



# **Discrimination/Harassment Grievance Procedures**

## **Grievance Procedure for the Review of Allegation of Illegal Discrimination or Sexual harassment**

### **INTRODUCTION**

In its continuing effort to seek equity in education and employment and in support of federal and state anti-discrimination legislation, Orange County Community College provides an internal grievance procedure for the prompt and equitable investigation and resolution of allegations of sexual harassment or illegal discrimination on the basis of race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction or any other legally protected status.

This internal grievance procedure is one of several options open to any SUNY Orange student or employee who believes that he or she has been the victim of illegal discrimination or sexual harassment. If the grievant is an employee of SUNY Orange, he/she may choose instead to use any relevant employee grievance procedures established through negotiated contracts. Also, the grievant – either student or employee – may instead choose to file a grievance with an outside enforcement agency, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office of Civil Rights of the Department of Education, and the Office of Federal Contract Compliance of the Department of Labor. Solely the grievant may choose which of these grievance procedures to use.

The Orange County Community College Grievance Procedure for the Review of Allegations of Illegal Discrimination or Sexual Harassment provides a mechanism through which the College may identify and eliminate incidents of illegal discrimination or sexual harassment. The College recognizes and accepts its responsibility in this regard and believes that the establishment of this internal grievance process will benefit students, faculty, staff, and administration alike, permitting investigation and resolution of problems without resort to the frequently expensive, time-consuming procedures of state and federal enforcement agencies or courts.

The initial step in the grievance procedure will be an informal process. The Affirmative Action Officer has been designated to meet the grievant for an informal hearing of an alleged violation.

At this informal level, every effort will be made by the Affirmative Action Officer to determine the validity of the complaint presented. If the matter is not resolved to the satisfaction of the

grievant within ten (10) working days of its presentation, the Affirmative Action Officer will assist the grievant in the preparation of a written statement which will set forth the basis of the alleged violation with reasonable specificity and the remedy sought by the grievant.

#### **REQUIREMENTS FOR FILING GRIEVANCES:**

- A grievance must be submitted in writing on the form provided by the Affirmative Action Officer.
- Employees must file a grievance within thirty (30) working days following the alleged discriminatory act of the date on which the grievant first knew or reasonably should have known of such act, if that date is later. Students must file a grievance within thirty (30) working days following the alleged discriminatory act or thirty (30) working days after a final grade is received, if that date is later.
- Grievances must be filed with the campus Affirmative Action Hearing Officer at (845) 341-4662.

#### **PROCEDURES FOR PROCESSING GRIEVANCES:**

- The Affirmative Action Officer shall receive any complaint of alleged illegal discrimination or sexual harassment, shall assist the grievant in defining the charge, and shall provide the grievant with information about the various internal and external mechanisms through which the complaint may be filed, including applicable time limits for filing with each agency.
- If the grievant chooses to use the Orange County Community College Grievance Procedure for the Review of Allegations of Illegal Discrimination or Sexual Harassment, the Affirmative Action Office shall assist the grievant in preparing a written statement, signing and dating a copy of the completed statement for the grievant.
- The Affirmative Action Officer shall seek to resolve the grievance informally and shall have the right to all relevant information and to interview witnesses, including the right to bring together grievant and respondent, if desirable. If a resolution satisfactory to both grievant and respondent is reached within ten (10) working days through the efforts of the Affirmative Action Officer, the Officer shall close the case, sending a written notice to that effect to the grievant and respondent. The written notice, a copy of which shall be attached to the original grievance in the Officer's file, shall indicate the agreement reached by grievant and respondent and shall be signed and dated by the grievant, the respondent, and the Affirmative Action Officer.
- If the Affirmative Action Officer is unable to resolve the grievance to the mutual satisfaction of the grievant and respondent within ten (10) working days, the Officer shall so notify the grievant, advising grievant of his/her right to proceed to the next step internally and/or the right to file separately with appropriate external enforcement agencies.

- If at any time the grievant chooses to use the employee grievance procedures established through negotiated contracts or to file a formal complaint with a state or federal agency or to start a court action, any internal investigation under way on the same complaint will be terminated without conclusion with the following exception: if internal investigation is prolonged to the point that the statute of limitation for filing with outside agencies may be exceeded (180 days for EEOC or OCR complaints; 365 days for Division of Human Rights complaints), a charge may be filed with the appropriate state or federal agency without interruption of the internal procedure.
- If the grievant chooses to proceed through the internal grievance procedure, the grievant shall notify the Affirmative Action Officer in writing within seven (7) working days from the time of notification by the Affirmative Action Officer that the issue cannot be resolved informally.
- Within five (5) working days of receipt, the Affirmative Action Officer shall notify the grievant and the President that a review of the matter shall take place by an ad hoc tripartite committee. The ad hoc tripartite committee is chosen from a panel of campus faculty, administrators, employees and students established each year by the President and the Affirmative Action Officer. The members of the ad hoc tripartite committee will be chosen as follows: one by the grievant, one by the respondent, and a third, who shall chair the committee, chosen by the two designees. Should either the grievant or respondent choose not to make a selection, the President will.
- Selection of the ad hoc tripartite committee must be completed and the Affirmative Action Officer notified of the members chosen within seven (7) working days of the receipt of notification by the grievant and the President that a review of the matter shall take place by a tripartite committee.
- The tripartite committee shall review the matter, as appropriate, and shall have the right to all relevant information and to interview witnesses, including the right to bring together grievant and respondent, if desirable. Both the grievant and respondent shall be given the opportunity to submit written statements that will become a part of the material compiled by the Committee. These written statements must be submitted to the Committee within (10) working days of the Committee's formation.
- Within fifteen (15) working days from the formation of the tripartite committee, the Committee Chairperson shall submit an opinion to the campus President as to whether or not sexual harassment or illegal discrimination has occurred.
- The President shall communicate the opinion of the tripartite committee in writing to the grievant, to the respondent, and to the campus Affirmative Action Officer within five (5) working days together with a statement indicating his/her acceptance or rejection of the Committee's opinion. The President will indicate his/her decision either to dismiss the charge for lack of evidence that sexual harassment or illegal discrimination has occurred or to discuss appropriate redress with the grievant if sexual harassment or illegal discrimination has been found.

#### **OFF-CAMPUS RESOLUTION OF GRIEVANCES:**

If the grievant is dissatisfied with the President's response, the grievant may file a formal complaint with the appropriate State or Federal agency. The campus Affirmative Action Officer

will provide information on State or Federal guidelines and laws and names and addresses of enforcement agencies.