SUNY Cortland

COMPLAINT PROCEDURE

FOR THE REVIEW OF

ALLEGATIONS OF UNLAWFUL DISCRIMINATION

Affirmative Action Office • 2009

OVERVIEW

SUNY Cortland, in its continuing effort to seek equity in education and employment and in support of Federal and State anti-discrimination legislation, has adopted a complaint procedure for the prompt and equitable investigation and resolution of allegations of unlawful discrimination on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status or marital status. Harassment on the basis of any of the above-protected categories is a form of unlawful discrimination. Conduct that may constitute harassment is described in *Appendix A*. For more detailed information contact the Affirmative Action Officer.

This *Complaint Procedure for the Review of Allegations of Unlawful Discrimination* provides a mechanism through which the College may identify, respond to, prevent and eliminate incidents of illegal discrimination. The College recognizes and accepts its responsibility in this regard and believes that the establishment of this internal, non-adversarial grievance process will benefit students, faculty, staff and administration, permitting investigation and resolution of problems without resorting to the frequently expensive and time-consuming procedures of State and Federal enforcement agencies or courts.

This procedure has been developed in accordance with guidelines and recommendations provided by the Chancellor's Office of Affirmative Action. The policy is administered by the College's Affirmative Action Office. The Affirmative Action Officer directs that office and reports directly to the College President and the Assistant Vice President for Human Resources. These procedures have been approved by the State University of New York, Office of University Counsel. These procedures are intended to balance the rights of those bringing complaints of discrimination, harassment and retaliation (the "Complainant") with those against whom such claims are brought (the "Respondent"). Throughout these procedures the "parties" shall refer to the Complainant, Respondent, and witnesses involved in the complaint.

This procedure may be used by any person who is the victim of discrimination by a SUNY Cortland student or employee. Employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards and any other procedures defined by contract will continue to operate as before. This procedure does not in any way deprive a Complainant of the right to file with outside enforcement agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the United States Department of Education and the Office of Federal Contract Compliance of the United States Department of Labor. Contact information for these agencies is listed in *Appendix B*. More detailed information may be obtained from the Affirmative Action Office.

The Complainant is not required to pursue the SUNY internal procedure before filing a complaint with a State or Federal agency. In addition, if the Complainant chooses to pursue the SUNY internal procedure, the Complainant is free to file a complaint with the appropriate State or Federal agency at any point during the process. ***Upon filing with an external agency, however, the SUNY Cortland internal complaint procedure will be terminated and the matter referred to the Office of the University Counsel for review, defense or, if deemed appropriate by Counsel, involvement in mediation, conciliation or settlement with the external agency where the complaint was filed, or such other actions as may be in the interests of the College.***

During any portion of the procedures detailed hereafter, the parties shall not employ audio or video taping devices.

CONFIDENTIALITY

Every effort will be made to protect the privacy of all individuals throughout all phases of the complaint and resolution process. Information about complaints or inquiries will be maintained in confidence to the fullest extent possible. However, an investigation will generally include interviewing necessary parties and coordination when necessary with relevant offices.

In responding to complaints, the Affirmative Action Officer will take appropriate action to provide remedies and protect the privacy of all those involved to the fullest extent possible. The Affirmative Action Officer will instruct the parties and all other affected persons that the complaint investigation procedure is best able to achieve a mutually acceptable agreement for resolution of the complaint when confidentiality is not breached. Once breached, it will make it difficult for the Affirmative Action Officer to successfully conclude the complaint investigation process to the satisfaction of the complainant. Additionally, Federal law prohibits retaliation. Adverse action taken against any individual who files a complaint, or who assists or participates in any manner in an investigation proceeding, or hearing is against the law.

The complainant and respondent will receive a preliminary report summarizing the complaint and the initial findings of fact.

JURISDICTION OF THE AFFIRMATIVE ACTION OFFICE

SUNY Cortland is responsible for providing a learning and working environment free of discrimination. The College reserves the right to pursue any complaint of discrimination about which it becomes aware. Based on information received by the Affirmative Action Office, the Affirmative Action Officer or designee may exercise his/her own discretion and initiate a complaint on behalf of the College community.

In addition, the Affirmative Action Office may determine that a specific complaint of unlawful discrimination or harassment is of such a serious or potentially criminal nature that the investigative steps outlined in this process should be accelerated or eliminated. This determination, if made, shall be communicated to the Human Resources Office for appropriate action, which may include the initiation of disciplinary and/or other action.

If, at any time during the course of resolving or investigating a complaint of discrimination, the Affirmative Action Officer or designee determines that a complaint is not within the jurisdiction of the office, the complaint and complainant shall be referred to the appropriate office and the matter shall be considered concluded for the purposes of the Affirmative Action Office.

ROLE OF THE AFFIRMATIVE ACTION OFFICER

The Affirmative Action Officer is trained in investigating and resolving complaints. The officer is available for assistance in filing the complaint with the College and will remain impartial during an investigation. The Affirmative Action Office does not represent any individual or department, but does advocate or behalf of the College's goals of equal opportunity and nondiscrimination.

The Affirmative Action Officer may receive initial inquiries, reports and requests for consultation and counseling. Assistance will be available whether or not a formal complaint is contemplated or even possible. It is the responsibility of the Affirmative Action Officer to respond to all such inquiries, reports and requests as promptly as possible and in a manner appropriate to the particular circumstances. An individual may refuse to reduce a complaint to writing. However, notwithstanding that refusal, there may be a continuing obligation on the part of the campus to investigate the verbal complaint to the best of its ability and proceed with any action that is warranted. Although in certain instances verbal complaints

may be acted upon, the procedures set forth here rest upon the submission of a written complaint that will enable the Affirmative Action Officer to conduct a full and fair investigation of the facts.

The Affirmative Action Office shall solicit information concerning any factors that might prejudice an objective evaluation of the evidence and shall reassign an investigation if a conflict or potential conflict emerges.

SUPERVISORY RESPONSIBILITY

Complaints or concerns that are reported to an administrator, manager or supervisor concerning an act of discrimination or harassment shall be immediately referred to the Affirmative Action Officer.

RETALIATION

An employee or student who participate in the procedure has the right to do so without fear of or actual retaliation. It will be made clear that retaliation against an employee or a student who have filed a discrimination complaint or an individual who serves as a witness will result in appropriate sanctions or other disciplinary action as covered by collective bargaining agreements, and/or applicable College policies.

WHO CAN FILE A COMPLAINT

Employees may file a written complaint with the Affirmative Action Officer within 90 calendar days following the alleged discriminatory act or the date on which the Complainant first knew or reasonably should have known of such act. Complainants may complete an intake form to initiate an investigation (see *Appendix C*). Students must file a complaint within 90 calendar days following the alleged discriminatory act or 90 calendar days after a final grade is received, for the semester during which the discriminatory acts occurred, if that date is later.

It is the Complainant's responsibility to be certain that any complaint is filed within the applicable 90 day period. In the event that the Complainant would be barred under these procedures, the Complainant may contact the Affirmative Action Office with regard to other avenues of recourse that may be available.

If a Complainant elects to withdraw a complaint, this decision must be communicated in writing to the Affirmative Action Officer indicating the reason for withdrawal. The College may nevertheless pursue its review of the allegations.

AGAINST WHOM MAY COMPLAINTS BE BROUGHT?

A complaint of unlawful discrimination may be brought against any student or employee. If your complaint concerns behavior by a vendor or contractor or some other individual who may not be a member of the College community, but who may have an affiliation or a recognized connection to SUNY Cortland, you may bring your concerns to the attention of the Affirmative Action Officer and h/she will assist you.

If the President is the Respondent, the Affirmative Action Officer reserves the right to refer the complaint to the Office of University Counsel. The finding and recommendation shall be submitted to the Chancellor or his designee. If the Affirmative Action Officer is the Respondent, the matter shall be referred to the President or his or her designee.

If a student is the Respondent, the Affirmative Action Officer will refer the complaint to the Judicial Affairs Office for review, investigation and appropriate action under the appropriate student conduct code.

PROCEDURE FOR RESOLVING COMPLAINTS

Complaint Consultation & Review

Any member of the College community may consult with the Affirmative Action Officer regarding potential discrimination or harassment. The length of time for the consultation varies depending on factors such as the complexity of the situation, office workload, or whether the situation involves actual or imminent loss of employment or academic standing, potential physical harm, or an ongoing relationship between the involved individuals. In a telephone conversation or in person appointment, the Affirmative Action Officer will:

- receive complaints of alleged discrimination or harassment.
- discuss the facts of the situation and help the individual identify the problem(s).
- assist the Complainant in the use of the complaint form to define the charge.
- determine if the Affirmative Action Office is the appropriate College resource to address the concern.
- inform the individual of the ways in which the Affirmative Action Office approaches the investigation and problem solving.
- explore methods of resolving the situation on one's own, if that is the individual's preference.
- advise an individual of alternate available College resources and external options for resolution.
- provide the Complainant 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.

The Affirmative Action Officer will ask a Complainant to participate in an initial interview. During the initial contact known as the Intake Interview, the Complainant will be:

- asked to complete an Intake and Information Sheet (the Complainant may be asked to have this completed prior to the Intake Interview.).
- interviewed about the allegations so that the charge may be clearly stated.
- asked to provide information about witnesses and other possibly aggrieved persons.
- advised of the Office's intake procedures to enhance the complainant(s) understanding and to facilitate realistic expectations as to the role of the Office.
- referred to a proper College department/agency if the complaint does not fall within the jurisdiction of the Affirmative Action Office.
- advised of the protection against retaliation.
- advised of the College's policy on confidentiality.
- advised of the option to file a complaint with one of the external Federal/State investigative agencies at any time.

Each Party's Rights and Responsibilities

The College's formal review procedures are not designed to replicate an external judicial process. Consequently:

- Complainants and Respondents are expected to meet with the Affirmative Action Officer as requested and needed.
- Legal counsel retained by a Complainant or Respondent may not participate or be present at any meeting convened by the Affirmative Action Officer.

- Complainants are expected to communicate with the Affirmative Action Officer either directly or with the assistance of a person serving in an advocacy or supportive role, but not through legal counsel.
- Respondents are expected to communicate with the Affirmative Action Officer directly, not through legal counsel, other intermediaries or persons accompanying them.
- Complainants and Respondents have the right to receive notification of determinations and findings made by the Affirmative Action Officer.

Should the Affirmative Action Office determine that a complaint of unlawful discrimination merits further review, the Affirmative Action Officer will immediately commence an investigation. The complaint shall contain:

(a) The name, local and permanent address(s), and telephone number(s) of the Complainant.

(b) A statement of facts explaining what happened and what the Complainant believes constituted the unlawful discriminatory acts in sufficient detail to give each Respondent reasonable notice of what is claimed against him/her. The statement should include the date, approximate time and place where the alleged acts of unlawful discrimination or harassment occurred. If the acts occurred on more than one date, the statement should also include the last date on which the acts occurred as well as detailed information about the prior acts. The names of any potential witnesses should be provided, if appropriate.

(c) The name(s), address(es) and telephone number(s) of the Respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination.

(d) Identification of the status of the persons charged whether faculty, staff, student or persons otherwise affiliated with the College.

(e) A statement indicating whether or not the Complainant has filed or reported information concerning the incidents referred to in the complaint with a non-college official or agency, under any other complaint or complaint procedure. If an external complaint has been filed, the statement should indicate the name of the person or department or agency with which the information was filed and its address or to which it was reported

(f) Other supplemental information as may be requested.

If the Complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the Affirmative Action Officer may terminate any further processing of the complaint, refer the complaint to University Counsel or direct the Complainant to the appropriate alternative forum (see Appendix B for a list of alternative forums).

Investigative Procedures

If a Complainant elects to have the matter dealt with in an informal manner, the Affirmative Action Officer will attempt to reasonably resolve the problem to the mutual satisfaction of the parties. If these efforts are not successful, and the Affirmative Action Officer has determined that the complaint merits further investigation, the Complainant and Respondent shall be advised in writing of the initiation of an investigation. During the investigation the Affirmative Action Officer will:

- provide an initialed, signed, date-stamped copy of the complaint to the Complainant.

- review all College records that concern the complaint.
- interview witnesses and other relevant persons.
- review statements provided by the Complainant and the Respondent(s).
- review other relevant and material evidence.
- take all reasonable steps necessary to complete the investigation within ninety (90) calendar days after receipt of the complaint. If such is not possible, the Affirmative Action Officer may extend this deadline for a reasonable period of time. The complainant will receive notification from the Affirmative Action Office regarding the basis for extension.

Failure to Cooperate

If the Respondent refuses to cooperate and/or respond in a timely manner, the Affirmative Action Office may forego completion of an investigation and refer the matter to Human Resources, or the office may take any other action it deems necessary and appropriate to address the situation. Failure to cooperate meaningfully in a review of a complaint of discrimination may be grounds for discipline.

Inaction by Complainant

If at any time during an investigation, a Complainant declines to cooperate with the Affirmative Action Office, or if the office determines that the Complainant no longer wishes to pursue his/her complaint, the Affirmative Action Office may consider the matter closed and take no further action or may continue the investigation, if necessary, with appropriate notification.

Evaluating the Evidence and Resolution

In reaching its finding, the Affirmative Action Office shall evaluate the conduct alleged to have been discriminatory by considering the totality of the circumstances, including the nature, frequency, intensity, context and duration of the conduct. Although repeated incidents would create a strong claim of discrimination, a serious isolated incident can present sufficient grounds for corrective action.

The Affirmative Action Office shall make every reasonable effort to resolve the matter. Resolution can take any form that is acceptable to the College. It may, for example, take the form of:

- separate meetings with the Complainant and Respondent
- joint meetings between the Complainant and Respondent with the Affirmative Action Officer as facilitator
- separate and/or joint meetings with the Complainant and/or Respondent's supervisor(s)
- a written agreement or memorandum of understanding signed by one or both of the parties
- mandated training in the area of discrimination for the Respondent or departmental unit
- a verbal counseling session with the Respondent
- a written counseling memo issued to the Respondent
- no further action at the request of the Complainant

This list is not exhaustive and other forms of resolution may be appropriate although they are not listed here.

Determination

The Affirmative Action Officer issues a written statement to the Complainant and Respondent, indicating the finding at the conclusion of the investigation. If a resolution satisfactory to both the Complainant and the Respondent is reached through the efforts of the Affirmative Action Officer, the Affirmative Action Officer will close the case, sending a written notice to that effect to the Complainant and the Respondent.

The actions proposed in the finding may consist of:

A determination that the complaint was not substantiated.
If the Affirmative Action Officer determines that there is insufficient credible evidence to support the allegation(s) of discrimination, the complaint shall be dismissed, the matter shall be concluded and the College shall take no further action.

A determination that the complaint was substantiated.
For Employees (including student employees) not in a Collective Bargaining Unit – In consultation with the Human Resources Office and the Office of University Counsel, the President may take such administrative action as he/she deems appropriate under his/her authority as the chief administrative officer of the college, including, but not limited to: termination, demotion, reassignment, suspension, reprimand, or training.

For Students – The Director of Judicial Affairs may determine that sufficient information exists and the Judicial Affairs Board may take such administrative action as they deem appropriate, including, but not limited to: community service, counseling, reprimand, residence hall suspension, suspension, loss of privileges, restitution, or a letter of apology.

For Employees in Collective Bargaining Units – The Affirmative Action Officer may determine that sufficient information exists to refer the matter to Human Resources for investigation and disciplinary action or other action as may be appropriate under the applicable collective bargaining agreement including, but not limited to: reprimand, probation, suspension, termination of employment, or non-renewal of a contract.

If the President is the Respondent, the Chancellor or his designee shall issue a written statement indicating what action the Chancellor proposes to take. The Chancellor's decision shall be final for purposes of this discrimination procedure.

The Affirmative Action Office may:

- Place a confidential written report in its file, subject to applicable law and policy, and disclosure, if required by law.
- Prepare and distribute a written report to the President and any other person designated by the Affirmative Action Officer as a person who has a need to know how the complaint was resolved.
- Refer the matter to another department or administrator in the College for review.

If the Affirmative Action Officer is unable to resolve the complaint to the satisfaction of the Complainant, the Affirmative Action Officer shall again notify the Complainant of his or her right to separately file with appropriate external enforcement agencies.

There is no right of appeal to this procedure. The Affirmative Action Officer's decision is considered final for the purposes of this procedure.

To request assistance or additional information:
Affirmative Action Office
SUNY Cortland
Miller Building, Room 301
Cortland, NY 13045-0900
Phone: (607) 753-2302
Fax: (607) 753-5994
Web: http://www.cortland.edu/hr/aaction.html

APPENDIX A
Definitions and Prohibited Acts and Behaviors

Sexual Harassment in the Employment Setting is defined as:
Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when any of the following occurs:

- Submission to such conduct is made a term or condition of an individual's continued employment, promotion, or other condition of employment.

- Submission to or rejection of such conduct is used as a basis for employment decisions affecting an employee or job applicant.

- Such conduct is intended to interfere, or results in interference, with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual Harassment in the Educational Setting is defined as:
Unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the educational institution's program.

Harassment on the Basis of Protected Characteristic(s) other than Sex/Gender
Harassment based on race, color, age, religion, or national origin, disability, sexual orientation or other protected characteristics may be oral, written, graphic or physical conduct relating to an individual's race, color, or national origin (including an individual's ancestry, country of origin, or country of origin of the student's parents, family members, or ancestors) or other protected characteristics that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities, or terms, conditions or status of employment.

Retaliation
An employee or student who participates in the procedure has the right to do so without fear of retaliation. It will be made clear that retaliation against an employee or a student who has filed a discrimination complaint or a person who serves as a witness will result in appropriate sanctions or other disciplinary action as covered by collective bargaining agreements, and/or applicable University policies.

APPENDIX B

External Enforcement Agencies

State Headquarters
New York State Division of Human Rights
One Fordham Plaza
4th Floor
Bronx, New York 10458
Tel: (718) 741-8400
Fax: (718) 741-3214

Albany
New York State Division of Human Rights
Empire State Plaza
Agency Building #2, 18th Floor
Albany, New York 12220
Tel: (518) 474-2705
Fax: (518) 473-3422

Binghamton
New York State Division of Human Rights
44 Hawley Street
Room 603
Binghamton, New York 13901
Tel: (607) 721-8467
Fax: (607) 721-8470

Brooklyn
New York State Division of Human Rights
55 Hanson Place
Room 304
Brooklyn, New York 11217
Tel: (718) 722-2856
Fax: (718) 722-2869

Buffalo
New York State Division of Human Rights
The Walter J. Mahoney State Office Bldg
65 Court Street
Suite 506
Buffalo, New York 14202
Tel: (716) 847-7632
Fax: (716) 847-7625

Manhattan
New York State Division of Human Rights
20 Exchange Place
2nd Floor
New York, New York 10005
Tel: (212) 480-2522
Fax: (212) 480-0143

New York State Division of Human Rights
Adam Clayton Powell State Office Bldg
163 West 123rd Street
4th Floor
New York, New York 10027
Tel: (212) 961-8650
Fax: (212) 961-4126

Long Island
New York State Division of Human Rights
175 Fulton Avenue
Hempstead, New York 11550
Tel: (516) 538-1360
Fax: (516) 483-6589

New York State Division of Human Rights
State Office Building
Veterans Memorial Building
Hauppauge, New York 11787
Tel: (631) 952-6434
Fax: (631) 952-6436

Rochester
New York State Division of Human Rights
One Monroe Square
259 Monroe Avenue
3 rd Floor
Rochester, New York 14607
Tel: (585) 238-8250
Fax: (585) 238-8259

Syracuse
New York State Division of Human Rights
333 E. Washington Street
Room 401
Syracuse, New York 13202
Tel: (315) 428-4633
Fax: (315) 428-4638

Peekskill
New York State Division of Human Rights
8 John Walsh Boulevard
Suite 204
Peekskill, New York 10566
Tel: (914) 788-8050
Fax: (914) 788-8059

Office of Sexual Harassment
New York State Division of Human Rights
Office of Sexual Harassment
55 Hanson Place
Suite 347
Brooklyn, New York 11217
Tel: (718) 722-2060
or 1-800-427-2773
Fax: (718) 722-4525

Office of AIDS Discrimination
New York State Division of Human Rights
Office of AIDS Discrimination20 Exchange Place
2nd Floor
New York, New York 10005
Tel: (212) 480-2522
or 1-800-522-4369
Fax: (212) 480-0143

Office of Federal Contract Compliance Programs
201 Varick Street
Room 750
New York, New York 10014
Tel: (212) 337-2006
Fax: (212) 620-7705

Buffalo District Office
6 Fountain Plaza
Suite 300
Buffalo, New York 14202-2199
Tel: (716) 551-5065
Fax: (716) 551-4035

New York District Office
26 Federal Plaza
Room 36-116
New York, New York 10278-0002
Tel: (212) 264-7742
Fax: (212) 264-8166

New York State Department of Labor
State Campus
Building 12,Room 500
Albany, New York 12240-0003
Tel: (518) 457-2741
Fax: (518) 457-6908

EEOC National Headquarters
1801 L. Street, N.W.
Washington, D.C. 20507
Tel: (202) 663-4900
Fax: (202) 663-4912

EEOC Field Office
6 Fountain Plaza
Suite 350
Buffalo, New York 14202
Tel: (716) 551-4441
Fax: (716) 551-4387

OCR National Headquarters
U. S. Department of Education
Office of Civil Rights
Customer Service Team
Mary E. Switzer Building
330 C. Street, S.W.
Washington, D. C. 20202
Tel: (800) 421-3481
Fax: (202) 205-9862

Office for Civil Rights
New York Office
75 Park Place
14th Floor
New York, New York 10007-2146
Tel: (212) 637-6466
Fax: (212) 264-3803

Appendix C

State University of New York at Cortland

Complaint Intake & Information Sheet

Name:		Date:
Address:		
Telephone (Home):	Office:	Cell:
Date of Birth:	Sex: ☐ Male ☐ Female	Race/Ethnicity:
Your Status: ☐ State Employee ☐ Student (Undergraduate) ☐ Student (Graduate)		
Job Title:		Date of Hire:
Department:		
Supervisor's name and Job Title:		

Discrimination Complaint

Name and title of person that allegedly discriminated against you:

Their status: ☐ Student ☐ GA/TA ☐ Faculty ☐ Staff

Original (first) date of discrimination:

Most recent date of discrimination:

What was done to you that you feel was unfair? (check all that apply):

☐ Denied Fair Grade
☐ Denied Equal Pay
☐ Denied Training
☐ Terminated
☐ Denied Access to Program
☐ Denied Equal Treatment
☐ Denied Promotion
☐ Forced Retirement/Resignation
☐ Denied Accommodation
☐ Failed to Hire
☐ Laid Off
☐ Subjected to Hostile Work and/or Academic Environment
☐ Other: _____

Explain why you feel you have been discriminated against; include each event, date(s), names and titles of everyone involved and potential witnesses. ☐ Check if additional sheets are attached

Were you given a reason(s) for what was done to you? If so, what reason(s)?

What do you think is the real reason(s)? Discrimination* because of....

☐ Creed/Religious Belief
☐ National Origin/Ancestry
☐ Pregnancy
☐ Sexual Harassment
☐ Other (Explain):
☐ Gender
☐ Race/Color
☐ Marital Status
☐ Disability
☐ Age
☐ Physical/Mental Condition
☐ Sexual Orientation
☐ Veteran Status

Note: If you don't believe the reason was discrimination, please inform the Affirmative Action Officer.

Additional Information
Did you complain? ☐Yes ☐No If so, to whom?
When did you complain?
Was anyone else treated the same way that you were? If so: Name Job Title Race/Ethnicity Age Gender
Did anyone witness the treatment that you were subjected to? Name Job Title Telephone # What did they witness?
Have you filed a complaint with any other agency, court, or dept. regarding this matter? ☐Yes ☐No If so, who/when?
Are you a union member? ☐Yes ☐No If so, did you file a grievance with your union? ☐ CSEA ☐PEF ☐UUP ☐Council #82/ALES ☐GSEU ☐NYSCOBA
Are there any documents that can support your case? If so, what are they, and can you produce them?
What have you lost as a result of what happened to you? (salary, benefits, grade(s), etc.)
What reasonable remedy or resolution are you seeking?
I affirm that I have read the above allegation(s) and that it is (they are) true to the best of my knowledge. The Affirmative Action Officer shall agree to keep all information gathered relative to allegations of discrimination in confidence to the extent practicable or allowable by law. I have been advised that it is a violation of State and Federal statutes to retaliate against an individual because they have filed a discrimination complaint. If I am subjected to any adverse action that I feel may be retaliatory, I will promptly report such to the Affirmative Action Officer. I have been further advised that the filing of an internal complaint with the Affirmative Action Officer is not a waiver of my right to file a formal complaint of unlawful discrimination with the New York State Division of Human Rights, the Equal Employment Opportunity Commission (EEOC), the federal courts, or the State courts. In addition, I am advised that the filing of an internal complaint does not stop the statute of limitations for litigation or for filing external complaints with the EEOC, the NYS Division of Human Rights, or any other agency hearing such complaints. I am aware that should I choose to file a verified complaint with an outside agency, such a complaint must be filed with EEOC within 180 days of the alleged incident, and with the State Division of Human Rights within 365 days of the alleged incident. _____ _____ **Date** **Complainant's Signature** Please note that this policy and the information contained in it does not constitute legal advice. If you require legal advice, consult an attorney.