officials that provide input regarding strategies for ensuring that students understand their rights under Title IX; how to report possible violations of Title IX; and are aware of the college's obligation to promptly and equitably respond to Title IX complaints.
9. A description of any sexual harassment and sexual assault training provided to college staff at SUNY at Albany, SUNY-Buffalo State College, SUNY-Morrisville State College, and SUNY at New Paltz during academic years 2007-2008, 2008-2009, 2009-2010, and 2010-2011, including:
 - a. The dates provided;
 - b. The names and expertise/background of the individuals who provided the training;
 - c. A description of the content of the training;
 - d. A list of who attended the training; and
 - e. A copy of any materials used during the training.
10. For academic years 2007-2008, 2008-2009, 2009-2010, and 2010-2011, copies of all written complaints, and a detailed description of any oral complaints, filed with the Title IX coordinator, administrators, professors, campus police, or any other employee alleging sexual harassment or sexual assault of students or staff at SUNY at Albany, SUNY-Buffalo State College, SUNY-Morrisville State College, and SUNY at New Paltz.
11. For each grievance or complaint referenced in Data Request 10, above, provide the following information:
 - a. The name and title of the individual with whom the complaint or grievance was filed and/or initially discussed;
 - b. A description of the procedures employed to investigate the complaint;
 - c. The name(s) and title(s) of college staff involved in the investigation;
 - d. A description of any investigation conducted by the college, including a timeline for when the college completed each step in the investigation;
 - e. A description of the types of records maintained;
 - f. A description of all actions taken by the college in response to the concerns raised, the final outcome of the investigation, an explanation of those findings and any sanctions, and a description of how such findings were communicated to the complainant;
 - g. Copies of all documentation regarding the investigation, including but not limited to letters, e-mail exchanges, reports, notes, witness statements, campus police reports, external law enforcement agency records, transcripts, and all documentation related to any hearing; and
 - h. Copies of all communications between the college and the complainant or the accused regarding the complaint.

12. Describe the relationships between SUNY at Albany, SUNY-Buffalo State College, SUNY-Morrisville State College, and SUNY at New Paltz and their respective local police departments and local rape crisis centers regarding sexual assault complaints, including whether each college has a process by which it notifies its local police department and local rape crisis center of a sexual assault complaint, and a description of this process. State whether the college collaborates with its local police department and local rape crisis center during its investigation of a sexual assault complaint. Also indicate whether during the pendency of initial evidence gathering by the police regarding a sexual assault complaint, if the college provides witnesses with information about their Title IX rights, provides resources for victims, or takes any interim actions as may be necessary to ensure the safety of any victims and the campus community. If so, provide documentation evidencing this and the names and titles of college staff who were involved. Also provide the names and titles of staff responsible for communicating with the local police department and local rape crisis center regarding sexual assault complaints.
13. State whether SUNY at Albany, SUNY-Buffalo State College, SUNY-Morrisville State College, and SUNY at New Paltz have designated a contact to be “on-call” to assist victims of sexual assault. If so, identify this contact, how long this “on-call” system has been in place, and the procedures of this “on-call” system.
14. Any other publications regarding sexual harassment and/or sexual assault distributed to students and/or employees at SUNY at Albany, SUNY-Buffalo State College, SUNY-Morrisville State College, and SUNY at New Paltz that have not been already provided in response to Data Requests 1-13.
15. Any other information you think OCR should consider in this matter.
16. The name, title, telephone number, e-mail address, fax number and business address of the contact person(s) for this compliance review.