



## **Procedure for Resolving Allegations of Workplace Discrimination**

### **Review Process**

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

### **Requirements for an Informal Review Process**

#### **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(s) occur. If it is not practical for the employee to discuss the situation with the immediate supervisor, the employee should discuss the concerns of alleged discrimination with the next level of supervision or the RF Office of Human Resources at the operating location (see next section).

When an employee brings an informal discrimination allegation to a supervisor’s/next level supervisor’s attention, that supervisor should review the allegation and take steps to address the situation, if and as required. Supervisors are encouraged to seek the assistance of the RF Office of Human Resources at the operating location in resolving an informal discrimination complaint(s).

#### **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 inappropriate to discuss the informal discrimination allegation(s) or is unable to reach resolution with his/her supervisor. The local RF HR Office will evaluate the facts to determine the nature, extent, and period covered in the discrimination allegation.

Based on this evaluation and consultation as appropriate, the local RF HR Office may propose a resolution to the employee and/or the supervisor. A result of this informal review process may be the local RF HR Office’s determination that the complaint is more appropriate under the RF’s *Procedure for Solving Problems in the Workplace* (“PSPW”). The local RF HR Office may then refer the employee to the individual(s) responsible for the PSPW procedure at the operating location.

The local RF HR Office will retain a copy of the document, if any (not required for informal process), that informs the supervisor or local RF HR Office of receiving an informal complaint, until the complaint is resolved.

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 advised to seek a formal review under this procedure. For the formal review process to be initiated, the person making the allegation(s) (the “Complainant”) must file a written complaint (the “Complaint”) with the RF alleging discrimination.



## Requirements for the Formal Review Process

### General Requirements

The formal review process may be requested by an RF employee or former RF employee for an investigation of an allegation(s) 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 person(s) at the non-RF entity with whom the non-RF employee is affiliated, if that is appropriate. See the [Process Matrix](#), *infra*, for additional information.

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.

### The Required Process for Formal Complaints

The following table provides the procedure to be followed under the formal review process:

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 (work or home) of Complainant;</li> <li>• Name of person(s) against whom the allegation of discrimination is made;</li> <li>• Approximate date of first act of alleged discrimination;</li> <li>• Specific instances or examples of act(s) of alleged discrimination, including dates and times, if known;</li> <li>• Indication whether alleged discrimination continues (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	Within 5 business days of receipt of the written Complaint, the Local RF Official will submit a copy of the Complaint to the Operations Manager and the Office of Human Resources (Office of Employee Relations) at Central Office.
3	Within 10 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.
4	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(s) to the allegation(s); (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.
5	The confidential report containing the Fact-finder’s preliminary finding(s) and optional recommended action(s) 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 report due date upon reasonable request of the Fact-finder. The process and 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.
6	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 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 compliance and legal review within 10 business days of receipt and forward the Operations Manager’s adopted findings and recommended decision to the Executive Vice President and Chief Operating Officer for consideration.
7	<p>The Executive Vice President and Chief Operating Officer or designee (the “Executive Vice President”) 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 completely rejects the Operations Manager’s recommendation, then the Executive Vice President should consult with the Operations Manager prior to taking final action.</p> <p>The Executive Vice President will communicate the RF’s determination to the Operations Manager. The Operations Manager or designee will then communicate the final determination with the Respondent and all others with a need to know such action within 5 business days from receipt of the final determination.</p>



## **Responsibilities**

### **Operating Locations**

RF operating locations are responsible for ensuring that this Procedure for Resolving Allegations of Unlawful 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.

## **Cross-References**

[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](#)

[Procedure for Solving Problems in the Workplace](#)

[Sexual Harassment Policy](#)

[Solving Problems in the Workplace Policy](#)