



FULTON-MONTGOMERY COMMUNITY COLLEGE

www.fmcc.edu

Johnstown, New York

CIVIL RIGHTS POLICY

A College of the State University of New York
Sponsored by the Counties of Fulton and Montgomery

Civil Rights Discrimination Complaint/Grievance Policy Procedure for Students and Employees

In compliance with applicable federal, state and local laws, Fulton Montgomery County Community College (the “College” or “FMCC”) does not discriminate on the basis of race, color, religion, gender, gender characteristics and expression, actual or perceived gender identity, actual or perceived national origin, citizenship, actual or perceived gender identity, ancestry, age, medical condition, marital/familial status, pregnancy, sexual orientation, physical or mental disability status, status as a victim of a sexual assault, relationship violence, and/or stalking, genetic predisposition and carrier status, previous convictions as specified by law, military or veteran status, or any other characteristics protected by applicable law (the “Protected Characteristics”), in any aspect of its admissions or financial aid programs, educational programs and related activities, or with respect to employment and advancement in employment. The College is committed to providing a work and learning environment that is free from discrimination and harassment by anyone based on an individual’s Protected Characteristics, or because the individual has engaged in activity protected by federal or state laws prohibiting discrimination.

Sexual harassment is a form of discrimination that subjects an individual to inferior conditions of employment or education due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual Harassment is often viewed simply as a form of gender-based discrimination, but College recognizes that discrimination can be related or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on race, color, religion, actual or perceived national origin, citizenship, actual or perceived gender identity, ancestry, age, medical condition, marital/familial status, pregnancy, sexual orientation, physical or mental disability status, status as a victim of a sexual assault, relationship violence, and/or stalking, genetic predisposition and carrier status, previous convictions as specified by law, military or veteran status, or any other characteristics protected by applicable law. Our different identities impact our understanding of the world and how others perceive us. For example, an individual’s race, ability, or immigration status may impact their experience with gender discrimination in the workplace.

Inquiries about Title IX may be referred to the College’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The College’s Title IX Coordinator is the Chief Student Affairs Officer Arlene Spencer, aspencer@fmcc.edu 518-736-3622 ext. 8100.

The College’s nondiscrimination policy and grievance procedures can be located at <https://fmcc.edu/non-discrimination-policy>.

To report information about conduct that may constitute sex discrimination or make a Complaint of sex discrimination under Title IX, please refer to <https://fmcc.edu/non-discrimination-policy>.

The Human Resource Administrator has been designated by the College to coordinate its efforts to comply with applicable nondiscrimination laws and regulations. Questions or concerns regarding the scope and application of the College’s Civil Rights Discrimination Complaint/Grievance Policy Procedure for Students and Employees (the “Policy”) should be directed to Jessica Berju, Human Resources Administrator at jberju@fmcc.edu.

In the absence of, or as an alternative to, the Human Resource Administrator, questions or concerns about this Policy may also be addressed to:

Employees/Students

Chief Student Affairs Officer, Arlene Spencer at aspencer@fmcc.edu

The Title IX Coordinators, Human Resource Administrator, Jessica Berju at jberju@fmcc.edu designated by the College to coordinate its efforts to comply with Title IX and Article 129-b of the New York State Education Law. Questions or concerns regarding sexual harassment and misconduct may also be directed to the Public Safety Office, Deputy Davida Capece at dcapece@fmcc.edu.

The College designated employees to coordinate its efforts to comply with reasonable accommodation obligations towards qualified individuals with disabilities. Questions or concerns regarding reasonable accommodation of individuals with disabilities may be directed to the following:

Employees

Human Resource Administrator, Jessica Berju at jberju@fmcc.edu

Students

Coordinator of Accessibility, Counseling and Alternative Testing Services, Katherine Norman at knorman@fmcc.edu

I. Applicability of this Policy

This Policy applies to all students, employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with FMCC. In the remainder of this document, insofar as it relates to sexual harassment, the term “employees” refers to this collective group. This Policy also applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace, including independent contractors, gig workers, temporary workers, and persons providing equipment repair, cleaning services, or other services through a contract with FMCC. For the remainder of this policy, we will use the term “covered individual” to refer to those individuals who are not direct employees of FMCC.

In addition to this Policy, FMCC has also adopted a Title IX Grievance Policy (the “Title IX Policy”) available here: <https://fmcc.edu/non-discrimination-policy>

NOTE: If a complaint is filed that alleges conduct that could constitute Title IX Sexual Harassment, as defined under the Title IX Grievance Procedure (<https://fmcc.edu/non-discrimination-policy>), the Title IX Grievance Procedure will apply, and the Complaint, Investigation, and Disciplinary Procedure under this Policy DOES NOT apply. However, if the Formal Title IX Complaint is dismissed, FMCC may still choose to investigate the alleged Discriminatory Practices under this policy, if FMCC determines that the alleged Discriminatory Practices may potentially violate this Policy.

NOTE: If a complaint alleges conduct that could constitute Sexual Misconduct, as defined under the FMCC Policy on Sexual Misconduct Prevention and Response (the “Sexual Misconduct Policy”) (<https://fmcc.edu/non-discrimination-policy>), and no Formal Complaint is filed, or the Formal Complaint is dismissed, the Investigation and Disciplinary Procedures under the Sexual Misconduct Policy will apply, and the Complaint, Investigation, and Disciplinary Procedure in this Policy DOES NOT apply. However, if the Sexual Misconduct investigation is dismissed, FMCC may still choose to investigate the alleged Discriminatory Practices under this Policy, if FMCC determines that the alleged Discriminatory Practices may potentially violate this Policy.

Goals of this Policy:

Sexual harassment and discrimination are against the law. After reading this policy, employees, students, and covered individuals will understand their right to a campus free from harassment. Employees, students, and covered individuals will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees, students, and covered individuals are encouraged to report sexual harassment or discrimination by filing a complaint internally with FMCC. Employees, students, and covered individuals can also file a complaint with a government agency or in court under federal, state, or local anti-discrimination laws. To file a complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file an employment complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

II. Harassment and Discrimination Prevention

1. Unlawful harassment is unacceptable. Any employee, student, or covered individual who engages in unlawful harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees and students. In New York, harassment does not need to be severe or pervasive to be illegal. Employees, students, and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
2. Retaliation is prohibited. Any employee, student, or covered individual that reports an incident of harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee or student of FMCC who retaliates

against anyone involved in a harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees, students, and covered individuals who believe they have been subject to such retaliation should inform a supervisor, manager, the Title IX Coordinator, or the Human Resource Administrator. All employees, students and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.

3. Discrimination of any kind is a violation of our policies, is unlawful, and may subject FMCC to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct. Students who engage in harassment or discrimination will also be penalized for this behavior.
4. FMCC will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or harassment, or when it otherwise knows of possible discrimination or harassment occurring. FMCC will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or harassment occurred, FMCC will act as required. In addition to any required discipline, FMCC will also take steps to ensure a safe work or educational environment for the employee(s) or student(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or harassment.
5. All employees, students and covered individuals are encouraged to report any harassment or behaviors that violate this Policy. All employees and students will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee, student, or covered individual who prefers not to report harassment to FMCC may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both FMCC and a government agency.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Title IX Coordinator or the Human Resource Administrator.

6. This Policy applies to all employees, students, and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services to FMCC, and all must

follow and uphold this Policy. This Policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the Policy through email, it will also be available on the organization's shared network.

III. Definitions

A. Prohibited Harassment

Prohibited harassment is a form of discrimination that is unlawful under federal, state, and (where applicable) local law and is unacceptable. Prohibited harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences, based on a legally protected characteristic. The New York State Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics.

Prohibited harassment on the basis of a Protected Characteristic, or any other protected basis, includes behavior such as: (1) verbal, written, and/or electronically transmitted conduct, including threats, epithets, derogatory comments, or slurs; (2) visual conduct, including derogatory posters, photographs, cartoons, drawings, or gestures; and (3) physical conduct, including assault, unwanted touching, or blocking normal movement. FMCC will not tolerate any such harassment.

In general, prohibited harassment can consist of spoken, written, and/or electronically transmitted words, signs, jokes, pranks, intimidation, or physical violence based on the protected characteristics of an employee or student, which alters the work or educational environment of that employee or student. While the most well-known type of prohibited harassment is sexual harassment, applicable laws and/or this Policy also prohibit harassment based on any of the Protected Characteristics. In addition, retaliatory harassment resulting from an individual's protected activity (i.e., opposition to prohibited discrimination or participation in a statutory complaint process) is also prohibited.

Discrimination and harassment are prohibited on FMCC's campus. Harassment of students who are working or studying outside the campus proper is prohibited. The College is committed to preventing and correcting all such harassment, not just harassment which is severe or pervasive enough to provide the basis for a claim under federal or state law.

B. Sexual Harassment

The College is committed to maintaining a campus free from sexual harassment. Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law, and may subject the College to liability. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees, students, or covered individuals differently because of their gender. Any possible sexual harassment will be investigated whenever the College receives a complaint or otherwise

knows of possible sexual harassment occurring. Those who engage in sexual harassment will be subject to disciplinary action. Supervisors who fail to report sexual harassment will also be subject to disciplinary action.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different from the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside of the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace or education environment.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee, student or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of FMCC's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior is what counts.

Under federal and state law, sexual harassment includes unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature, when:

- Such conduct is made either explicitly or implicitly a term or condition of employment or education,
- Submission to or rejection of such conduct is used as the basis for employment or academic decisions. Such decisions for employees can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work or educational environment, even if the complaining individual is not the intended target of the sexual harassment.

However, this Policy prohibits all forms of sexual harassment, regardless of whether the harassment may give rise to a legal claim under Title IX or state or federal law. A single incident

of inappropriate sexual behavior may be enough to rise to the level of sexual harassment, depending on the severity of such incident.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work or education environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee, student, or covered individual finds offensive or objectionable, causes the individual discomfort or humiliation, or interferes with the employee's job or educational performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits or educational benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment. To avoid the potential for quid pro quo sexual harassment, it is the policy of the College that no sexual relationship should exist between supervisor (or evaluator) and subordinate, including between student workers and their supervisors, or between faculty and students. If a prohibited sexual relationship develops, the supervisory authority and/or responsibility for grading, evaluation, etc. should be promptly transferred to another individual.

Prohibited sexual harassment also includes, but is not limited to the following:

- Physical assaults of a sexual nature,¹ such as:
 - Rape, sexual battery, molestation, or attempts to commit these assaults; and
 - Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employees' body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
 - Requests for sexual favors;
 - Subtle or obvious pressure for unwelcome sexual activities;
 - Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, or romantic history which create a hostile educational or work environment;
 - Spoken, written, and/or electronically transmitted verbal remarks of a sexual nature (whether directed to an individual or a group). Remarks made over virtual platforms and in messaging apps when employees are working remotely, or

¹ Any complaint of sexual assault, including rape or fondling, will be addressed pursuant to the Sexual Misconduct Policy and/or the Title IX Policy.

students are learning remotely can create a similarly hostile work or educational environment;

- Sexually explicit, offensive, or sex-based jokes and comments;
 - Sexual or gender-based comments about an individual or an individual's appearance; and
 - Repeated requests for date or romantic gestures, including gift giving.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's or student's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking students or employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
 - Sexual or discriminatory displays or publications anywhere in the workplace or educational environment, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning, pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
 - Sexual exploitation occurs when an individual takes non-consensual, unfair, or abusive advantage of another for their own advantage, benefit, entertainment or profit. Examples include, but are not limited to:
 - Non-consensual photo or video taking or sharing, or audio taping of sexual activity or other intimate parts of another person without knowledge or consent.
 - Voyeurism is the intentional use or installation of an imaging device to surreptitiously view, broadcast or record a person dressing or undressing or the sexual or intimate parts of such a person at a place and time when such person has a reasonable expectation of privacy, without such person's knowledge or consent.
 - The disrobing or exposure of another person without their consent.
 - Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:

- Interfering with, destroying, or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
- Sabotaging an individual’s work;
- Bullying, yelling, or name-calling;
- Intentional misuse of an individual’s preferred/chosen name or pronouns;
- Creating different expectations for individuals based on their perceived identities;
- Dress codes that place more emphasis on women’s attire;
- Leaving parents/caregivers out of meetings.

Sexual harassment is neither limited by the gender of either party, nor limited to supervisor-subordinate or teacher-student relationships. Sexual harassment can occur between male and female students and employees, or between persons of the same sex. Sexual harassment that occurs because the victim is transgender is also unlawful.

Any employee, student, or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

C. Retaliation

It is a violation of federal and state law and this policy for any employee or student to retaliate against any student or employee for engaging in any protected activity under the Violence Against Women Act, the Clery Act, Title VI, Title VII, Title IX, the New York State Human Rights Law, the ADA, the Rehabilitation Act, the ADEA, and other federal and state civil rights laws. Retaliation resulting from an individual’s protected activity (i.e., opposition to prohibited discrimination or participation in a statutory complaint process) is also prohibited. This prohibition applies to anyone on the College campuses.

Unlawful retaliation can be any action, more than trivial, that would have the effect of dissuading a reasonable employee or student from making or supporting a charge of harassment or any other practices forbidden by the Law. Actionable retaliation can occur after the individual is no longer employed by, or enrolled at, the College. This can include, for example, giving an unwarranted negative reference for a former employee or former student.

This includes retaliating against a student or employee who opposes a discriminatory practice, makes a good faith complaint about harassment and/or discrimination, or furnishes information or participates in any manner in an investigation of such a complaint.

Retaliation includes any conduct directed at someone because they engaged in such protected activity, which might deter a reasonable student or employee from making or supporting a charge of harassment or discrimination.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location;

Protected activity can include any of the following:

- filing a complaint of discrimination or harassment, either internally with the College, or with any anti-discrimination agency,
- testifying or assisting in a proceeding or investigation involving discrimination or harassment,
- opposing discrimination or harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of discrimination or harassment,
- complaining that another student or employee has been discriminated against or harassed,
- reporting that another employee or student has been sexually harassed or discriminated against,
- encouraging another student or employee to report discrimination or harassment, and
- requesting an accommodation for a disability or a religious practice.

Retaliation is unlawful and will not be tolerated. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including, termination of employment and/or dismissal from the College.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Any employee or student who becomes aware of retaliation against a student or employee should contact Human Resources Administrator and/or Chief Student Affairs Officer. If a student or employee believes that they have been retaliated against, the student or employee may file a complaint under this Policy.

D. Reasonable Accommodations

The College conforms to the requirements of the American with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and other applicable federal, state and local laws, which prohibit discrimination of students and employees with disabilities. Disabilities may include, but are not limited to, visual impairments, mobility and orthopedic impairments, hearing impairments, chronic medical conditions, learning disabilities, and psychological or emotional disorders.

Qualified persons with disabilities may be entitled to reasonable accommodations in the workplace and/or academic program. Employees and job applicants are encouraged to inform Human Resources Administrator of any disability that may require a reasonable accommodation to allow them to perform the essential functions of their position, or the position to which they are applying, and to suggest reasonable accommodations. Students in need of modifications to their academic programs may request reasonable academic modifications from Coordinator of Accessibility, Counseling and Alternative Testing Services, Kathy Norman at knorman@fmcc.edu.

Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Procedure that do not fundamentally alter the Procedure. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Medical documentation may be required to assist in this process. Any information obtained by the College related to an individual's physical or mental disabilities will be treated as confidential medical information. The College will review and individually assess each accommodation request in accordance with applicable law.

If a student or employee believes that they have been denied a reasonable accommodation, the student or employee may file a complaint under this Policy.

Supportive Measures

If a Complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with the Office for Student Success to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973 in the implementation of any supportive measures.

E. Confidentiality

The College will, to the extent possible, maintain confidentiality with respect to complaints of discrimination and prohibited harassment. However, there is no such thing as an “unofficial” or “informal” complaint of Discriminatory Practices. Once the College or its supervisors become aware of a complaint, the College is required by law to take action consistent with this policy.² These actions may require disclosure of the allegations to the extent necessary to conduct a complete and thorough investigation.

² College employees who learn of alleged discrimination or prohibited harassment as a result of privileged communications with a student (e.g., through a counseling relationship) are exempted from this requirement.

F. Preponderance of the Evidence

The standard of evidence used to evaluate a report of prohibited harassment or discrimination is a “preponderance of the evidence.” Under this standard, a determination must be made on the basis of whether it is more likely than not that the respondent student or employee violated this, Policy.

IV. Scope of the Policy

A. Where Can Unlawful Harassment Occur?

Unlawful harassment is not limited to the physical workplace itself or to the FMCC campus. It can occur while employees or students are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees, students, or covered individuals can constitute unlawful harassment, even if they occur away from FMCC’s premises, on personal devices, or during non-work hours.

Harassment can occur when employees are working remotely from home as well, or when students are taking remote classes. Any behaviors outlined above that leave an employee or student feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee, covered individual, or student is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

B. Who Can be a Target of Unlawful Harassment?

Harassment can occur between any individuals, regardless of their protected status. Harassment does not have to be between members of different protected statuses, such as the opposite sex or gender. New York Law protects employees, students, and all covered individuals described earlier in this policy. Harassers can be anyone on campus. A supervisor, or supervisee, or a coworker can all be harassers. Anyone else on campus can also be harassers including a student, a faculty member, an independent contractor, contract worker, vendor, client, customer, painter, constituent, or visitor.

Harassment does not happen in a vacuum and discrimination can be impacted by biases and an individual’s protected statuses. For example:

1. Placing different demands or expectations on black female employees than white female employees can be both racial and gender discrimination;
2. An individual’s immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting harassment; or
3. Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone’s behaviors in the workplace.

Individuals bring personal history with them to the workplace and educational environment that might impact how they interact with certain behavior. It is especially important for all employees and students to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace or educational environment.

V. Complaint, Investigation, and Disciplinary Procedure for Employees and Students

1. Reporting Prohibited Discriminatory Practices

Everyone must work toward preventing harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment or discrimination.

Any employee, student, or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager, the Title IX Coordinator, or the Human Resource Administrator. If the Human Resource Administrator is not available, or if an employee or student does not feel comfortable reporting discrimination or prohibited harassment to the Human Resource Administrator, they may also report it to the Acting Chief Student Affairs Officer or another senior officer at FMCC.

Reports of discrimination and harassment may be made verbally or in writing. A written complaint form is attached to this policy (as **Exhibit A**) if an employee, student, or covered individual would like to use it, but the complaint form is not required. Individuals who are reporting discrimination or harassment on behalf of others may use the complaint form and should note that it is on another's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another is also acceptable.

Employees, students, and covered individuals who believe they have been a target of harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

If the alleged conduct may constitute sexual harassment under Title IX, the Title IX Coordinators will inform the complainant of his or her right to file a Formal Complaint under the **Title IX** Grievance Procedure. If a Formal Complaint is filed, the Title IX Grievance Procedure will apply, and this Complaint, Investigation, and Disciplinary Procedure **DOES NOT** apply. However, if the Formal Title IX Complaint is dismissed, FMCC may still choose to investigate the alleged Discriminatory Practices under this Policy, if FMCC determines that the alleged Discriminatory Practices may potentially violate this policy.

If a complaint alleges conduct that could constitute Sexual Misconduct, as defined under the Sexual Misconduct Policy, the Investigation and Disciplinary Procedures for Sexual Misconduct Cases Handled Outside of the Title IX Grievance Procedure will apply, and this Complaint, Investigation, and Disciplinary Procedure **DOES NOT** apply. However, if the Sexual Misconduct investigation is dismissed, FMCC may still choose to investigate the alleged Discriminatory Practices under this policy, if FMCC determines that the alleged Discriminatory Practices may potentially violate this policy.

However, even if an employee or student chooses not to file a complaint with the College, if the College knows, or reasonably should know, about a suspected incident of Discriminatory Practices, the College may promptly investigate to determine what occurred and then take appropriate steps to resolve the situation.

In addition to filing a complaint with the College, an employees or students who believes they are the victim of Discriminatory Practices may file a complaint with federal, state or local agencies as explained in detail in Section V, below.

2. Reporting Obligations for College Employees

Supervisors and managers have a responsibility to prevent harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected Discriminatory Practices, observe what may be Discriminatory Practices or for any reason suspect that Discriminatory Practices are occurring, are required to report such suspected Discriminatory Practices to the Human Resource Administrator or Title IX Coordinator. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

In addition to being subject to discipline if they engaged in Discriminatory Practices themselves, supervisors and managers will be subject to discipline for failing to report suspected Discriminatory Practices or otherwise knowingly allowing Discriminatory Practices to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in retaliation.

All employees of the College are responsible for keeping the College's working and learning environment free from Discriminatory Practices. For that reason, if an employee observes or otherwise learns of conduct which may constitute Discriminatory Practices, the employee must report the conduct to the Human Resource Administrator, even if the employee is not the victim of that conduct.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee or student witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;

3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting the harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment on FMCC's premises. Any employee who witnesses harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

3. Initial Assessment of the Complaint

When the College becomes aware that Discriminatory Practices may have occurred, it is obligated by law to take prompt and appropriate action. Failure to do so is considered a violation of this Policy.

Once a complaint of Discriminatory Practices has been made either in writing or orally, or observed Discriminatory Practices have been reported, the Human Resource Administrator will make an initial assessment regarding the validity of the complaint.

All complaints or information of Discriminatory Practices will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected discrimination, harassment, or retaliation will be prompt, thorough, and started and completed as soon as possible. All individuals involved, including those making a claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

It is a fundamental responsibility of FMCC faculty members and other employees to abide by and act in accord with FMCC policy. FMCC faculty members, other employees, and students may be required to cooperate in an investigation of suspected discrimination or prohibited harassment under this Policy as needed. Failure of an FMCC faculty member or other employee to cooperate with an investigation under this Policy may lead to disciplinary action, up to and including termination or dismissal from FMCC. FMCC faculty members, other employees, and students who participate in an investigation will not be retaliated against. FMCC will take disciplinary action against anyone engaging in retaliation against employees or students who file complaints, support another's complaint, or participate in harassment investigations.

FMCC recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee or student. Those receiving claims and leading investigations will handle complaints and questions with sensitivity towards those participating.

Unless the complaint is determined to be invalid (e.g. erroneous information, failure to state a claim, mistaken identity, etc.), Human Resource Administrator, or designee (who must be trained in discrimination and harassment, and this Policy), will initiate an investigation.

If Human Resource Administrator or their adequately trained designee is involved in the alleged Discriminatory Practices, the President will be responsible for choosing an adequately trained designee to conduct the investigation. If the complaint is against the President or it would be inappropriate for the Human Resource Administrator or the President to choose an adequately trained designee to conduct the investigation, then the Chair of the Board of Trustees will make this designation.

4. Consent to Investigate

If the Title IX Coordinator or designee determines an investigation is required, the Title IX Coordinator or designee may seek consent from reporting individuals *prior* to conducting an investigation.

If a reporting individual does not consent to the request to initiate an investigation and/or subsequently withdraws their complaint, the Title IX Coordinator or designee will determine, in their sole and complete discretion, whether to proceed with an investigation by weighing the complainant's request against FMCC's obligation to provide a safe, nondiscriminatory environment for all members of its community. The Title IX Coordinator or designee's decision to proceed with an investigation under this Policy is not subject to challenge.

Even if an employee or student victim never files a complaint with FMCC, if FMCC knows, or reasonably should know, about a suspected incident of discrimination or prohibited harassment, the Title IX Coordinator or designee may choose to investigate the incident in the Title IX Coordinator's discretion.

5. Interim/Supportive Measures

While the investigation is being conducted, interim measures will be available to end or limit contact between the complainant and the respondent. Interim measures may include:

1. support services (victim advocacy, housing assistance, academic support, counseling, health and mental health services, legal assistance);
2. changing work assignments and situations (for employees);
3. changing living arrangements, course schedules, assignments, or test schedules (for students);
4. providing increased monitoring, supervision, or security; and
5. providing an escort.

No complainant is required to take advantage of these interim measures, but the College provides them in an effort to offer help and support. Such interim measures can be requested by a complainant or respondent, by contacting Human Resource Administrator. The College will protect the confidentiality of accommodations or protective measures provided to a complainant

or respondent, to the extent that doing so will not impair the College's ability to provide the accommodations or protective measures.

6. Informal Resolution

Procedures for Entering and Exiting Informal Resolution Process

Parties who do not wish to proceed with an investigation and instead seek FMCC's assistance to resolve allegations of discrimination and harassment, may elect to proceed with an informal resolution process. Informal resolution options include but are not limited to administrative resolution and mediation. Informal resolution is not an option to resolve allegations that an employee harassed a student.

The Parties may voluntarily elect to enter FMCC's informal resolution process at any time through an informed written Consent. This informed written Consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and FMCC may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

7. The Investigation

The investigator will conduct a complete, thorough, and impartial investigation, to determine whether, by a preponderance of the evidence, the alleged Discriminatory Practices occurred.

In investigating the complaint, Human Resource Administrator, or designee, shall:

1. Conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate.
2. If the complaint is verbal, request that the individual complete the complaint form in writing. If the person reporting prefers not to fill out the form, prepare a complaint form or equivalent documentation based on the verbal reporting.
3. Meet with the appropriate individuals and review all appropriate records that bear on the case.
4. Provide a Notice of Allegations to the complainant and respondent. Such notice will occur as soon as practicable after FMCC receives a complaint, if there are no extenuating circumstances. The notice will include information regarding the informal resolution process discussed in the preceding section.

5. Discuss the allegations in the complaint with the complainant and respondent at separate meetings, and provide the complainant and respondent with equal opportunities to identify witnesses and present evidence supporting their respective positions at these meetings. Preserve all relevant documents, including but not limited to e-mails, electronic communications, and phone records. The Title IX Coordinator or designee will consider and implement appropriate document request, review, and preservation measures, including for electronic communications.
6. Provide the complainant and the respondent with the same opportunities for a non-attorney support person or non-attorney advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action.
7. Interview all parties involved, including any identified or known non-party witness (es).
8. Create a written report of the investigation which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
9. Keep the written documentation and associated documents in a secure and confidential location.
10. Promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and, if accused is an employee, notify the senior officer for the unit in which the accused is employed (or the President if the accused is a senior officer), or, if the accused is a student, the Chief Student Affairs Officer.
11. The parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefore. Delivery of this outcome will not be delayed to either party, and should occur as nearly simultaneously as possible, without unnecessarily bringing those in conflict into close proximity to each other. All parties will be informed of their potential rights to exercise a request for appeal, where applicable.
12. Inform the individual(s) who reported of the right to file a complaint or charge externally.

The time necessary to complete an investigation will vary depending upon the facts of a particular case. In most cases, investigations will be completed within a reasonably prompt manner, and no longer than thirty (30) business days of the Title IX Coordinator or designee's receipt of a complaint. Provided, however, that the investigation process may be extended for good cause,

including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

8. Following the Investigation

FMCC takes complaints of discrimination and prohibited harassment with the greatest seriousness. For that reason, if, following the investigation, the Title IX Coordinator/EEO Specialist or other trained investigator concludes that it is more likely than not that the accused student or employee violated this Policy, FMCC will pursue strong disciplinary action.

If the Title IX Coordinator or other trained investigator concludes it is more likely than not the accused student or employee violated the Policy, the Title IX Coordinator or other trained investigator will refer the matter to the Human Resource Administrator (for employees other than faculty), the Chief Academic Affairs Officer (for faculty), or the Chief Student Affairs Officer (for students) to determine whether to pursue disciplinary sanctions, within five (5) business days of the investigator's determination.

- Further information regarding internal disciplinary proceedings for students can be found in the Student Code of Conduct. Student disciplinary sanctions for a violation(s) of this Policy may include but are not limited to: verbal warning, written reprimand, probation, restrictions, suspension and expulsion.
- Further information regarding internal disciplinary proceedings for employees other than faculty can be found in the Employee Handbook and/or in any applicable collective bargaining agreement with FMCC. The Human Resources Administrator shall determine appropriate disciplinary sanctions for employees, subject to the terms of the Employee Handbook and any applicable collective bargaining agreement. Employee disciplinary sanctions for a violation(s) of this Policy may include but are not limited to: verbal warning, written reprimand, suspension without pay, and termination.
- Further information regarding internal disciplinary proceedings for faculty members can be found in the Faculty Handbook. The Chief Academic Affairs Officer shall determine appropriate disciplinary sanctions for all faculty, subject to the terms of the Faculty Manual. Faculty disciplinary sanctions for a violation(s) of this Policy may include but are not limited to: verbal warning, written reprimand, suspension without pay, and termination.

Internal disciplinary proceedings for cases of harassment and discrimination are fair and impartial, include timely notice of meetings and timely and equal access to information and evidence that will be used, and are conducted by unbiased decision makers who have no conflict of interest. The proceedings are completed within a reasonably prompt, designated timeframe.

Following any internal disciplinary proceeding for cases of harassment and discrimination, the complainant or accuser and accused will be provided with simultaneous written notice of the result of the proceeding, including any sanctions imposed that relate directly to the complainant or accuser, and the rationale for the result and complainant or accuser-related sanctions.

If the investigation reveals that discrimination and/or prohibited harassment did occur, FMCC will take all appropriate remedial measures necessary to end such conduct, prevent any such future conduct, and correct any personnel or academic decisions made which are related to the prohibited conduct. Remedies may include, but are not limited to, continuing or commencing any of the above-listed “interim measures.” These remedies are separate from, and in addition to, any interim measures that may have been provided prior to the conclusion of the investigation. Such measures can be requested by a complainant or accuser, by contacting the Human Resource Administrator (for employees) or the Chief Student Affairs Officer (for students).

Engaging in discrimination, prohibited harassment, or retaliation may also lead to civil and/or criminal action under state or federal law. Any employee who, in violation of this Policy, engages in discrimination, prohibited harassment or retaliation, is acting outside the scope of his or her employment and may be personally liable for such actions and their consequences. In the event legal proceedings are commenced against such an employee, FMCC may decline to provide legal, financial or other assistance.

9. Discipline

The College takes complaints of discrimination and prohibited harassment with the greatest seriousness. For that reason, if, following the investigation, Human Resource Administrator or other trained investigator concludes that it is more likely than not that the respondent student or employee violated this Policy, the College will pursue strong disciplinary action through its own channels.

Internal disciplinary proceedings for cases of harassment and discrimination are fair and impartial, include timely notice of meetings and timely and equal access to information and evidence that will be used, and are conducted by unbiased decision makers who have no conflict of interest. The proceedings are completed within a reasonably prompt, designated timeframe. Further information regarding internal disciplinary proceedings for students can be found in the Student Code of Conduct. Further information regarding internal disciplinary proceedings for employees can be found in any applicable employee handbook or contract and/or in any applicable collective bargaining agreement with the College.

Following any internal disciplinary proceeding for cases of harassment and discrimination, the complainant and respondent will be provided with simultaneous written notice of the result of the proceeding, including any sanctions imposed that relate directly to the complainant, and the rationale for the result and complainant -related sanctions.

Discipline for incidents of discrimination and harassment may take a variety of forms, depending upon the circumstances of a particular case. Among the disciplinary sanctions which may be imposed on students are the following: verbal warning, written reprimand, probation, restrictions, suspension and expulsion. Among the disciplinary sanctions which may be imposed on employees are: verbal warning, written reprimand, suspension without pay, and termination. The full range of student disciplinary penalties is set forth in the Student Code of Conduct. Employee disciplinary

penalties are set forth in any applicable employee handbook or contract and/or in any applicable collective bargaining agreement with the College.

All parties will be simultaneously informed of their potential rights to exercise a request for an appeal of the disciplinary determination, where applicable, under the Student Code of Conduct, any applicable employee handbook or contract, and/or collective bargaining agreement with the College. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing and will be notified when the results of the resolution process become final.

Engaging in discrimination, prohibited harassment, or retaliation may also lead to civil and/or criminal action under state or federal law. Any employee who, in violation of this Policy, engages in discrimination, prohibited harassment or retaliation, is acting outside the scope of his or her employment and may be personally liable for such actions and their consequences. In the event legal proceedings are commenced against such an employee, the College may decline to provide legal, financial or other assistance.

VI. Legal Protections and External Remedies

Discriminatory Practices are not only prohibited by FMCC but may also be prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at FMCC, employees, students, and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

A. State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all colleges and employers in New York State with regard to discrimination and harassment, and protects students, employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of harassment filed with DHR may be filed with DHR any time within three (3) years of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three (3) years of the alleged harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to FMCC does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that the discrimination or harassment have occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination or harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov. Contact the Division via TDD/TTY at 718-741-8300.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. You may now also email a complaint form to complaints@dhr.ny.gov or fax it to 718-741-8322. The website also contains contact information for DHR's regional offices across New York State.

The contact information for the DHR office covering Fulton and Montgomery Counties is as follows:

New York State Division of Human Rights ("DHR")
Agency Building 1, 2nd Floor
Empire State Plaza
Albany, New York 12220
Telephone: (518) 474-2705 (or 2707)
eFax: (518) 473-2955
Director: Victor DeAmelia
Email: InfoAlbany@dhr.ny.gov
Online: <https://dhr.ny.gov/complaint>

B. Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC may also try to reach a voluntary settlement with the employer.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Employees may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only), 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only), or visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Contact information for the EEOC office with jurisdiction over Fulton and Montgomery Counties is as follows:

United States Equal Employment Opportunity Commission (“EEOC”):
Buffalo Local Office
Olympic Towers
300 Pearl Street, Suite 450
Buffalo, NY 14202
Director: Maureen Kielt
Regional Attorney: Jeffrey Burnstein
Phone: 1-800-669-4000
Fax: 716-551-4387
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122
Online: <https://www.eeoc.gov/employees/howtofile.cfm>

C. Local Protections

Many localities enforce laws protecting individuals from harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

D. Office of Civil Rights

In addition, an employee or student who believes they are the victim of Discriminatory Practices may file a complaint with the United States Department of Education’s Office for Civil Rights (“OCR”).

The contact information for OCR’s headquarters is as follows:

400 Maryland Avenue, SW, Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Fax: (202) 453-6012
TTY#: (800) 877-8339
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

The OCR office with jurisdiction over New York State can be contacted as follows:

United States Department of Education’s Office for Civil Rights (“OCR”):

New York Office
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 25th Floor
New York, NY 10005-2500
Telephone: 646-428-3800
Fax: 646-428-3843
E-mail: OCR.NewYork@ed.gov
Online: <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

Complaints may be filed to OCR by:

- Mail or Facsimile: Complainants may mail or send a complaint by facsimile a letter to the New York Office address and fax listed above.
- E-mail: Complainants may file a complaint to the following e-mail address: ocr@ed.gov.
- Online: Complainants may file a complaint with OCR using OCR's electronic complaint form at the following website: <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

Information about how to file a complaint in other languages can be accessed here: <https://www2.ed.gov/about/offices/list/ocr/docs/howto-index.html>.

E. Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

VII. Conclusion

The policy outlined above is aimed at providing employees, students, and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is at times on sexual harassment and gender discrimination, the New York State Human Rights Law protects against discrimination in several protected classes including race, color, religion, actual or perceived national origin, citizenship, actual or perceived gender identity, ancestry, age, medical condition, marital/familial status, pregnancy, sexual orientation, physical or mental disability status, status as a victim of a sexual assault, relationship violence, and/or stalking, genetic predisposition and carrier status, previous convictions as specified by law, military or veteran status, or any other characteristics protected by applicable law. The prevention policies outlined above should be considered applicable to all protected classes.

EXHIBIT A

**FULTON MONTGOMERY COUNTY COMMUNITY COLLEGE
DISCRIMINATION/HARASSMENT COMPLAINT FORM**

Name of Complainant: _____
(Please Print)

Date Filed: _____

Home Address: _____
(Street)

_____ (City) _____ (State) _____ (Zip Code)

Home Telephone: _____ - _____ - _____
(Area Code)

Signature: _____

Work Address: _____

_____ (City) _____ (State) _____ (Zip Code)

Email: _____

Work Telephone: _____ - _____ - _____
(Area Code)

Position Held: _____

Immediate Supervisor's Name: _____

Title: _____

Supervisor's Work Phone: _____

Supervisor's Work Address: _____

Basis for filing complaint of discrimination: Circle appropriate classification(s)

RACE	ACTUAL OR PERCEIVED NATIONAL ORIGIN
COLOR	MILITARY OR VETERAN STATUS
SEX	SEXUAL ORIENTATION
GENDER	GENDER CHARACTERISTICS AND EXPRESSION
MARITAL STATUS	RELATIONSHIP VIOLENCE VICTIM
RETALIATION	PREVIOUS CONVICTION OR ARREST
DISABILITY	GENETIC PREDISPOSITION OR CARRIER
AGE	VICTIM OF SEXUAL ASSAULT OR STALKING
RELIGION	ACTUAL OR PERCEIVED GENDER IDENTITY
FAMILIAL STATUS	

Date(s)/Time(s) alleged discrimination/harassing act occurred:

Place of alleged discriminatory/harassing act:

Person(s) who committed alleged act(s) of discrimination/harassment: _____

Witnesses to the alleged discrimination/harassing act:

Description of Events Leading to Filing a Complaint (*add additional pages as necessary*):

Person assisting complainant (Optional):

Name: _____ Title: _____

Organization: _____

Address: _____
(Street) (City) (State) (Zip Code)

Telephone: _____ - _____ - _____
(Area Code)

Relief Sought by Complainant:
