

Anti-Discrimination And Harassment Policies And Complaint Procedure

INTRODUCTION

Glenville Local Development Corporation has established an Equal Employment Opportunity Policy and a Sexual/Discrimination Harassment Policy that is consistent with Federal and State anti-discrimination legislation. The policies which are set forth below represent GLDC's on-going commitment to providing an environment in both safety training and employment that is free from such unlawful discrimination and harassment on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status or marital status. In order to equitably and uniformly enforce these policies, GLDC must seek to balance the interests of those individuals or groups of individuals allegedly victimized by unlawful discrimination or harassment with the due process rights of the accused. To this end, GLDC has established a complaint procedure for the review of allegations of unlawful discrimination and harassment. It is the goal of GLDC that these procedures serve as a mechanism through which GLDC may fairly and equitably identify, respond to and/or prevent incidents of unlawful discrimination and harassment on its campus and permit, if possible, the resolution of alleged acts of unlawful discrimination or harassment without resorting to the often expensive and time-consuming procedures of State and Federal enforcement agencies or courts.

The procedures set forth below are applicable to employees, volunteers, and students of GLDC. It is important to note that no person is required to pursue resolution of their complaints through GLDC's internal procedure. Rather a Complainant may, at his or her discretion, file a complaint with a court of competent jurisdiction or with an outside enforcement agency, such as the New York State Division of Human Rights or the Equal Employment Opportunity Commission. As of the date of this Policy, the following deadlines apply:

New York State Division of Human Rights - 365 days after the latest act of alleged unlawful discrimination;

Court of Competent Jurisdiction in New York State - 3 years from the accrual date of the action;

Equal Employment Opportunity Commission - 365 days after the latest act of alleged unlawful discrimination and generally 90 days after receiving a "right to sue" from the Equal Employment Opportunity Commission with a Federal court;

Note: The deadlines referenced herein are provided only as general guidance and do not constitute legal advice, legal opinion, or legal counsel and do not create any legal relationship between GLDC and its students, volunteers or employees. It is the Complainant's responsibility to seek legal counsel and to file his/her actions with any outside agency or court of competent jurisdiction in a timely manner should he/she decide to forego utilizing GLDC's internal

procedures. Once a Complaint arising from the same set of facts and circumstances is lodged with such outside agencies or a court of competent jurisdiction, the internal procedures set forth herein will not be applicable and the student/volunteer/employee will have no redress through GLDC.

The Affirmative Action/Sexual Harassment Officer shall receive all complaints of alleged unlawful discrimination and/or harassment; he/she shall assist the Complainant in the use of the complaint form defining the charge(s); and he/she shall provide the Complainant with information about the various options the Complainant has in terms of where a complaint may be filed. While the Affirmative Action Officer will provide, to the best of his/her knowledge, information concerning the processes relevant to outside agencies or courts, he/she is not an attorney at law and can provide no advice as to a Complainant's procedural or substantive rights with regards to agencies or courts, including deadlines for filing.

Equal Employment Opportunity Policy Compliance Statement from the President

It is the policy of the Board of Directors of Glenville Local Development Corporation to ensure that persons associated with GLDC receive the fair and equal treatment prescribed within the tenets of equal employment opportunity and affirmative action. All employment decisions are made and will continue to be made on the job-related, objective bases or merit, qualifications, competence and business necessity. GLDC does not discriminate with regard to race, color, religion, age, sex, national origin, marital status, disability, qualified special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans, sexual orientation, and all other categories covered by law.

The Board of Directors has entrusted its President with the overall responsibility for equal employment opportunity and affirmative action. GLDC expects the support of all employees in attaining and maintaining our goals for a workplace free of discrimination. Equal employment opportunity is not accomplished at the expense of any group or individual, but rather it is good business practice and it contributes to an organization enriched by diversity and excellence. The Board of Directors is committed to ensuring that GLDC acts affirmatively in developing avenues of entry, retention and mobility for persons in all job titles. The Affirmative Action Plan serves as the foundation for GLDC's good faith effort to ensure that a wider net is cast for protected group members as the vehicle by which the pool of applicants for vacancies is expanded. The Plan applies equally to all appointments of the Board of Directors.

GLDC recognizes that an effective affirmative action plan articulates specific results-oriented procedures to which good faith effort is applied. The goal of such procedures, in combination with good faith efforts, is equal employment opportunity; for procedures without effort to make them work are meaningless and effort, absent specific and meaningful procedures, is inadequate.

Employees of and applicants to GLDC will not be subject to harassment, intimidation, threats, coercion, or discrimination because they have engaged or may engage in filing a complaint, assisting in a review, investigation, or hearing or have otherwise sought to obtain their legal rights related to any Federal, State, or local law regarding EEO for qualified individuals with disabilities or qualified protected veterans.

To this end, the Board of Directors has entrusted GLDC's Affirmative Action Officer with responsibility for implementation and maintenance of the Plan. The Officer, may be contacted by telephone at 518-_____.

The Affirmative Action Officer is responsible for monitoring the affirmative action plan and reporting periodically to the Board of Directors. The Officer should be contacted in the event a GLDC employee or prospective applicant perceives that he or she has not been treated in accord with the Equal Employment Opportunity Policy of GLDC.

The Board of Directors wishes to add its personal note of commitment to assuring that GLDC carries out our Equal Employment Opportunity policy and fulfills the obligations of our Affirmative Action Plan.

JAMES MARTIN, President
RICHARD USAS, Vice-President
JAMES VALACHOVIC, Treasurer
KATHLEEN M. TOOMBS, Secretary
SCOTT OSSWALD, Assistant Secretary

SEXUAL HARASSMENT POLICY

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Glenville Local Development Corporation is committed to providing an environment that is non-discriminatory, humane and respectful; one that supports and rewards employees, volunteers and students on the basis of relevant considerations like merit, effort, competence, qualifications and business/academic necessity, and deters inappropriate conduct that occurs in GLDC's activities or operations.

Sexual harassment is unacceptable and in conflict with the mission and interests of GLDC. Sexually harassing conduct between supervisors and staff members or between instructors and students unfairly exploits the power inherent in the supervisor or instructor's role. For example, through salary increases, performance appraisals, and educational programs, a supervisor or instructor can have a decisive influence on a staff member's career or a student's academic development. Sexual harassment in this context exhibits a lack of decency and integrity, and is considered an abuse of power.

While sexual harassment typically occurs in situations where positions of power differentials exist between individuals, this policy also recognizes that sexual harassment can occur between individuals where no such power differential exists, such as in employee-employee or student-student interaction.

Either men or women can be sexual harassers and either men or women can be the victims of sexual harassment. Sexual harassment can also occur between members of the same sex. Employees and students of either gender may make a claim of sexual harassment under this policy.

GLDC will not tolerate sexual harassment. GLDC will act promptly and equitably, within the framework of due process, to investigate alleged sexual harassment and to affect a remedy when such allegations are determined valid. Further, this Sexual Harassment Policy and the complaint procedures provided herein, shall be posted at GLDC and distributed and may be otherwise be made available to employees, volunteers and students.

Recognizing Sexual Harassment

Sexual harassment takes many forms, ranging from sexual innuendoes made in the context of humor to physical assault. The key to determining whether a conduct constitutes sexual harassment is determining whether the behavior is unwelcomed and/or unreasonably interferes with an employee or student's performance or creates a hostile, intimidating or offensive environment. Examples may include:

Verbal: Sexual innuendo, suggestive comments, sexual propositions, etc.

Non-Verbal: Obscene gestures, suggestive or degrading sounds, etc.

Physical: Unwanted contact, such as groping, pinching, grabbing, etc.

Visual: Pin-up calendars, sexually suggestive or explicit cartoons, pictures or objects.

Threatening: Demands for sexual favors, stalking, rape, etc.

Who You Can Go To For Help

For information, assistance in using the informal procedure or to file a Complaint of Unlawful Discrimination or Harassment, a student, volunteer or staff member of GLDC may contact any member of the Board of Directors directly.

Title IX Compliance Statement

Title IX (Department of Education Amendment 1972) prohibits sex discrimination in any education program or activity receiving Federal financial assistance, such as a Federal grant or loan. It encourages recipients to take affirmative action to overcome effects of conditions, which may have resulted in exclusion of women from participation in specific education programs or activities. Title IX applies to student admissions and student affairs policy and the employment of staff in connection with the recipient's safety training programs/activities. It mandates the designation of a responsible employee to coordinate compliance with its provision, as well as the establishment of a complaint procedure to resolve student and employee complaints alleging unlawful discrimination.

It is the policy of the Board of Directors of Glenville Local Development Corporation to ensure that persons associated with GLDC receive the fair and equal treatment prescribed within the tenets of equal opportunity. All decisions are made and will continue to be made on the job-related, objective bases of merit, competence, qualifications and business or academic necessity. Glenville Local Development Corporation does not discriminate with regard to race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status, or marital status or any other category protected by civil statute or regulation.

GLDC prohibits discrimination in all programs, policies, standards and activities, maintains an established complaint procedure and assigns compliance responsibility to the Affirmative Action Officer.

EQUAL EMPLOYMENT/SEXUAL HARASSMENT COMPLAINT PROCEDURES

COVERAGE: Employees, volunteers, students, and prospective applicants of GLDC may use these procedures if they believe that they have been the victims of any unlawful discrimination or harassment at GLDC.

PURPOSE: The complaint procedure is provided for the review of complaints alleging unlawful discrimination or harassment in any Glenville Local Development Corporation policy or program when the alleged Unlawful discrimination or Harassment is perceived to be based on the complainant's race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status, or marital status or any category protected by civil statute or regulation.

DEFINITIONS:

Complainant - An employee, volunteer, applicant for employment, or student of GLDC who believes that he or she has been the victim of unlawful discrimination or harassment, and submits a complaint.

Equal Employment Opportunity - The standard by which decisions that pertain to a person's employment, volunteerism or program participation with GLDC are made.

Discriminatory Harassment - Discriminatory harassment is based on race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status, or marital status or other protected characteristics, which is oral, written, graphic or physical conduct. The actions must be sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from GLDC's programs or activities. Such activities include actions that derogate or humiliate a person or group because of actual or supposed traits. Examples include, but are not limited to, ethnic or racial slurs or jokes, which have the purpose or effect of creating an offensive environment.

Sexual Harassment - Under Title VII of the Civil Rights Act (1964), sexual harassment is cited as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when (1) Submission to such conduct is made explicitly an employment term or condition, or a condition on which one's standing at GLDC is predicated; or (2) Submission to or rejection of such conduct is used as a basis for employment or program participation decisions; or (3) Such conduct has the purpose or the effect of unreasonably interfering with one's performance, or creating an offensive, intimidating or hostile environment.

Respondent - An individual or entity that answers in a complaint alleging unlawful discrimination or harassment or the person(s) accused of alleged unlawful discrimination or harassment.

Unlawful Discrimination - consists of:

- a. harassment on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran or marital status;
- b. employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain race, color, national origin, religion, age, sex, sexual orientation, disability, veteran or marital

- status; or**
- c. retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices.**

APPLICABILITY - This complaint procedure does not supplant nor duplicate any existing complaint procedure. It does not deprive the complainant the right to file with outside government agencies, such as the New York State Division of Human Rights (DHR); U.S. Equal Employment Opportunity Commission (EEOC); or with a court of competent jurisdiction.

The procedure may not be used if a complaint based on the same facts and circumstances is filed with a State or Federal agency or with a court of competent jurisdiction. Any investigation underway will terminate, without conclusion, at the time a complaint is filed with a state or federal agency, or a court action is initiated on the same complaint. It is the responsibility of the complainant to be aware of any filing deadlines for any outside agency or court even in the event he/she initially chooses to attempt to resolve the complaint through GLDC's internal procedures. It is also the responsibility of the complainant to inform the Affirmative Action Officer of any previous, pending or initiated actions filed with a state or federal agency or court. While the Affirmative Action Officer of GLDC will make reasonable attempts to notify the complainant of general time limitations, neither the Affirmative Action Officer nor GLDC shall be held responsible for any failure on the part of the complainant to meet any filing deadline.

RIGHT TO COUNSEL

Both the complainant and the respondent shall have the right to be assisted by an attorney at their sole expense, at all stages of both the informal and formal stages of GLDC's internal complaint process.

CONFIDENTIALITY

Unlawful discrimination or harassment complaints will be handled as confidentially as possible while enabling GLDC to fully investigate the complaint. Information about the complaint will only be divulged to individuals who have a legitimate need to know. All records pertaining to complaints shall be kept and maintained by the Affirmative Action Officer.

SANCTIONS

Persons who are found to have engaged in unlawful discrimination and/or harassment may be subject to sanctions that are reasonably calculated to end the unlawful discrimination and prevent its reoccurrence. Sanctions that may be imposed include, but are not limited to, written warnings; letter of reprimands; suspensions; change of job or class assignments; termination; or expulsion.

RETALIATION

Reprisal actions and encouraging others to retaliate against anyone involved in the investigation of an unlawful discrimination or harassment complaint is prohibited. This includes anyone who reports, is thought to have reported or cooperates in the investigation process. GLDC considers retaliation to be a violation of its policy and may be subject to sanctions as provided herein.

FALSE CHARGES OF DISCRIMINATION

Filing a false charge of unlawful discrimination or harassment is a serious offense. If an investigation reveals that a complainant knowingly filed false charges, appropriate actions and sanctions as provided herein may be taken.

WHERE TO FILE A COMPLAINT OF DISCRIMINATION

For information, assistance in using the informal procedure and/or to file a formal complaint any student, employee or applicant for employment, may contact the Affirmative Action Officer.

FILING A COMPLAINT WITH AN EXTERNAL (N.Y. STATE OR FEDERAL) AGENCY OR COURT OF COMPETENT JURISDICTION

Students, volunteers or employees of GLDC may file a complaint of unlawful discrimination with the appropriate state or federal agencies listed in Appendix B. Filing a complaint with a state or federal agency, or a court of competent jurisdiction on the same facts or circumstances as provided in a complaint filed pursuant to GLDC's Anti-Discrimination and Harassment Complaint Procedure will terminate the latter procedures for processing a complaint of unlawful discrimination. The Affirmative Action Officer will send a letter to the complainant of the termination, immediately after confirming that the complaint has been filed with a state or federal agency, or with a court of competent jurisdiction.

APPENDIX A

**Listing of appropriate state or federal agencies
with which students, volunteers or employees
may file a complaint of unlawful discrimination**