

Policy: \_\_\_\_\_  
Responsible for Policy: Human Resources

Policy Number: \_\_\_\_  
Most recent approval date: Fall 2012

Finger Lakes Community College is an Equal Opportunity Employer and all personnel decisions, such as recruitment, hiring, compensation benefits, and discipline shall be administered without regard to race, religion, color, sex, sexual orientation, national origin, age, disability, military service or veteran status, marital status, genetic information or any other characteristic protected by law. The College prohibits and will not tolerate discrimination or harassment on the basis of race, religion, color, sex, sexual orientation, national origin, age, disability, military service or veteran status, marital status or any other characteristic protected by law. Finger Lakes Community College will comply with all applicable equal employment opportunity laws.

Retaliation is prohibited against any person who files a charge of discrimination, participates in an OFCCP proceeding or otherwise opposes discrimination under federal law.

This policy is in compliance with Federal and state anti-discrimination laws, including, but not limited to, Title VII of the Civil Rights Act of 1964, \_\_\_\_\_, and the New York State Equal Employment and Remuneration Law. Employment and remuneration is to be maintained regardless of race, color, creed, religion, national origin, marital status, veteran status or other personal characteristics.

Equal Opportunity Employment succeeds through its rigorous stress on individual qualifications due to ability and experience. It is a necessary pre-condition for an Affirmative Action program and is a cornerstone of quality in an institution. Necessary criteria to ensure the objectivity required of an Equal Opportunity Employment effort is implemented adequately by the following procedures. However, these procedures are not regarded as an end in themselves, but rather as a means to achieve Equal Opportunity Employment. They may be modified as experience dictates.

- Title VII, Civil Rights Act of 1964
- Title IX of the Educational Amendments of 1972
- Civil Rights Restoration Act of 1988
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA) of 1990
- Federal and State anti-discrimination legislation
- NYS Human Rights Law
- FLCC Americans with Disabilities Act policy
- FLCC Obligation to Report Discrimination or Harassment policy

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Procedure: \_\_\_\_\_  
Responsible for Procedure: Human Resources

Procedure Number: \_\_\_\_  
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In a continuing effort to seek equity in education and employment, and in support of Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 the Civil Rights Restoration Act of 1988, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990 and federal and state anti discrimination legislation, Finger Lakes Community College provides a grievance procedure for the prompt and equitable investigation and resolution of allegations of discrimination or harassment based on age, ancestry, color, disability, national origin, race, religion, creed, sex, sexual preference, veteran status, and marital status.

a. These procedures may be used by any Finger Lakes Community College student or employee and are not intended to supplement or duplicate any already existing grievance procedure, including the informal resolution process currently in practice. Employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards and other procedures defined by contract or local bylaws will remain in effect. Title VII, Title IX, Section 504, ADA and the Civil Rights Act grievance procedures are outlined below. These procedures do not deprive a complainant of their rights to file with outside enforcement agencies, 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 or the Office of Federal Contract Compliance of the Department of Labor, and all complainants are free to exercise such rights at any time.

b. Finger Lakes Community College provides this formal and informal grievance procedure as an internal mechanism through which employees and students may identify and eliminate incidents of discrimination. FLCC recognizes and accepts responsibility in this regard and believes that the establishment of this internal, non adversarial grievance process will benefit students, faculty, staff and administration alike by permitting investigation and resolutions of the problem.

#### Responsibilities

a. Finger Lakes Community College managers and supervisors shall:

(1) Address conduct that has the potential to create sexual and any other form of harassment or discrimination.

(2) Establish an atmosphere conducive to freely receiving complaints from subordinates or students.

(3) Address issues of student and staff harassment/discrimination with the subordinate employee, and/or with the subordinate's supervisor (if the employee is not a student).

### Filing a grievance

The grievance must be submitted in writing on forms provided by Finger Lakes Community College.

- a. The Director of Human Resources is designated to receive all employee grievance complaints.
- b. The Vice President of Academic & Student Affairs is designated to receive all student grievance complaints (see Student Code of Conduct).
- c. In the event that one of the College Officers named in this policy is the complainant or respondent, the Affirmative Action Committee chairperson shall assume responsibility for processing the complaint. If the College President is the complainant or respondent, the FLCC Board of Trustees shall assume responsibility for processing the complaint.

### Procedures for an Informal Grievance

- a. At the informal level, supervisors must make every effort to resolve the complaint presented. The appropriate College Officer must also be informed to help resolve the complaint. The College Officer shall receive any complaint of alleged discrimination, assist the complainant in defining the charge and 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.
- b. The College Officer shall seek to resolve the complaint informally and shall have the right to access all relevant information and to interview witnesses, including the right to bring both parties together, if desirable. It is the College Officer's responsibility to inform the offending individual of the nature or circumstance of the complaint and work to bring about a satisfactory resolution. Any investigation should be concluded within thirty calendar days after the complaint is received. When this is not reasonably possible, the complainant should be notified in writing of the delay and the reasons for the delay.
- c. Within ten work days of concluding the investigation the College Officer shall notify the complainant in writing of the outcome or resolution and advise them of their right to proceed to the next step internally by following the Procedures for a L1(h)2(a)1t 0 Tw 14.511 0 T4)J0 Thires for a L1(h)2(C)2(fo)-75mpl8hoatisl8lud wi11(w)-3(rie)-3(c 0.c 0.r3(is)c 0.

