

BUFFALO STATE COLLEGE

DIRECTORY OF POLICY STATEMENTS

Policy Number: VI:01:05 Date: 1985

Subject: **Affirmative Action Grievance Procedure**

Original Policy:

The Affirmative Action Office has established the use of the approved SUNY Internal Grievance Procedure for the resolution of complaints and grievances involving alleged cases of discrimination related to race, color, sex, religion, national origin, disability, and age. The procedure is an alternative, not a replacement for existing procedures and is for use of the staff and students. The Manual on Use of State University of New York Internal Discrimination Grievance Procedure is available in the Affirmative Action Office, GC 409.

Employees and students shall be informed that formal grievances and complaints may be made to outside agencies specifically charged to investigate charges of discrimination. If the campus-based attempts to resolve the charges or complaints and grievances related to affirmative action considerations are not satisfactory concluded, these routes are still available within established time frames. Those duly designated agencies include the New York State Division of Human Rights, The Office for Civil Rights of the Department of Education, and the Equal Employment Opportunity Commission.

All persons shall be free from any and all interference, restraint, coercion, or reprisal on the part of their supervisors or associates before or after filing complaints or appeals.

Affirmative Action Grievance Pool

- 1) Members of this group are faculty and staff recommended by the vice Presidents, deans, and President's Affirmative Action Advisory Committee. They serve staggered two-year appointments.
- 2) This group provides a "pool" of persons to participate in the internal grievance procedure established by SUNY as an additional mechanism through which the University may identify and eliminate incidents of illegal discrimination.
- 3) An ad hoc tripartite committee shall be established from the grievance pool, consisting of one member chosen by the President, one member chosen by the grievant, and a third, who shall chair the committee, chosen by the two designees. The tripartite committee shall review the matter, as appropriate, and shall have access to all relevant information and to interview witnesses. The chairperson of the committee shall submit in writing an opinion to the President as to whether or not discrimination has occurred.

Source of Information: SUCB Affirmative Action Plan, 1985

See <http://equity.buffalostate.edu/complaint-procedures> now called **Complaint Procedures**

Website information as of February 20, 2006

Buffalo State College Complaint Procedure for Review of Allegations of Unlawful Discrimination/Harassment

Introduction

Buffalo State College, in its continuing effort to seek equity in education and employment and also comply with Federal and State anti-discrimination legislation, has adopted a complaint procedure for the prompt and equitable investigation and resolution of allegations of unlawful discrimination/harassment on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status or marital status.

This procedure may be used by any Buffalo State College student or employee. This procedure will not replace employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards, and any other procedures defined by contract or local by-laws, including those of outside enforcement agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the Department of Education and the Office of Federal Contract Compliance of the Department of Labor.

Rather, the Complaint Procedure for the Review of Allegations of Unlawful Discrimination/Harassment provides a mechanism through which the college may identify and resolve incidents and allegations of unlawful discrimination and harassment. The college recognizes and accepts its responsibility in this regard and believes that the establishment of this internal, non-adversary grievance process will benefit students, faculty, staff and administration alike, permitting investigation and resolution of problems.

Requirements for Filing Complaints

1. A complaint must be submitted in writing on forms provided by the Office of Equity and Campus Diversity and the State University of New York.
2. An employee or student must file a complaint within **90 calendar days** following the alleged discriminatory/harassing act or the date on which the complainant first knew or reasonably should have known of such act if the date is later. Students may file a complaint against the teacher of a course in which he/she is enrolled at the time of the discriminating/harassing act, within **90 calendar days** following the alleged discriminatory/harassing act or **90 calendar days** after a final grade in that course is received, if that date is later.

3. Complaints must be filed with the Office of Equity and Campus Diversity.
4. Any use of the word "day" or "days" refers to calendar days.

Overview of Process

Buffalo State College has adopted a complaint procedure for the prompt and equitable investigation and resolution of all allegations of unlawful discrimination/harassment on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status or marital status.

This procedure is intended to resolve matters of unlawful discrimination/harassment on the campus in a non-adversarial manner. It may be used by students, faculty, and staff. The steps in the complaint procedures are outlined below:

First, the Affirmative Action Officer (Senior Advisor to the President for Equity and Campus Diversity) will discuss the matter with you. With your consent, the Officer will consult with the respondent and will attempt to resolve the problem informally.

If you wish to file a formal complaint, you must file the complaint within 90 days of the unlawful act or within 90 calendar days after receiving a final grade in a course in which a student is enrolled. After receipt of the formal complaint, the Officer will attempt to reach a resolution to the problem on your behalf. If that cannot succeed within 24 calendar days, you will have the option of submitting the matter to a formal Tripartite Panel.

The members of the **Tripartite Panel** will be chosen from a pre-approved panel of faculty and staff. The Complainant and the Respondent(s) will each be able to select a person from the list of persons to serve on the panel. The two persons selected, in turn, select the third person, who becomes chairperson of the panel.

The Tripartite Panel will conduct a hearing, including the interviewing of persons who may have knowledge about the alleged act of discrimination/harassment. The panel will attempt to reach a decision, and will prepare a report of findings and recommendations.

Within 48 calendar days of its formation, the panel will submit its reports to the President of the college (or designee) for acceptance or rejection of the recommendations. You will be notified of the President's decision within 24 calendar days.

Through this Complaint Procedure, the college intends to assure all parties involved that they will get fair and equal treatment and that, allegations will be resolved to mutual satisfaction.

You should read the Complaint Procedures carefully and or ask the Senior Advisor to the President for Equity and Campus Diversity any questions you may have about any matter related to the process at 878-6210 or FAX 878-6234. **You may obtain a copy of the Complaint Procedures at GC 415 The Office of Equity and Campus Diversity.**