



PROCEDURE FOR RESOLVING ALLEGATIONS OF DISCRIMINATION

PURPOSE

This document describes the procedure for resolving allegations of discrimination. The procedure recommends that you communicate directly with your supervisor to resolve problems. A formal review process has also been established for instances where informal communication is not possible or practical.

This document sets forth the applicability, Research Foundation policy, definitions, the procedure for informal resolution, and the formal review process.

APPLICABILITY

This procedure is applicable to all current and former employees of the Research Foundation.

Allegations of discrimination are subject to this procedure. Situations other than a complaint of discrimination are handled under the “Procedure for Solving Problems in the Workplace.”

POLICY STATEMENT

Employees will not be discriminated against on the basis of age, race, color, religion, national origin, disability, veteran status, marital status, sexual orientation, or sex, except where sex is a bona fide occupational qualification.

When a person believes that he or she has been the victim of discrimination, the Research Foundation’s management is committed to addressing the allegation as quickly as possible. An employee will not be retaliated against or treated adversely in any way for participating in an allegation of discrimination. To the extent possible, the confidentiality of discrimination complaints will be maintained.



DEFINITIONS

For purposes of this procedure, the following definitions apply:

Campus President: The person who is responsible for implementing this procedure at the location.

Operations Manager: The person at a campus holding authority from the Research Foundation's Board of Directors to conduct Foundation business and financial affairs at the location.

Affirmative Action Officer: The person or office responsible for handling Research Foundation affirmative action matters at the location.

Complaint Manager: The person or office designated by the operations manager as responsible for the management of the Foundation discrimination complaint procedure at the location.

Supervisor: The person who usually assigns, and is responsible for, an employee's work. The project director and the supervisor may be the same person.

PROCEDURE

The review process for allegations of discrimination provides a means to address and resolve any perceived unlawful discrimination in employment. You may seek a review and resolution informally and confidentially or may opt to have a formal review by filing a written complaint.

Informal Resolution

Resolution with the Supervisor

You should attempt to resolve problems involving alleged discrimination by notifying your supervisor of any allegations of discrimination soon after any alleged act(s) occurs, if appropriate. If it is not practical for you to discuss the situation with your immediate supervisor, you should discuss the allegation of discrimination with the next level of supervision for correction or problem-solving action.

It should be noted that you have the option at any time during this process to discuss an allegation of discrimination with the next level of supervision or affirmative action officer or the central office affirmative action officer.

When you bring an allegation of discrimination to the attention of your supervisor, he or she should review the allegation and take steps to correct or resolve the



situation. Supervisors are encouraged to seek the assistance of the affirmative action officer in resolving an allegation of discrimination.

Resolution with the Affirmative Action Officer

You should contact the affirmative action officer if you are unable to reach a resolution with your supervisor or if you feel it is inappropriate to discuss the allegation of discrimination with your supervisor. The affirmative action officer will evaluate the facts to determine the nature, extent, and period covered in the allegation.

Based on this evaluation and consultation as appropriate, the affirmative action officer may propose a resolution to you and/or your supervisor. A result of this review process may be the determination by the affirmative action officer that the complaint is more appropriate to the “Procedure for Solving Problems in the Workplace” (see Applicability section of this document) and will refer you to the complaint manager at your location.

The affirmative action officer must inform the campus president (or delegate) and operations manager in writing within ten (10) working days of receiving an allegation of discrimination. The affirmative action officer must describe the allegation and steps taken to correct or resolve the allegation, and must provide a recommended course of action.

The affirmative action officer will retain a copy of the document that informs the campus president (or delegate) of receiving an allegation of discrimination.

If the affirmative action officer is unable to resolve the situation informally, you will be advised to file a formal review of the allegation of discrimination.

Formal Review Process

The formal review process may be used at any time by an employee or former employee to request an investigation of an allegation of discrimination. The formal process consists of a written complaint, a review by a designee or an *ad hoc* committee, and a report to the campus president (or delegate). Each complaint filed must be made in the name of an individual employee.

An *ad hoc* committee is established in order to review formal written complaints and issue a report. Committee members are selected by the campus president (or delegate), and to the extent possible, should be co-workers within the institution who represent a cross section of gender and race.

Procedure for Formal Review



1. You must submit a written statement detailing the allegation to the operating location's affirmative action officer. The written statement should contain the following information:
 - The basis for the allegation and the facts relating to the complaint
 - Your name and address
 - Name of person(s) against whom the allegation of discrimination is made
 - Approximate date of first act of alleged discrimination
 - Indication of whether alleged discrimination continues
 - Your signature and the date
 - Documents relevant to the allegation of discrimination
 2. Upon receipt of the written complaint, the affirmative action officer will submit a copy of it to the campus president (or delegate), Research Foundation operations manager, and the Research Foundation Corporate Affirmative Action Office.
 3. The campus president (or delegate) will refer the complaint to a designated person(s) or an *ad hoc* committee established for the purpose of reviewing the complaint.
 4. The designated person(s) or committee will discharge their responsibilities including the following: notifying the person(s) against whom the complaint is made; obtaining a response to the allegation(s); reviewing all documents related to the complaint; interviewing all parties associated with the complaint; and making available to you and the respondent all documents bearing on the complaint.
- The designated person(s) or committee will compile a report of the formal review.
5. The report of the designated person(s) or committee, which states the designated person's or committee's decision regarding the allegation of discrimination, will be submitted to the campus president (or delegate). The process and report is to be completed within 60 working days of the date the written complaint was made.
 6. The campus president (or delegate) will provide the report and any recommendation to the Research Foundation Central Office of Employee Relations within five (5) working days of receiving the report. This office will ensure consistency with employment laws and RF policies and procedures. The Research Foundation Central Office of Employee Relations will complete its review and notify the campus president (or delegate) within five (5) working days. The campus president (or delegate) is authorized to proceed to communicate expeditiously with you and others who need to know the decision.



THE RESEARCH FOUNDATION

The State University of New York

The time limits specified in this complaint procedure regarding allegations of discrimination may not be extended without your prior written agreement and that of the applicable reviewing designee(s).