



STATE UNIVERSITY OF NEW YORK

ROCKLAND COMMUNITY COLLEGE

EQUITY & COMPLIANCE POLICY MANUAL

**Approved, August 19, 2004
Rockland Community College
Board of Trustees**

**Amended to comply with
Section 201-g of the New York State Labor Law
October 9, 2018**

TABLE OF CONTENTS

I.	STATEMENT OF POLICY	1
II.	POLICY OBJECTIVES	1
III.	RESPONSIBILITIES	3
IV.	PROHIBITION AGAINST DISCRIMINATION AND HARASSMENT	5
V.	SEXUAL HARASSMENT	6
VI.	DISABILITIES	10
VII.	ANTI-RETALIATION	11
VIII.	COMPLAINT AND INVESTIGATION PROCESS	11
IX.	REASONABLE ACCOMMODATION FOR RELIGIOUS OBSERVANCE	17
X.	REASONABLE ACCOMMODATION FOR DISABILITY	18
XI.	IMPLEMENTATION POLICY	25
XII.	EVALUATION AND REVIEW MECHANISM	25
XIII.	FORMS	26
	APPENDIX	27

SUNY ROCKLAND COMMUNITY COLLEGE
EQUITY AND COMPLIANCE POLICY

I. STATEMENT OF POLICY

A. It is the policy of SUNY Rockland to provide equal opportunity to all individuals through personnel, employment, and educational practices that adhere to federal, state and local human rights laws. These laws prohibit discrimination in hiring, firing, promotion, compensation and other employment practices, conditions and privileges of employment, because of age, color, creed, criminal history, disability, domestic violence victim status, familial status, gender identity, marital status, military status, national origin, predisposing genetic characteristics, pregnancy-related condition, race, religion, sex, sexual orientation, or other legally protected status. They further require that reasonable accommodation be made for individuals with disabilities and that contractors engaging in business with SUNY Rockland meet equal employment opportunity standards.

B. Further, SUNY Rockland is committed to developing and maintaining avenues of entry and advancement for qualified individuals regardless of their age, color, creed, criminal history, disability, domestic violence victim status, familial status, gender identity, marital status, military status, national origin, predisposing genetic characteristics, pregnancy-related condition, race, religion, sex, sexual orientation, or other legally protected status. To that end, SUNY Rockland will, in accordance with law, actively recruit and promote individuals in an effort to reflect the basic composition of Rockland County's general labor force. SUNY Rockland continually examines its job qualifications to eliminate any barriers to employment, advancement or merit, and seeks to maximize the development of all members of the work force through training and development.

C. The President of SUNY Rockland is responsible for an effective Equity and Compliance Program. Responsibility for coordination, implementation and administration of SUNY Rockland's Equity and Compliance Policy is vested in the Equity and Compliance Officer. The Equity and Compliance Officer shall ensure compliance with all federal and state human rights laws, as well as Rockland County laws and policies pertaining to affirmative action and equal employment opportunity, whether expressed by Legislative act or Executive Order. The Equity and Compliance Officer shall also be responsible for the education and training of all College employees with respect to this policy and related subjects including, but not limited to, prejudice reduction/diversity and sexual harassment prevention.

II. POLICY OBJECTIVES

A. This policy has as its primary objective the development of programmatic approaches to the elimination of discriminatory employment practices and policies and their consequences as they affect protected classes in all phases of employment.

B. In order to attain this objective, the Equity and Compliance Officer shall monitor and evaluate the following activities on an ongoing basis:

1. Recruitment

A pro-active recruiting program shall include, but is not limited to:

- a) expanding recruitment contacts and sources to protected class members;
- b) analyzing any under-utilization of persons of protected classes in relation to their presence in the labor market for a given job category;
- c) preparing projections of anticipated vacancies combined with a program designed to recruit under-utilized groups;
- d) maintaining active contacts with community, civic, professional and multi-lingual organizations and institutions of higher learning;
- e) ensuring job openings and promotional opportunities are posted in a conspicuous and timely fashion;
- f) establishing ongoing contact with guidance and vocational personnel within the school districts to provide career opportunities, counseling and information relative to employment preparation and training;
- g) composing and designing recruitment literature to reflect the diversity of SUNY Rockland/County population;
- h) arranging for local media to broadcast public service announcements and preparing interviews or materials regarding career opportunities at SUNY Rockland for public dissemination; and
- i) reviewing methods and techniques used in interviewing job applicants;
- j) participate in the formulation of screening, search, and interview committees.

2. Selection, Appointment, Assignment

A proactive selection, appointment and assignment process shall include, but is not limited to:

- a) increasing employment opportunities for persons with disabilities by adopting specific, non-competitive positions in accordance with provisions of Section 55a of the Civil Service law when applicable;
- b) expanding avenues of entry to afford non-professional staff the opportunity for promotions into technical and professional positions;
- c) analyzing reasons for non-selection of qualified job applicants within the protected classes;
- d) reviewing job criteria and physical requirements to ensure that they are not culturally, racially or sexually biased and that job qualifications are relevant to job performance and duties; and

- e) reviewing and certifying all pertinent search documentation relating to new appointments to ensure compliance with this policy.

3. Skill Enhancement and Upward Mobility

A proactive skill enhancement and upward mobility program shall include, but is not limited to:

- a) assist in the development of training programs within each department, division, or office to increase skills, proficiency and knowledge of College employees;
- b) assist in the development of a long-range program of career counseling, guidance, position redesign and the establishment of "career ladders;"
- c) reviewing positions for possible classification or reclassification in order to ensure that promotional lines are adequate, that the number of "dead-end" jobs are significantly reduced, if not entirely eliminated, and that positions, particularly at the entry level, are filled by trainees in order to provide a less restrictive recruitment base; and
- d) continuing to utilize, wherever feasible, promotional examinations to facilitate the upgrading of the present workforce and to facilitate and implement specific career opportunities for lower level employees who are in positions or occupational series which do not enable them to realize their full work potential.

4. Termination, Resignation and Retirement

The development of a program to monitor terminations, resignations, and retirements which shall include, but not be limited to, conducting exit interviews to determine any patterns of discrimination.

5. Other Personnel and Managerial Actions

Including but not limited to:

- a) evaluating policies relating to the granting of leaves, the transfer of employees to other work sites, and the standard of job performance and conduct; and
- b) reassessing the role of the supervisor and the quality and sensitivity of supervision;
- c) assist in the development of a fair and equitable evaluation system.

III. RESPONSIBILITIES

A. President

The President of SUNY Rockland shall have ultimate responsibility to ensure the attainment of the objectives of the Equity and Compliance Policy and the enforcement of federal, state and local equal employment opportunity and human rights laws within the SUNY Rockland community. These responsibilities include, but are not limited to:

1. establishing an Office of Diversity & Inclusion within the administration and appointing its Director, the Equity and Compliance Officer;
2. overseeing the development of the Equity and Compliance Policy and related programs, with the authority to recommend policies and procedures to be adopted by the Board;
3. reviewing reports from the Director on the progress of the programs, and reporting to the Board of Trustees quarterly on the status of the office and its programs;
4. delegating the authority for the day-to-day oversight of the equal employment opportunity plans to the Director.

B. Equity and Compliance Officer

The Equity and Compliance Officer reports directly to the President. The Equity & Compliance Officer shall have general responsibilities for the design, implementation and administration of SUNY Rockland's Equity and Compliance Policy, plans and programs. These responsibilities include, but are not limited to:

1. overseeing and coordinating the implementation of SUNY Rockland's Equity and Compliance Policy;
2. conducting at least one meeting of supervisors per semester for general discussion of the progress made and the problems encountered in implementing the equal employment opportunity plans of SUNY Rockland;
3. collecting and analyzing appropriate statistical data with respect to SUNY Rockland/County's population;
4. disseminating information to those concerned with respect to current federal, state and local statutes or regulations affecting equal employment opportunity;
5. serving as a resource person for human rights and equal employment opportunity matters for SUNY Rockland community;
6. developing and monitoring the progress of SUNY Rockland's equal employment opportunity goals or identifying problem areas and barriers to full implementation;
7. recommending solutions to problem areas and barriers to achieving equity;
8. reviewing and certifying all pertinent search and selection documentation relating to new appointments to ensure compliance with this policy, prior to the presentation of the selection to the President and/or Board;
9. organizing and/or conducting appropriate educational training programs in the field of equal employment opportunity;
10. organizing and/or conducting appropriate educational training programs for all College employees with respect to this policy and related subjects including, but not limited to, prejudice reduction/diversity training, and sexual harassment prevention;
11. ensuring equity and compliance with all federal, state and local statutes, rules and regulations, including the preparation of any required affirmative action plans;

12. investigating and resolving any complaints of violation of this policy;
13. performing such other functions to further equal employment opportunity as the President may direct, and
14. serving as SUNY Rockland's ADA (Americans with Disabilities Act) Officer.

IV. PROHIBITION AGAINST DISCRIMINATION AND HARASSMENT

A. SUNY Rockland is an equal opportunity employer committed to compliance with federal, state and local laws prohibiting discrimination. SUNY Rockland is also committed to providing a working and educational atmosphere conducive to maintaining the dignity of each member of the campus community. Any act of discrimination or harassment, whatever the basis, undermines the integrity of campus relationships and is detrimental to a positive, productive environment

B. Employment decisions at SUNY Rockland shall be made on the basis of merit, fitness and equality of opportunity and without unlawful discrimination on the basis of age, color, creed, criminal history, disability, domestic violence victim status, familial status, gender identity, marital status, military status, national origin, predisposing genetic characteristics, pregnancy-related condition, race, religion, sex, sexual orientation or other legally protected status.

C. No officer, manager, supervisor, or other employee, contractor, volunteer, Board Member, or other non-employee shall engage in any act of discrimination on the basis of age, color, creed, criminal history, disability, domestic violence victim status, familial status, gender identity, marital status, military status, national origin, race, religion, sex, sexual orientation or other legally protected status.

D. In addition to providing protections on the basis of the above-protected classes, some federal, state and local laws protect persons who are discriminated against because they are perceived to be in a protected class. Discrimination or harassment based on a person's perceived protected class is absolutely prohibited by this policy.

E. Anti-discrimination protections apply to all of the terms and conditions of employment including, but not limited to: recruitment, testing, hiring, work assignments, salary and benefits, performance evaluations, promotions, training opportunities, transfers, discipline, discharge and working conditions.

F. This policy applies to all SUNY Rockland officers, managers, supervisors and other employees and to all contractors, volunteers, Board Members or other non-employees of SUNY Rockland. Depending upon the extent of the exercise of control, this policy may be applied to the conduct of those who are not officers or managers, supervisors, other employees, contractors or volunteers of SUNY Rockland with respect to an illegal discrimination or illegal harassment of College officers, managers, supervisors, other employees, volunteers, Board Members, applicants, contractors or other non-employees in the workplace.

G. All officers, managers, supervisors, other employees, Board Members, volunteers, contractors or other non-employees will be expected to comply with this policy and take appropriate measures to ensure that discrimination or harassment does not occur. When discrimination or harassment is suspected, employees and non-employees are encouraged to use the complaint and investigation procedures set forth in this policy. Officers, managers and supervisory personnel must take appropriate and, if authorized, immediate corrective action when allegations of illegal discrimination or harassment come to their attention to assure compliance with this policy. If a manager or supervisor is not authorized to take corrective action, the matter should be referred to an individual having that authority. In addition, each manager or supervisor has a special duty to maintain the workplace free of discrimination or harassment. This duty includes discussing this policy with subordinates and other employees or non-employees and assuring them that they are not to endure insulting, degrading or exploitive discrimination or harassment in the workplace.

H. Any person found to be engaging in discriminatory conduct or practices, harassment or other inappropriate conduct (including the failure of a manager or supervisor to report allegations, act appropriately upon them, or discharge their duty to discuss this policy and discourage violation) will be subject to disciplinary action in accordance with the provisions of a negotiated labor agreement or state law as may be appropriate. Based upon the seriousness of the offense, discipline may include a written reprimand, suspension without pay, demotion, transfer, fine, termination and any other measures calculated to eliminate illegal or inappropriate conduct. In addition to implementing such disciplinary action, SUNY Rockland shall take such steps as may be necessary to address the impact that any unlawful discrimination has had upon the complainant.

I. Any employee, non-employee or applicant who believes that they have been discriminated against or harassed should immediately contact the Equity and Compliance Officer for consultation and/or to file a complaint. All complaints will be handled confidentially, which means that information obtained from a person who seeks assistance will not be discussed with other personnel except as necessary to investigate and resolve a complaint or other matter. Disclosure will be made only on a "need to know" basis for purposes of properly processing complaints.

V. SEXUAL HARASSMENT

A. Introduction

1. Sexual harassment is a form of sex discrimination based upon which is prohibited by law and may subject SUNY Rockland to liability for harm to targets of sexual harassment. SUNY Rockland, as part of its continuing equal employment opportunity efforts and pursuant to guidelines on sex discrimination issued by the Equal Employment Opportunity Commission and the New York State Division of Human Rights, fully supports federal, state and county laws which protect and safeguard the rights and opportunities of all people to seek,

obtain and hold employment without subjugation to sexual harassment or discrimination of any kind in the workplace. It is the policy of SUNY Rockland to maintain an environment free of sexual harassment.

2. SUNY Rockland expects that all of its employees as well as its students, volunteers, contractors and other non-employees will treat each other with courtesy, dignity and respect. Just as we do not tolerate violations of other laws in our workplace, we do not tolerate violations of the laws prohibiting sexual harassment. No officer, administrator, supervisor or other employee, volunteer, contractor or other non-employee shall engage in any act of sexual harassment.

3. Ignoring sexual harassment is tantamount to toleration and will not be condoned at SUNY Rockland. Sexual harassment is considered a form of employee misconduct and sanctions are consistently enforced against employees who engage in this discriminatory conduct or engage in retaliation, and against managerial and supervisory personnel who knowingly allow such discrimination to continue.

B. Definition of Sexual Harassment

1. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and county law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

2. A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient,

which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

3. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

4. Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

C. Examples of sexual harassment

1. The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:
 - Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
 - Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
 - Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
 - Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
 - Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

- 2. Sexual harassment can occur between individuals of different sexes or of the same sex. It may be overt or subtle. Some conduct which is appropriate in a social setting may not be appropriate in the workplace or classroom. But whatever form it takes sexual harassment can be insulting and demeaning to the recipient in the workplace or classroom.

- 3. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

D. Absolute Prohibition

1. Sexual harassment by any officer, administrator, supervisor or other employee, volunteer, Board Member, contractor, student or other non-employee will not be tolerated. All employees and non-employees will be expected to comply with this policy and to take appropriate means so that such conduct does not occur. In addition each supervisor has a special duty to maintain the workplace free of sexual harassment. This duty includes discussing this policy with subordinates and other employees and non-employees and assuring them that they are not to endure insulting, degrading or exploitive sexual treatment.

2. All employees are encouraged to report any harassment or conduct that violate this policy to the Equity and Compliance Officer. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained in the Appendix under Legal Protections.

3. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Equity & Compliance Officer.
4. SUNY Rockland will conduct a prompt and thorough investigation as set forth in this policy that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. SUNY Rockland will keep the investigation confidential to the extent possible. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
5. Upon being brought to the attention of the Equity and Compliance Officer, effective corrective action will be taken whenever sexual harassment is found to have occurred in accordance with the provisions of a negotiated labor agreement or state law as may be appropriate. Based upon the seriousness of the offense, disciplinary action may include a written reprimand, suspension without pay, demotion, transfer, fine, termination and any other measures calculated to eliminate the illegal or inappropriate conduct.

VI. DISABILITIES

A. Discrimination or harassment against a person based upon that person's actual or perceived disability, record of disability, or that person's relationship with a person with a disability is prohibited by federal, state, and local laws and will not be tolerated by SUNY Rockland. Disabilities are physical, medical, mental or psychological impairments of body systems which limit one or more major life activities of a person. A record of such impairment includes, for example, a history of cancer which is currently in remission. A relationship with a person having a disability includes not only having a family member with a disability, but also having a cooperative or supportive relationship at work (such as assisting a colleague with a disability).

B. In addition to taking aggressive actions against those who discriminate or harass persons with disabilities, SUNY Rockland will take appropriate action to encourage employment of, and promotional opportunities for, qualified applicants and employees with disabilities.

C. Anyone believing they has been discriminated against or harassed on the basis of disability should contact the Equity and Compliance Officer for a consultation. SUNY Rockland will make reasonable accommodations for qualified employees and applicants with disabilities, unless providing such accommodations would create undue hardship for the department. Whether an accommodation is reasonable generally depends upon the circumstances of each situation, including consideration of the employee's ability to perform essential job functions. Some examples of accommodations which have been found reasonable for certain employers, under certain circumstances include: job restructuring, making facilities physically accessible to and usable by persons with disabilities; modifying work schedules; providing or modifying equipment or devices; and providing auxiliary aides and services.

VII. ANTI-RETALIATION

A. It is unlawful to retaliate or threaten to retaliate against or harass any person for filing a discrimination, harassment or retaliation complaint; seeking a reasonable accommodation for a disability or for a religious observance; or for cooperating in the investigation of a discrimination, harassment or retaliation complaint. SUNY Rockland will not tolerate any such retaliation or threatened retaliation. Any person who believes they are being retaliated against, or who has received a retaliation threat for having made a complaint, or for requesting an accommodation based upon disability or religious observance, or for cooperating in an investigation is urged to file a retaliation complaint with the Equity and Compliance Officer. Any employee, contractor, or volunteer who engages in such retaliation or threatens retaliation will be subject to formal discipline in accordance with the provisions of a negotiated labor agreement or state law as may be appropriate.

B. SUNY Rockland views retaliation or the threat of retaliation as a serious offense which, if unaddressed, threatens SUNY Rockland's commitment to keep the workplace free of all other forms of discrimination and harassment. Accordingly, SUNY Rockland will seek demotion, resignation, or termination as may be appropriate against any employee or non-employee including but not limited to Board Members, volunteers or contract agents against whom a charge of retaliation, or threatened retaliation is established.

C. Any person who believes they have been a target of such retaliation may also seek relief in other available forums, as explained in the Appendix under Legal Protections.

VIII. COMPLAINT AND INVESTIGATION PROCESS

A. When to File a Complaint

1. An employee, non-employee or applicant for employment should consult with the Equity and Compliance Officer, if they believe that they are being or have been discriminated against, sexually harassed, retaliated against, or otherwise harassed by an officer, manager, supervisor or other employee, or by a volunteer, independent contractor or other non-employee of SUNY Rockland because of actual or perceived age, color, creed, criminal history, disability, domestic violence victim status, gender identity, marital status, military status, national origin, predisposing genetic characteristics, pregnancy-related condition, race, religion, sex, sexual orientation or other legally protected status. The Equity and Compliance Officer will assist the person to determine whether the issue they raised is appropriate for resolution through the complaint process. Employees, non-employees or applicants will not be retaliated against for consulting with the Equity and Compliance Officer about a suspicion of discrimination, harassment or retaliation or for filing a complaint or for cooperating with an investigation.

2. Federal, state and county laws prohibit the following types of discrimination based on your actual or perceived membership in a protected group:

- a) Discriminatory treatment of employees or applicants in hiring, testing, work assignments, working conditions, salary and benefits, evaluation, promotions, training, transfers, discipline, termination, and any other term and condition of employment.
- b) Policies that have a disproportionate impact on a group protected by law, unless they are justified by business necessity;
- c) Failure to make a reasonable accommodation for an employee with a disability, or for an employee's religious observance; or
- d) Discriminatory harassment, intimidation, ridicule or insults.

3. Officers, administrators and supervisors who witness prohibited acts or who become aware of allegations of discrimination, harassment or retaliation must immediately report said acts or allegations to the Equity and Compliance Officer. Supervisors must not investigate such allegations on their own and, if requested, must facilitate and cooperate with any Equity and Compliance Officer investigation which may be initiated.

B. Initial Meeting with the Equity and Compliance Officer.

1. Any person who wishes to talk about a question or problem related to SUNY Rockland's Equity and Compliance Policy or to file a complaint of discrimination, harassment or retaliation should contact the Equity and Compliance Officer. An employee has the right to meet privately with the Equity and Compliance Officer or designee during office hours, however the employee should obtain approval from their supervisor before leaving their work assignment. An employee need not disclose the details or the purpose for the meeting. Reasonable requests to meet with the Equity and Compliance Officer or designee during work hours cannot be denied by supervisors. Supervisors should allow employees to meet with the Equity and Compliance Officer or designee at the earliest practicable time consistent with the operational needs of their units. At the employee's request, arrangements may also be made to hold the meeting before or after office hours, or during the employee's lunch period.

2. At the initial meeting, the Equity and Compliance Officer or designee will review SUNY Rockland's equal employment opportunity policy, provide the employee or applicant with a copy of the formalized complaint procedure, discuss the complaint and investigation process, and advise the employee or applicant of their respective rights under this policy. Allegations will then be discussed and determinations will be made as to whether allegations set forth any human rights violations. Non-human rights matters will be referred to other internal agencies such as the respective supervisor, the Human Resources Office, Union (the appropriate bargaining unit), or outside agencies.

3. Informing a representative of SUNY Rockland, such as an official, administrator, supervisor or the Equity and Compliance Officer or designee of wrong-doing or potentially illegal conduct makes SUNY Rockland responsible for

taking corrective action. Accordingly, attempts will be made to obtain any human rights complaint in writing. However, it may be necessary for the Equity and Compliance Officer or designee to investigate the alleged discriminatory, harassing or retaliatory conduct even if the employee, non-employee or applicant either wishes not to file a complaint or refuses to put the complaint in writing.

C. Representation

1. An employee, non-employee or applicant may bring a representative of their choice to attend only that part of the initial meeting where the Equity and Compliance Officer or designee reviews policy, procedure and rights. Any representative will be asked to leave the meeting room before any substantive allegations of discrimination, harassment or retaliation are discussed. An employee or applicant must notify the Equity and Compliance Officer in advance if they wish to bring a representative with them.

2. If the employee, non-employee or applicant files a complaint, the Equity and Compliance Officer or designee will meet or speak with them again throughout the process to keep them informed of the progress of the investigation.

3. No complainant or witness shall have any right to representation throughout the investigation process unless that person is the probable subject of a formal disciplinary action, and is given the right of representation pursuant to a collective bargaining agreement or applicable state law (for example, Civil Service Law § 75). If such event occurs, the employee and the employee's Union will be given written notice of any meeting by the Employee Rights representative and shall be afforded such rights to representation as are consistent with the provisions of a negotiated labor agreement or state law as may be appropriate. This Policy does not create any right of representation not otherwise afforded by a collective bargaining agreement or state statute.

D. Confidentiality

All human rights matters will be handled by the Equity and Compliance Officer in consultation with SUNY Rockland's legal counsel where appropriate. The Equity and Compliance Officer will treat complaints and other information provided by employees, non-employees or applicants confidentially, which means that information obtained from a person who seeks assistance will not be discussed with other personnel except as necessary to investigate and resolve a complaint or other matter. Information will only be discussed with others on a "need to know" basis for purposes of properly processing complaints. This means that information obtained from a person who seeks the assistance of the Equity and Compliance Officer or who talks to the Equity and Compliance Officer designee in the course of an investigation will not be discussed with other personnel except as necessary to investigate or resolve a complaint or other matter. The purpose of this provision is to protect the confidentiality of the employee, non-employee or applicant who

files the complaint; to encourage the reporting of any incidents of discrimination, harassment or retaliation; and to protect the reputation of an individual wrongfully charged with discrimination, harassment or retaliation.

E. Complaint Procedure

1. A person may file a formal written complaint of discrimination, harassment or retaliation at any time with the Equity and Compliance Officer. A copy of the complaint form is attached. Every effort will be made to accommodate people with special needs.
2. The Equity and Compliance Officer may also determine that another form of communication, such as a telephone call or letter should be handled as a complaint. In such event, or when a person who has a disability which precludes their completion of the complaint form seeks to file a complaint, the Equity and Compliance Officer shall complete a complaint form and provide any additional accommodations or assistance as may be necessary. A complaint form shall also be completed by the Equity and Compliance Officer when they initiate an investigation on their own initiative.
3. All complaints investigations shall be completed within 30 days, unless otherwise authorized by the President.
4. SUNY Rockland guarantees that all investigations shall be full, fair and impartial.
5. An investigation will normally include conferring with the parties involved and any named or apparent witnesses. No person interviewed in the course of an investigation shall have a right to representation unless the person is the probable subject of a formal disciplinary action. A written notice of meeting informing the recipient of any right to representation will be given in such cases. [See Paragraph VIII. C. 3 hereinabove (witnesses) or Paragraph VIII. F.4 herein below (Respondents)].
6. The particular facts of the allegation will be examined individually with a review of the nature of the conduct and the context in which the incident or incidents occurred.
7. A person named as the respondent in the complaint shall receive notice of the complaint and shall have the opportunity to respond to it in writing. Respondents will be afforded a reasonable opportunity to offer and present any information and witnesses relevant to the complaint.
8. A person who participates in this procedure may do so without fear of retaliation. All employees, non-employees (including but not limited to board members, volunteers, and contract agents) or applicants shall be protected from

actual or threatened coercion, harassment, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation. Any such actual or threatened retaliation by employees will result in formal disciplinary action which may result in termination of employment. (See Article VII hereinabove.) Any such actual or threatened retaliation by a non-employee or applicant, will result in termination of their relationship with SUNY Rockland.

9. If the investigation finds that the complaint is valid, the Equity and Compliance Officer will recommend to the President that actions such as training, counseling, remediation, disciplinary and/or other actions be taken immediately to stop the discrimination, harassment or retaliation; to address the impact that the unlawful conduct has had upon the complainant; and to prevent recurrence of the conduct.

10. The Equity and Compliance Officer should endeavor to report the findings and recommendations of the investigation to the President within 30 working days of the receipt of a formal complaint. The complainant and the respondent will be notified in writing of the outcome of the investigation and of any action taken.

11. At any point in this process, with the consent of the complainant, an attempt may be made at resolving the complaint on an informal basis. If the parties agree to a resolution of the situation and any action needed to resolve the matter has received the necessary approvals, the Equity and Compliance Officer shall prepare a written Notice of Resolution confirming the agreement. The Notice of Resolution shall be signed by all parties and copies given to them.

12. SUNY Rockland recognizes that false accusations of discrimination, harassment or retaliation can have serious adverse effects on innocent individuals. We trust that all employees of SUNY Rockland will continue to act responsibly in maintaining a pleasant working environment free of discrimination. False accusations will be considered grounds for disciplinary action.

13. Nothing in this policy should be construed to limit an individual's existing right to file a complaint with the New York State Division of Human Rights or the U.S. Equal Employment Opportunity Commission or to take any legal action which they may deem advisable.

F. Investigation Procedure

1. An investigation will be conducted by the Equity and Compliance Officer or by a representative acting under the supervision of the Equity and Compliance Officer. An investigation shall be initiated within a timely period of receiving a complaint. The party filing the complaint shall be referred to as the "complainant". The accused party shall be referred to as the "respondent".

2. Upon receipt of a complaint, the Equity and Compliance Officer shall inform the President of the alleged violation.
3. While investigating the complaint, depending upon the seriousness of the allegations and other circumstances, (such as threats to the safety and security of the complainant, respondent and/or other employees or clients of SUNY Rockland) the respondent may be placed on administrative leave (suspension with pay) at the discretion of the Board of Trustees.
4. The Equity and Compliance Officer shall meet with the respondent to inform them of the allegations and to request identification of any witnesses or other pertinent information the respondent would like to be considered in the course of the investigation. Because formal disciplinary action may be taken against the respondent as a result of the investigation, the Equity and Compliance Officer shall give respondent written notice of the meeting and afford the respondent and the respondent's union such rights to representation as are consistent with the provisions of a negotiated labor agreement or state law as may be appropriate.
5. The allegations shall be investigated based upon information obtained from the complainant, respondent, department and any other source. Reasonable cause to support the allegations may or may not be found.
6. The nature and extent of the investigation depends upon the circumstances of the case but may include but not be limited to:
 - a) Personnel records or other documentary review;
 - b) Interview of all witnesses and obtaining of written statement from same (may require the order of a supervisor where the witness is reluctant);
 - c) Administrative review (policies, processes, etc.); and
 - d) Investigation of other violations which may be discovered in the course of investigating the original one.
7. If no probable cause is found to support the allegations set forth in the complaint, the President, complainant and respondent shall be informed in writing. Educational and/or remedial action may still be recommended depending upon the circumstances of the case. The Board shall decide what, if any, action is taken.
8. If probable cause is found to support the allegations set forth in the complaint, the complainant and respondent shall be advised in writing by the Equity and Compliance Officer. The respondent, consistent with the provisions of a negotiated labor agreement or state law as may be appropriate, may be formally questioned regarding the matter. Any follow-up investigation based upon the questioning of the respondent shall then be conducted. The Equity and Compliance Officer shall then report findings and recommendations in writing to the president

who shall decide what, if any, action is to be taken. Recommendations are based upon the circumstances of the case and may include but not be limited to:

- a) Conciliation;
- b) Reasonable accommodation;
- c) Conflict resolution;
- d) Proactive educational steps;
- e) Administrative policy changes;
- f) Informal or formal disciplinary action;
- g) Precautions against retaliation;
- h) Precautions against recurrence;
- i) Redress for the impact of the unlawful conduct upon the complainant;

9. A person found to have committed an act of discrimination, harassment or retaliation will be subject to disciplinary action in accordance with the provisions of a negotiated labor agreement or state law, as may be appropriate.

10. The Equity and Compliance Officer shall inform the President or his designee of the progress of the investigation.

G. Withdrawing Complaints

A complaint of discrimination may be withdrawn at any time in writing by the person who filed the complaint. The Equity and Compliance Officer may, in such circumstance, find it appropriate to end the investigation when the complaint has been withdrawn. However, prior to making the determination to end the investigation, the Equity and Compliance Officer with the assistance of SUNY Rockland's legal counsel and in accordance with Federal and State law, must assess whether information has been found which requires SUNY Rockland to take corrective action to prevent or eliminate an illegal or inappropriate situation. If there is such information, the Equity and Compliance Officer will continue the investigation until they are prepared to recommend whether or not SUNY Rockland should take corrective action.

IX. REASONABLE ACCOMMODATION FOR RELIGIOUS OBSERVANCE

Personal Leave Requests for religious observance shall be granted for the days and hours requested unless doing so would create an obstruction to the proper operation of educational or administrative functions. This personal leave may be drawn only upon written request approved in advance by the appropriate supervisor.

X. REASONABLE ACCOMMODATION FOR DISABILITY

A. Introduction

1. Employers (officers, administrators, supervisors, employees) and non-employees (contractors or volunteers) cannot discriminate against people with disabilities in regard to any employment practices or terms, conditions, and privileges of employment. This prohibition covers all aspects of the employment process including, but not limited to: application, testing, hiring, assignments, evaluation, disciplinary actions, training, promotion, medical examinations, layoff/recall, termination, compensation, leave or benefits.

2. SUNY Rockland will make reasonable accommodations to qualified applicants and employees with disabilities to enable them to perform the essential functions of their jobs and to enjoy the equal benefits and privileges of employment, unless providing such accommodation would impose an undue hardship. The requirement to provide reasonable accommodation applies to disabilities that are known, or should have been known, to the employer. The reasonable accommodation process, including a description of key terms, is set forth below and should be followed by applicants and employees requesting reasonable accommodations.

B. Key Terms

1. *A qualified applicant or employee* is an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of a position and who, with reasonable accommodation (if needed), or without accommodation (if none is needed), can perform the essential functions of that position.

2. *A disability* is (a) a physical, medical, mental or psychological impairment of a body system that substantially limits a major life activity, or (b) a history or record of such an impairment, or (c) being regarded as having such an impairment.

3. *Essential functions* are duties that are fundamental to a position including, among others, those for which the position exists, those that only a limited number of employees are available to perform, or those that cannot be delegated. Evidence of what constitutes an essential function may include, but is not limited to: the employer's judgment; written job descriptions, if any; the amount and/or proportion of time spent performing the function; the consequences of not requiring a function; the terms of a collective bargaining agreement; the work experience of people who have performed the job in the past; the work experience of incumbents; the nature of the work operation and its organizational structure.

4. *Undue hardship* is an action that requires significant difficulty or expense in relation to the size of the employer, the resources available, and the nature of the

operation. More specifically, undue hardship is an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of an employer's business.

5. ***Reasonable accommodations*** are modifications or adjustments to the application process, work environment, or to the manner of circumstances under which an essential job function is customarily performed, that promote equal employment opportunity for an individual with a disability. Reasonable accommodation enables a qualified applicant or employee with a disability to be considered for a position or to perform its essential functions, or to enjoy benefits and privileges of employment that are equal to those enjoyed by similarly situated employees without disabilities. Accommodations are not reasonable if they impose an undue hardship on the employer.

C. Effective Communication and Other Assistance

The Equity and Compliance Officer shall be responsible for ensuring effective communication between applicants or employees and staff at every stage of the reasonable accommodation process. Effective communication may require arranging for sign language interpreters, assistive listening equipment, alternative formats for people with visual impairments, or other approaches. The Equity and Compliance Officer shall also be responsible for working with the Office of Human Resources to provide such other reasonable assistance as is requested by applicants, employees and supervisors throughout the reasonable accommodation and appeal processes.

D. Confidentiality

All personnel must respect employee confidentiality. All documentation and information concerning the medical condition or history of an employee requesting an accommodation must be collected on forms separate from other personnel-related forms and must be maintained by each department in separate medical files. The information shall be treated as confidential medical records, except to the extent that:

1. Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations;
2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in case of fire or other evaluations;
3. Government officials investigating compliance with the ADA and other Federal and State Laws prohibiting discrimination on the basis of disability or handicap should be provided relevant information on request;

4. Relevant information may be provided to State Workers' Compensation Offices or "second injury" funds, in accordance with State Workers' Compensation Laws;
5. Relevant information may be provided to insurance companies where the company requires a medical examination to provide health or life insurance for employees; and
6. Other federal laws and regulations also may require disclosure of relevant medical information.

E. The Reasonable Accommodation Process Step-by-Step

1. Overview

- a) The reasonable accommodation process should be flexible and interactive, involving both the employer and the applicant or employee requesting reasonable accommodation. The process generally involves four steps. The Equity and Compliance Officer must ensure that the application, interviewing and testing procedures are accessible by reasonably accommodating applicants with disabilities. Although the interviewer must not inquire whether an individual has a disability, they may inquire whether an accommodation is needed, particularly where a disability is apparent or suspected.
- b) Although the process is described in terms of "steps," it should always be interactive and flexible. It is characterized by close coordination and cooperation between an applicant or employee, the respective supervisor, and the Equity and Compliance Officer or designee with the common goal of moving the process forward as expeditiously as possible.
- c) The Rockland County Office for People with Disabilities provides information to people with disabilities and advocates for them in order to ensure that they are afforded equal rights under the law. The Office for People with Disabilities is available to help any employee or applicant with a request for an accommodation and/or to advocate for them at any stage in the accommodation process. Said office can also advocate for them in the greater community.
- d) The Equity and Compliance Officer has responsibility for the implementation and administration of SUNY Rockland's Equity and Compliance Policy, plan and programs. With respect to the accommodation process, as with the implementation of all other human rights laws, said office ensures equity and compliance with all Federal and State statutes and regulations as well as the uniform application of the accommodation process. The Office is also responsible for the investigation and resolution of any complaints of violation.

2. Procedure

- a) **Step 1: Applicant or Employee Requests Reasonable Accommodation; Initial Consultation.**

- (i) The employee or job candidate should complete a Reasonable Accommodation Request form (attached), and submit it to the Equity and Compliance Officer. (The form should be made available to applicants at the first possible opportunity in the application process.) Upon receiving the request, the Equity & Compliance Officer shall acknowledge it by signing and dating the form in the space provided. One copy is to be returned to the applicant or employee, and the original kept in the office of the Equity and Compliance Officer. A second copy is to be filed with the Office of Human Resources. An additional copy shall be forwarded to the Rockland County Office for People with Disabilities. The submission by an applicant or employee of a request for reasonable accommodation shall not preclude the submission of subsequent requests.
- (ii) Generally, it is the responsibility of the individual with a disability to inform SUNY Rockland of the need for an accommodation. SUNY Rockland must reasonably accommodate disabilities that are known or that should have been known to it.
- (iii) Where the need for a requested accommodation is not apparent, the Director may ask an applicant or employee to provide documentation in support of the request. In limited circumstances, medical examinations or more detailed medical documentation may be required to determine whether an employee can perform the essential functions of the position and what accommodations may be appropriate. However, because the circumstances under which such examinations or documentation may be required in the context of a reasonable accommodation request are narrow and fact specific, the Director *must* consult with SUNY Rockland's legal counsel before requesting them. After review and consultation with the Director of Human Resources, and/or with SUNY Rockland's legal counsel, the Director should either (1) provide or implement the request and document the accommodation or (2) proceed to step 2 of this procedure.

b) Step 2: Analysis of Job to Determine its Purpose and Essential Functions.

- (i) Upon receipt of a request for reasonable accommodation, the Director of Human Resources, in consultation with the Equity and Compliance Officer, and SUNY Rockland's legal counsel, should examine the position to determine its purpose and its essential functions. Identifying which job functions are essential is necessary to determine whether an employee with a disability is "qualified" for a position. With respect to applicants for employment, the Office of Human Resources must make the application, interview and testing process accessible, unless doing so would create an undue hardship.
- (ii) Essential functions are the fundamental job duties of a position, excluding marginal functions. A job function can be deemed an essential function for a variety of reasons including, but not limited to,

whether (1) the position exists to perform the function; (2) a limited number of employees are available to whom the function can be assigned; and/or (3) whether the function is so highly specialized that it must be held by an employee selected for the ability to perform that function. Evidence of what constitutes the essential functions of a position includes the following: the employer's judgment; written job descriptions, if any; the amount and proportion of time spent performing a function; the consequences of not requiring the employee to perform a function; the terms of a collective bargaining agreement; work experience of prior employees in the same position; work experience of current employees in the same position; and other relevant evidence.

The determination of the essential function(s) of the job inquiry is to ensure equity in the accommodation process.

c) Step 3: Consult with the Employee

- (i) Using a collaborative, open and flexible approach, the Equity and Compliance Officer, in conjunction with the Office of Human Resources and the employee or prospective employee (where a conditional offer of employment has been extended) should consider how any job-related limitations can be overcome, discuss possible reasonable accommodations and assess the effectiveness of each. SUNY Rockland must consider an applicant's or employee's preferences, along with what is reasonable under the circumstances of the work environment, in selecting accommodations. SUNY Rockland is not required to provide an accommodation that imposes undue hardship. The same type of open and collaborative approach also should be undertaken in identifying reasonable accommodations for the application process.
- (ii) After evaluating the position to determine its essential functions, the Equity and Compliance Office, in conjunction with the Human Resources Office, should consult with the applicant or employee requesting the accommodation to assess the limitations that the disability imposes on the performance of each essential function. If reasonable accommodation is requested for the application process itself, the Equity and Compliance Officer should consult with the applicant to determine how the process may reasonably be made accessible to the individual with a disability.

d) What Accommodations are Reasonable?

- (i) Accommodations that are reasonable may include, but are not limited to, those listed below. The reasonableness of an accommodation will depend upon the circumstances of each case.

- a. making facilities readily accessible to and usable by people with disabilities (e.g., providing ramps, restroom grab bars, signage);
 - b. job restructuring (e.g., reallocating or redistributing non-essential typing, telephone or other clerical assignments among employees, assignment of non-essential tasks to others, eliminating non-essential tasks);
 - c. modifying work schedules (e.g., permitting alternative starting and ending times);
 - d. providing or modifying equipment, devices or materials (e.g., raising a desk on boards for an employee who uses a wheelchair, providing flashing lights and volume controls on intercoms and telephones, installing text telephones [TTYs], providing large-print computer display programs, or materials in alternative formats, including Braille, audio tape or enlarged print);
 - e. providing qualified readers, interpreters, or other support services during application, interview, testing processes, and during training and other employment and employment-related activities;
- (ii) SUNY Rockland is not required to provide personal items to employees that are needed both on and off the job. Such items include hearing aids, prosthetic limbs, wheelchairs, or eyeglasses. However, such items may constitute reasonable accommodation where they are specifically designed to meet job-related rather than personal needs. For example, eyeglasses designed to enable an employee to view a computer monitor, but which are not otherwise needed by the employee outside the office, may constitute a reasonable accommodation.

e) Step 4: Select and Implement an Appropriate Reasonable Accommodation.

- (i) Within 60 working days of an employee's submitting a request for reasonable accommodation: (1) the Equity and Compliance Officer shall have made a recommendation to the department, and (2) shall have either granted or denied the request in writing in the space designated for that purpose on the Request for Reasonable Accommodation form. Where an accommodation will be provided, the supervisor shall have provided or begun to implement the accommodation. Where the provision or implementation of a reasonable accommodation will take longer than 60 working days, the steps taken to order, secure or carry out the accommodation shall be documented and discussed with the employee or applicant. In all instances, however, the supervisor and/or Equity and Compliance Officer shall act as expeditiously as possible to

provide reasonable accommodations. Employees or applicants may request the assistance of the Office of People with Disabilities in expediting the process.

- (ii) The Director of Human Resources and the Equity and Compliance Officer shall monitor implementation of reasonable accommodations to be provided by SUNY Rockland.

F. Appeal to the President

1. An applicant or employee may appeal to the President any action or failure to act pursuant to this procedure by which the applicant or employee believes they have been "wronged" or aggrieved. Within 15 business days of receipt of the appeal, the President shall:

- a) obtain and review all documentation relating to the request for reasonable accommodation;
- b) meet with the supervisor and the applicant or employee;
- c) consult with legal counsel, the Office of Human Resources and/or the Equity and Compliance Officer; and
- d) review the essential job functions, job-related limitations involving the applicant's or employee's disability, and potential accommodations.

2. Within 30 working days of receipt of the appeal, the President shall issue a written determination on the request for reasonable accommodation, specifying what accommodation shall be provided, if any, and directing the department to implement such accommodation promptly. The Director of Human Resources and the Equity and Compliance Officer shall monitor implementation of any reasonable accommodation provided by SUNY Rockland.

G. Discrimination Complaints

This reasonable accommodation procedure is intended to ensure equal employment opportunities for employees with disabilities, but shall not impede the right of any employee or applicant to file a complaint with SUNY Rockland's Equity and Compliance Officer, the Equal Employment Opportunity Commission, the New York State Division of Human Rights or any other federal, state or local agency having jurisdiction over such matters, or in any court of competent jurisdiction.

H. For Further Guidance

Throughout the reasonable accommodation process, employees and others may seek guidance by consulting the Equity and Compliance Officer at (845) 574-4758, the Office of Human Resources (845) 574-4720, or the Rockland County Office for People with Disabilities at (845) 364-2758.

XI. IMPLEMENTATION OF POLICY

A. General responsibility for the enforcement and implementation of this Equity and Compliance Policy lies with the President of SUNY Rockland. The President has assigned to the Equity and Compliance Officer the direct responsibility for compliance with, and administration of, SUNY Rockland's Equity and Compliance Policy. Coordinating with the Equity and Compliance Officer, the Director of Human Resources and all supervisors will be responsible for applying the policy on a day-to-day basis.

B. SUNY Rockland shall disseminate the policy as follows:

1. Distribute and present to all current and prospective employees the Equity and Compliance Policy;
2. Explain the content of the policy and the supervisor's responsibility, as appropriate at staff meetings;
3. Each recipient of the policy shall be required to sign a form acknowledging that the policy has been received by and discussed with them;
4. Supervisors shall be required annually to attend a training seminar designed to review their role in preventing and avoiding any illegal discrimination/harassment/retaliation.
5. Discuss the policy and employee orientation at supervisory training programs;
6. Publicize the policy in appropriate college reports and other campus media as appropriate on a yearly basis;
7. Post the policy on campus bulletin boards and on SUNY Rockland's web site and elsewhere as appropriate.

XII. EVALUATION AND REVIEW MECHANISM

A. Equity and Compliance Officer

Primary responsibility for the evaluation and review of the Equity and Compliance Policy lies with the Equity and Compliance Officer.

B. Annual Reports

The Equity and Compliance Officer will submit reports to the President outlining the progress of and any problems with this policy. In addition there will be an annual report to the President which will include an assessment of the progress made towards the goals of this policy.

XIII. FORMS

- A. Acknowledgment of receipt of copy of College's Equity and Compliance Policy and receipt of related training. View or Download Form A on the College website.
- B. Complaint of discrimination, harassment or retaliation. View or Download Form B on the College website.
- C. Notice of withdrawal of a complaint of discrimination, harassment or retaliation. View or Download Form C on the College website.
- D. Notice of resolution of a complaint of discrimination. View or Download Form D on the College website.
- E. Request for reasonable accommodation. View or Download Form E on the College website.

APPENDIX

Legal Protections And External Remedies

Complainant is not required to pursue the SUNY Rockland internal procedures before filing a complaint with a State or Federal Agency. In addition, if the Complainant chooses to pursue SUNY Rockland's internal procedure, the Complainant is free to file a complaint with the appropriate County, State or Federal agency at any point during the process. Filing with an external agency will not terminate the internal procedure. However, the matter will be referred to SUNY Rockland's attorney or SUNY Office of University Counsel for review.

Rockland County

Office of Employee Rights and Equity Compliance
Robert L. Yeager Health Center
Building A - 1st Floor
Pomona, NY 10970
Telephone No: (845) 364-3406
Fax: (845) 364-3710

ADA Coordinator
Telephone No: (845) 638-5127
Email: RCDAC@co.rockland.ny.us

New York State Division of Human Rights

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment and employers with four or more employees for other forms of discrimination and harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (NYSDHR) or in New York State Supreme Court.

Complaints with NYSDHR may be filed any time **within one year** of the discrimination or harassment. If an individual did not file at NYSDHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination or harassment. An individual may not file with NYSDHR if they have already filed a HRL complaint in state court.

Complaining internally to SUNY Rockland does not extend your time to file with NYSDHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with NYSDHR, and there is no cost to file with NYSDHR.

NYSDHR will investigate your complaint and determine whether there is probable cause to believe that discrimination or harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination or harassment is found after a hearing, NYSDHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

NYSDHR's main office contact information is:

New York State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, NY 10458
Telephone No: (718) 741-8400
or visit: www.NYSDHR.ny.gov

Contact NYSDHR at (888) 392-3644 or visit www.NYSDHR.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to NYSDHR.

The website also contains contact information for NYSDHR's regional offices across New York State.

Albany

New York State Division of Human Rights
Empire State Plaza, Agency Building #1, 2nd Floor
Albany, NY 12220
Telephone No: (518) 474-2705

Manhattan

New York State Division of Human Rights
Adam Clayton Powell Jr. State Office Building
163 West 125th Street, 4th Floor
New York, NY 10027
Telephone No: (212) 961-8650

Bronx

New York State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, New York 10458
Telephone No: (718) 741-8400

White Plains

New York State Division of Human Rights
7-11 South Broadway, Suite 314
White Plains, NY 10603
Telephone No: (914) 989-3120

Office of Sexual Harassment Issues

New York State Division of Human Rights
Office of Sexual Harassment
55 Hanson Place, Room 900
Brooklyn, NY 11217
Telephone No: (718) 722-2060

New York State Division of Human Rights
8 John Walsh Blvd. Suite 204
Peekskill, New York 10566
Telephone No: (914) 788-8050

Office of AIDS Discrimination

New York State Division of Human Rights
Office of Aids Discrimination
20 Exchange Place, 2nd Floor
New York, NY 10005
Telephone No: (212) 480-2522

United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

United States Department of Labor
Office of Federal Contract Compliance Programs
201 Varick Street, Room 750
New York, NY 10014
Telephone No: (212) 337-2006
Fax: (212) 620-7705

Albany District Office

19 Aviation Road
Albany, NY 12204-2199
Telephone No: (518) 435-0323
Fax: (518) 435-0417

New York District Office

26 Federal Plaza, Room 36-116
New York, NY 10278-0002
Telephone No: (212) 264-7742
Fax: (212) 264-8166