



THE RESEARCH FOUNDATION  
The State University of New York



## Procedure for Resolving Allegations of Workplace Discrimination

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#### **Review Process**

The Research Foundation of State University of New York (the “RF” or “Research Foundation”) has a process for addressing allegations of workplace discrimination or unlawful harassment (“discrimination”). This procedure provides a means to address allegations of discrimination at the RF. An RF employee may seek an informal or a formal review. This procedure describes the requirements for an informal and formal review process.

#### **Requirements for an Informal Resolution Resolution with the Supervisor**

A Research Foundation employee should attempt to resolve concerns of alleged discrimination by notifying his/her supervisor as soon as practicable after an alleged act occurs. At the employee’s own election or if it is not practical for the employee to discuss the situation with the immediate supervisor, the employee may discuss the concerns of alleged discrimination with the next level of supervision or the RF Office of Human Resources at the operating location (see "Resolution with the Local RF Office of Human Resources" section below).

When an employee brings an informal allegation of discrimination to the attention of his/her supervisor or the next level of supervision, that supervisor should review the allegation and take steps to address the situation, as appropriate. Supervisors should seek the assistance of the RF Office of Human Resources at the operating location in resolving an informal discrimination complaint.

#### **Resolution with the Local RF Office of Human Resources**

The RF employee should contact the local RF Office of Human Resources (the “local RF HR Office”) if the employee feels it is not practical to discuss the informal discrimination allegation, or is unable to reach resolution, with his/her supervisor. The local RF HR Office will review the allegation and take steps to address the situation as appropriate.

Based on this review, the local RF HR Office may propose a resolution to the employee and/or the supervisor. The result of this informal review process may be the local RF HR Office’s determination that the complaint is more appropriately addressed under the RF’s ["Procedure for Solving Problems in the Workplace."](#) In such cases, the local RF HR Office will refer the employee to the workplace complaint manager responsible for the ["Procedure for Solving Problems in the Workplace"](#) at the operating location.

If the supervisor or local RF HR Office is unable to resolve the allegation of discrimination via the informal review process, the employee will be so advised and may seek a formal review under this procedure.

## Requirements for the Formal Review Process

### General Requirements

For the formal review process to be initiated, the person making the allegation (the “complainant”) must file a written complaint (the “complaint”) with the RF alleging discrimination. This formal review process may be used by or about an RF employee or former RF employee concerning an allegation of discrimination. If a formal complaint is against a non-RF employee (*e.g.*, state employee, vendor, independent contractor, student, etc.), the RF should review the complaint and refer the complaint to the appropriate persons at the non-RF entity with whom the non-RF employee is affiliated, as appropriate. Refer to the [Process Matrix](#) at the end of this document for additional information. If the complaint is referred, the RF will use reasonable efforts to monitor the status of the complaint, as appropriate.

The formal review process generally consists of the following: (1) a written complaint signed by the complainant, (2) a review and investigation by a fact-finder or an *ad hoc* committee appointed by the operating location’s RF operations manager or designee, (3) a fact-finder’s report to the RF’s operations manager or designee, (4) the RF operations manager’s recommended action to the RF’s executive vice president or designee, and (5) a final RF determination.

### Required Process for Formal Complaints

The following table provides the procedure to be followed under the formal review process (RF representatives are encouraged to accomplish the following actions as expeditiously as practicable):

Step	Action
1	<p>The complainant must submit a written, signed statement (the “complaint”), detailing the allegation of unlawful workplace discrimination to the local official assigned to handle RF discrimination matters for the RF, usually either the Office of Human Resources or the Affirmative Action Office for the RF at your campus (the “local RF official”). The written complaint should contain the following information:</p> <ul style="list-style-type: none"> <li>• The basis for the allegation of unlawful workplace discrimination and the facts relating to the allegation;</li> <li>• Name and preferred address and other contact information (work or home) of complainant;</li> <li>• Name of person(s) against whom the allegation of discrimination is made;</li> </ul>

	<ul style="list-style-type: none"> <li>• Approximate date of first act of alleged discrimination;</li> <li>• Specific instances or example(s) of act(s) of alleged discrimination, including dates and times, if known;</li> <li>• Indication whether alleged discrimination continues or not (if not, date of last known incident);</li> <li>• Relief or resolution desired (if known);</li> <li>• Signature of the complainant and the submission date;</li> <li>• Documents relevant to support the allegation; and</li> <li>• Other information to support allegation (names of supporting witnesses, etc.).</li> </ul> <p>A copy of the written complaint detailing the allegation should be retained by the operating location's local RF official in an RF file (not the employee's personnel file).</p>
2	<p>Within five business days of receipt of the written complaint, the local RF official will submit a copy of the complaint to the RF's operations manager and the RF Office of Human Resources (Office of Employee Relations) at central office.</p>
3	<p>Within ten business days of receipt of the complaint, the operations manager or designee will appoint a fact-finder or an <i>ad hoc</i> committee (collectively "fact-finder") established for the purpose of reviewing and investigating, as necessary, the complaint.</p>
4	<p>The fact-finder, on behalf of the RF, will discharge assigned duties and responsibilities as set forth in this procedure, including the following: (a) notifying the person(s) against whom the complaint is made (the "respondent(s)"); (b) obtaining a response from respondent to the allegation; (c) reviewing all documents related to the complaint; (d) interviewing all relevant parties/witnesses associated with the complaint; and (e) issuing a confidential report to the operations manager or designee with relevant, preliminary factual finding(s) and recommended action(s), if any (the "confidential report").</p>
5	<p>The confidential report will be submitted to the operations manager or designee within 60 business days from when the written complaint was submitted to the RF. The operations manager or designee may extend this due date upon reasonable request of the fact-finder. The process and confidential report must be completed by the final deadline established by the operations manager or designee. The operations manager or designee will develop findings and a recommended decision.</p>
6	<p>The operations manager or designee, within 30 days of receiving the confidential report, will provide findings and a recommended decision to the RF Office of Human Resources (office of employee relations) at central office for compliance review. The Office of Human Resources at central office, in consultation with the Office of General Counsel and Secretary, will complete a review within ten business days of receipt and forward the operations manager's adopted findings and recommended decision to the RF's executive vice president for consideration.</p>
7	<p>The executive vice president or designee will review the operation manager's findings and recommended decision and issue a final RF determination within 30 days of receipt. If the executive vice president rejects the operations manager's recommendation, then the executive vice president will consult with the operations manager prior to taking final action.</p> <p>The executive vice president will communicate the RF's final determination to the</p>

operations manager. The operations manager or designee will then communicate the final determination or a summary thereof to the respondent, complainant, and all others with a need to know such action within five business days from receipt of the RF's final determination.

### Responsibilities Operating Locations

RF operating locations are responsible for ensuring that this "Procedure for Resolving Allegations of Workplace Discrimination" is implemented at the location.

### Central Office

At the central office operating location, the vice president for Human Resources or designee will perform the role of operations manager under this procedure.

### Additional Resources

- [Discrimination Policy](#)
- [Equal Employment Opportunity Policy](#)
- [Employment of Disabled Individuals Policy](#)
- [Employment of Special Disabled Veterans, Vietnam Era Veterans, and Other Eligible Veterans Policy](#)
- [Nonharassment in the Workplace Policy](#)
- [Nondiscrimination on the Basis of Age Policy](#)
- [Nondiscrimination on the Basis of Sexual Orientation Policy](#)
- [Solving Problems in the Workplace Policy](#)
- [Procedure for Solving Problems in the Workplace](#)
- [Sexual Harassment Policy](#)

### Process Matrix

Who is Involved?	RF Complainant v. RF Respondent	State Complainant v. RF Respondent	RF Complainant v. State Respondent	State Complainant v. State Respondent
What Policy/Procedure Governs?	RF controls	RF controls	State controls	State controls
Where Should the Complaint Be Filed?	Local RF official (usually RF campus HR office or AA office)	Local RF official (usually RF campus HR office or AA office)	Local RF official (usually RF campus HR office or AA office)	No RF action
Who Should Be Notified?	Local RF official to notify OM/designee	Local RF official to notify OM/designee	Local RF official to notify OM/designee	No RF action
Who Investigates?	Fact-finder or ad hoc committee appointed by OM/designee	Fact-finder or ad hoc committee appointed by OM/designee	Local RF official notifies/consults with OM/designee. Matter referred	No RF action

			to appropriate state office; RF to monitor, as appropriate	
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*\* If your situation is not addressed above, please contact the manager of employee relations at central office for assistance.*

<b>Date</b>	<b>Change History</b>
March 1, 2006	Completely revamped procedure and responsibilities.
June 17, 2004	Updated a link in the Cross-References section.

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