

**ANTI-DISCRIMINATION POLICY
AND GRIEVANCE PROCEDURE
FOR EMPLOYEE¹ CLAIMS OF DISCRIMINATION
BY ANOTHER EMPLOYEE,
GUEST OR CONTRACTOR**

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INTRODUCTION**

As an institution of higher learning, Suffolk County Community College is dedicated to providing an environment conducive to intellectual and personal growth. Members of the

A. Discrimination Prohibited

The college abides by the principle that its students, faculty, staff, administrators and trustees have a right to be free from discrimination by any member of the college community. The highest standards of professional conduct pertain to all members of the college community in their dealings with one another; the relationships between and among students, faculty, administrators, trustees and members of the staff at all levels should be governed by these standards. No member of the college community should tolerate discrimination from an administrator, faculty member, employee, colleague, supervisor, student or other member of the college community.

Behavior on the part of any member of the college community that inappropriately introduces any form of discrimination, as defined below, into a teaching, learning or working relationship, or into any other relationship arising from college activities will not be tolerated. The college also will not tolerate conduct by a non-employee who discriminates against any member of the college community on college premises or at any other location where the member of the college community is present because of assigned or college-sanctioned activities.

Individuals who believe they are victims of discrimination are required to seek redress through the appropriate discrimination complaint procedure. This policy and procedure applies to any employee who alleges that he or she has been discriminated against by another employee, guest or contractor. Alleged discrimination of a student by another student or alleged discrimination against a college faculty member, guest, administrator or employee by a student is governed by the Student Code of Conduct. Alleged discrimination against a student by a faculty member, an administrator or any other employee of the college is governed by the Anti-Discrimination Policy and Grievance Procedure for Student Claims of Discrimination by a Faculty Member, Administrator or Employee.

Complaints about discrimination will be responded to promptly and equitably in accordance with the procedures set out under the applicable policy. The confidentiality of all members of the college community will be respected in each step of the complaint procedure, insofar as that is reasonably practicable. In addition, each policy explicitly prohibits retaliation against individuals for bringing complaints of discrimination or for participating or refusing to participate in investigations of discrimination. Similarly, each policy prohibits retaliatory conduct against an individual simply because he or she has been accused of discrimination. An individual found to have engaged in discrimination or retaliation in violation of this policy may be subject to disciplinary action up to and including termination. If the individual is a bargaining unit member, such disciplinary action will be pursuant to the appropriate collective bargaining agreement. Conversely, if a complaint of discrimination

An employer is required to make a reasonable accommodation unless doing so would impose an undue hardship, i.e., one that requires significant difficulty or expense.

In determining whether harassment based on race, national origin, color, religion, sex, age, sexual orientation or disability has created an intimidating, hostile or offensive environment or substantially interferes with an individual's academic or work performance, the college recognizes that unless the conduct is egregious, a single incident or isolated incidents of offensive conduct or remarks may not create an intimidating, hostile or offensive environment.

C. Confidentiality

1. Generally: It is the policy of the college to protect the confidentiality of members of the college community who may be involved in discrimination complaint procedures, insofar as that is reasonably practicable. Specifically, the identity of the individual making the complaint (complainant), the identity of the accused (respondent) and information relating to the discrimination complaint will be disseminated only to those individuals who have a legitimate need to know, or as reasonably necessary for the purpose of investigating or resolving the complaint. Any person who is the custodian of confidential information shall maintain a log of the dissemination and review of such information.

Complainants should understand that upon their advising the Office of the Compliance Officer or the Office of Human Resources of a discrimination complaint, the college is legally required to investigate that complaint. Therefore, complainants should understand that the complaint may be disclosed, as necessary, to persons on a "need to know" basis.

Although the college will endeavor to maintain the confidentiality of discrimination complaints and proceedings in accordance with this policy, it cannot absolutely guarantee against the further dissemination of information by individuals to whom such information was reasonably disclosed in the course of a discrimination investigation. All complaints will be fully investigated and the appropriate remedial action will be taken against individuals found to have violated the college's anti-discrimination policy.

Any information acquired during the investigation will be kept in a confidential file in the Office of the Compliance Officer and retained by the college for at least the statutorily required period.

2. Waiver of Confidentiality: A complainant or a respondent may be deemed to have waived, directly or indirectly, the confidentiality provisions of this policy by voluntarily disclosing information about the complaint or the complaint proceedings to parties within or outside the college community who are not directly involved in the investigation or complaint process. For instance, if a complainant or a respondent makes any public statement tending to impute negligence, misconduct, unfairness or incompetence to the college in conducting a discrimination investigation or complaint proceeding, the college shall have the right to disclose information that is reasonably required to rebut or refute the allegations.

D. Retaliation

No individual shall be retaliated against in any way by a member of the college community for his or her participation in this complaint procedure. No complainant or witness shall be retaliated against in any way by a member of the college community for his or her nonparticipation in this complaint procedure. Every effort should be made to protect members of

2. Timing of Complaint

A complaint of discrimination must be made within one year of the most recent occurrence of alleged discrimination. The Compliance Officer and the Administrative Director are authorized to waive this timeliness requirement in extenuating circumstances including but not limited to circumstances wherein the complainant was subject to duress, or otherwise coerced or threatened by the respondent from filing the complaint. Both the Compliance Officer and the Administrative Director must agree to the waiver.

3. Initial Discussion; Preparation of Written Complaint; Respondent's Answer

The initial discussion between the complainant and the Compliance Officer or Administrative Director should be kept confidential to the extent possible. The Compliance Officer or Administrative Director shall attempt to informally resolve the matter through discussions with the complainant and the respondent within five (5) days³ of receiving the complaint. The complainant will prepare and sign a written complaint when he or she first meets with the Compliance Officer or Administrative Director. Within his or her discretion, the Compliance Officer or Administrative Director shall deliver to the respondent by hand

4. Investigation and Sufficient Cause Determination

If the complaint is not informally resolved, the Compliance Officer or Administrative Director will have fourteen (14) days after the conclusion of the five day informal resolution period to complete an investigation of the allegations. If not previously provided, the complainant and the respondent shall receive copies of the written answer and written complaint, respectively. The investigation shall include but not be limited to, review of the complaint and the answer, interviews of witnesses, examination of all pertinent personnel files and employment records and review of any other written statements, documents or other evidence. The complainant, the respondent and all potential witnesses are encouraged to cooperate with the discrimination investigation. If the complainant or the respondent refuses to do so, the Compliance Officer or Administrative Director will have to come to a determination on the basis of available information.

Once the Compliance Officer or Administrative Director completes the investigation, he or she will determine whether, based on a preponderance of the evidence, there is sufficient cause for an investigatory hearing to be held to determine whether discrimination has taken place. The complainant and the respondent shall be promptly notified in writing (either

B. Formal Stage: Investigatory Hearing

1. Anti-Discrimination Committee Membership

The Anti-Discrimination Committee is comprised of seven members: one (1) member each of the tenured faculty elected for three (3) years by governing bodies of the Eastern, Grant and Ammerman campuses; two (2) members selected by the A.M.E. unit at the College for three (3) years, one (1) from the white collar unit and one (1) from the blue collar unit; one (1) individual selected by the President for one (1) year who will be the Chair, either the Compliance Officer or the Administrative Director of Human Resources (whoever did *not* conduct the investigation). College legal counsel shall be a non-voting advisory member of the Committee.

transcript of the proceedings shall be held in the Office of Compliance Officer. The complainant and the respondent may review the transcript in that office.

The hearing shall include, to the extent possible, the following:

- Examination of the complainant, the respondent and any witnesses who may be of assistance in resolving the complaint; and

- Review of any documents and other information submitted by the parties or witnesses; and

- Review of any other documents or information the committee deems relevant.

The hearing shall be closed and may only be attended by the complainant (and his or her advisor), the respondent (and his or her advisor), the committee members, College legal counsel, testifying witnesses and personnel necessary for the administration of the hearing. The parties and their advisors have the right to be present throughout the hearing. Testifying witnesses may only be present for their own testimony. A testifying witness may have one advisor present during their testimony. This advisor must follow the same policies as the advisors for the complainand by fdmon. -2 (nt)-2 (;)-2 (.74 -1.14 T8 ()Tj E (16 >

determination and send it to the complainant, the respondent and the committee. If the