

POLICY	<p>9020</p> <p>Adopted: August 6, 2015 Revised: October 2, 2018</p> <p>Personnel & Negotiations</p>
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SUBJECT: EQUAL OPPORTUNITY GRIEVANCE PROCEDURE FOR EMPLOYEES

The Greater Southern Tier BOCES does not discriminate on the basis of actual or perceived race, color, national origin, ethnic group, disability, sex, religion, religious practice, marital status, sexual orientation, or age, or under the Boy Scouts Act, in its programs, activities, or employment.

All complaints or information about suspected discrimination or harassment will be investigated in a timely manner. The investigation will be confidential to the extent possible, and all persons involved will be accorded due process to protect their right to a fair and impartial investigation.

If a determination is found that discrimination or harassment occurred, the BOCES will take appropriate steps to prevent further discrimination or harassment from occurring and to correct the effects of said discrimination or harassment, if appropriate.

Further, the BOCES prohibits retaliation against any individual filing a complaint under this policy or participating in any resulting investigation. If you believe you are being retaliated against, you should contact the BOCES' compliance officer or the United States Office for Civil Rights.

The BOCES' compliance officer is the Director of Human Resources and Employee Relations.

Grievance Procedure

Section 1

If an employee believes that s/he has been discriminated against in violation of policies 9010 and/or 9250, that person may bring forward a complaint, which shall be referred to as a grievance, to the BOCES' civil rights compliance officer.

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Section 2

Step (a):

The complainant(s) shall discuss the grievance informally with the compliance officer, or s/he may file a written complaint with the compliance officer. The compliance officer, or a neutral, experienced party, will then investigate the substance of the complaint in a thorough and impartial manner. The complainant and the respondent shall receive written notice in advance of any interview or hearing. The complainant or respondent may provide evidence or witnesses to the compliance officer or investigator as part of the investigation. The compliance officer and/or investigator will take necessary steps during the investigation to ensure the complainant's safety. The compliance officer will reply to the complainant and all material parties (including the individual who allegedly engaged in discrimination or harassment of the complainant), in writing within fourteen (14) days of the initiation of the complaint. If additional time is needed to conduct a thorough and impartial investigation, the compliance officer will so notify the material parties (within the fourteen (14) days above), along with an expected completion date of the investigation and the reply to the complaint. If a determination is found that discrimination or harassment occurred, the BOCES will take appropriate steps to prevent further discrimination or harassment from occurring and to correct the effects of said discrimination or harassment if appropriate. If a determination is found that disciplinary action will be taken against a responding party, written notice will be provided to the respondent containing the allegations constituting a violation.

Step (b):

If any material party wishes to appeal the decision of the compliance officer, that party may submit a signed statement of appeal to the District Superintendent within seven (7) days after receipt of the compliance officer's response. The District Superintendent, or designee, shall meet with any material party and/or their representatives within fourteen (14) days of receipt of the appeal, and make such other inquiries which the District Superintendent, or designee, deems appropriate. The District Superintendent, or designee, will consider the appeal in an impartial manner.

Thereafter, the District Superintendent, or designee, shall send his/her decision in writing to the material parties within fourteen (14) days of such meeting. The District Superintendent, or designee, will notify the material parties of the approximate date of a decision on the appeal, if there is good cause for an extension.

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Step (c):

If any material party is not satisfied with the decision of the District Superintendent, s/he may appeal through a signed, written statement to the Board within seven (7) days of receipt of the District Superintendent’s decision in Step (b). The Board shall notify all material parties of any such appeal. In an attempt to resolve the grievance, the Board (or a civil rights expert(s) on behalf of the Board) shall meet with the material parties and/or their representatives within thirty (30) days of receipt of such an appeal. The Board’s written disposition of the appeal shall be sent to the appealing party within fourteen (14) days of this meeting. The Board will notify the material parties of the approximate date of the meeting or a decision on the appeal, if there is good cause for an extension of the deadlines above.

Step (d):

If the grievance has not been satisfactorily settled at Step (c), employees may seek further legal remedies. Specifically, the New York State Human Rights Law protects employees, students and non-employee from discrimination and harassment. Complaints may be filed with the Division of Human Rights or in New York State Supreme Court. Further, the United States Equal Employment Opportunity Commission enforces federal discrimination laws, including Title VII of the Federal Civil Rights Act. Contact information is provided below:

New York State Division of Human Rights
1 Fordham Plaza, Fourth Floor
Bronx, NY 10458
(888) 392-3644

United States Equal Employment Opportunity Commission (EEOC)
1-800-669-4000
www.eeoc.gov

In addition to the above, local laws, including criminal laws, may also apply.

Section 3

The compliance officer, on request, will provide a copy of this grievance procedure to any BOCES employee.

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A copy of each of the Acts and Regulations upon which this notice is based will be made available upon written request directed to the BOCES' compliance officer.

When used in this policy, *days* shall mean calendar days.

Publication

The BOCES shall promulgate this policy in the BOCES' official newspaper. Annual BOCES publications shall contain the name, business address and telephone number of the District's civil rights compliance officer.

Employment Application

Each employment application of the BOCES shall contain the following language:

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