

## **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”) does not discriminate on the basis of race, color, gender, gender characteristics and expression, sexual orientation, age, religion, actual or perceived national origin, actual or perceived gender identity, marital status, military or veteran status, physical or mental disability, status as a victim of a sexual assault, relationship violence, and/or stalking, genetic predisposition and carrier status, previous convictions as specified by law, 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.

The Acting Dean for Student Affairs 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 (the “Policy”) should be directed to Arlene Spencer at [arlene.spencer@fmcc.edu](mailto:arlene.spencer@fmcc.edu)

In the absence of, or as an alternative to, the Acting Dean for Student Affairs, questions or concerns about this Policy may also be addressed to:

### Employees/Students

Acting Dean for Student Affairs, Arlene Spencer at [arlene.spencer@fmcc.edu](mailto:arlene.spencer@fmcc.edu).

The Title IX Coordinator, Acting Dean for Student Affairs, Arlene Spencer at [arlene.spencer@fmcc.edu](mailto:arlene.spencer@fmcc.edu) the individual(s) 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 Public Safety Office.

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

Acting Dean for Student Affairs, Arlene Spencer, [arlene.spencer@fmcc.edu](mailto:arlene.spencer@fmcc.edu).

### Students

Coordinator of Accessibility, Counseling and Alternative Testing Services.

## **I. Jurisdiction**

This Policy applies to all 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 students.

**NOTE: If a complaint is filed that alleges conduct that could constitute Title IX Sexual Harassment, as defined under the Title IX Grievance Procedure (Title IX Grievance 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”) (Sexual Misconduct 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.**

## **II. Scope of this Policy**

This Policy applies to reports and complaints related to any of the following (except to the extent they are covered under the Title IX Grievance Procedure or the Sexual Misconduct Policy, as explained above):

- (1) Discrimination based on Protected Characteristics;
- (2) Harassment based on Protected Characteristics;
- (3) Retaliation, as defined below; and
- (4) Denial of a reasonable accommodation.

These terms are collectively referred to as “Discriminatory Practices” throughout this Policy.

Matters covered under this Policy in the employment relationship include, but are not limited to, recruitment, hiring, job assignment, compensation, promotion, discipline, termination, and access to benefits and training. Matters covered in the academic setting include, but are not limited to, admission, housing, allocation of financial aid, use of college facilities, and the assignment of grades.

### **III. Definitions**

#### **A. Prohibited Harassment**

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. The College will not tolerate any such harassment.

Prohibited harassment is a form of discrimination. In general, it 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. The most well-known type of prohibited harassment is sexual harassment.

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 unlawful and may subject the College to liability. 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.

Under federal and state law, sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- Such conduct is made either explicitly or implicitly a term or condition of employment or enrollment,
- Submission to or rejection of such conduct is used as the basis for employment or academic 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.

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

- Physical assaults of a sexual nature,<sup>1</sup> 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;
  - Spoken, written, and/or electronically transmitted verbal remarks of a sexual nature (whether directed to an individual or a group);
  - Sexually explicit, offensive, or sex-based jokes and comments; and
  - Sexual or gender-based comments about an individual or an individual's appearance.
  
- 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.

A type of sexual harassment known as "quid pro quo" harassment occurs when a person in authority tries to trade job or academic benefits for sexual favors. This can include hiring, promotion, grading, scheduling, continued enrollment or employment, or any other terms conditions or privileges of enrollment or employment. 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.

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.

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

Any employee or student who becomes aware of retaliation against a student or employee should contact Acting Dean for Student Affairs, Arlene Spencer, [arlene.spencer@fmcc.edu](mailto:arlene.spencer@fmcc.edu). 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 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 Acting Dean for Student Affairs, Arlene Spencer at [arlene.spencer@fmcc.edu](mailto:arlene.spencer@fmcc.edu) 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.

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.

#### **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.<sup>2</sup> These actions may require disclosure of the allegations to the extent necessary to conduct a complete and thorough investigation.

#### **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.

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<sup>2</sup> 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.

#### **IV. Complaint, Investigation, and Disciplinary Procedure for Employees and Students**

##### **1. Reporting Prohibited Discriminatory Practices**

Any employee or student who believes they are the victim of Discriminatory Practices should file a complaint with the Acting Dean for Student Affairs. If Acting Dean for Student Affairs is not available, or if an employee or student does not feel comfortable reporting discrimination or prohibited harassment to the Acting Dean for Student Affairs, they may also report it to Vice President for Administration and Finance.

When an employee or student makes a report with the Acting Dean for Student Affairs, or designee, they will be given a written complaint form to complete. A sample copy of this form is provided below. The Acting Dean for Student Affairs or designee will also provide the complainant and the respondent with copies of this Policy for review.

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 [FMCC Complaint Form]. 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 [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 will 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**

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 Acting Dean for Student Affairs.

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.

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 Acting Dean for Student Affairs, even if the employee is not the victim of that conduct.

### **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 Acting Dean for Student Affairs will make an initial assessment regarding the validity of the complaint.

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

If Acting Dean for Student Affairs 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 Acting Dean for Student Affairs 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. Interim 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 Acting Dean for Student Affairs, Arlene Spencer, arlene.spencer@fmcc.edu. 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. 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, Acting Dean for Student Affairs, or designee, shall:

1. Meet with the appropriate individuals and review all appropriate records that bear on the case.
2. 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.
3. 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.
4. Interview any identified or known non-party witness (es).
5. Attempt, where appropriate, to resolve the complaint by exploring and suggesting possible alternative solutions to the problem with all involved parties, provided, however, that the complainant will not be required to participate in mediation with the respondent.
6. (If the preceding step does not resolve the problem), make and transmit a preponderance of the evidence determination in the matter of the allegation of discrimination/harassment to the complainant, respondent and, if the respondent is an employee, the employee's supervisor (or the President if the respondent is a senior officer), or, if the respondent is a student, the Acting Dean for Student Affairs.
7. 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).
8. Keep the written documentation and associated documents in a secure and confidential location.

The time necessary to complete an investigation will vary depending upon the facts of a particular case. In most cases, investigations will be completed no later than sixty (60) calendar days of receipt of a complaint.

### **7. Following the Investigation**

Once the investigation is complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefor. 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, under the Student Code of Conduct, any applicable employee handbook, or contract, and/or applicable 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.

If the investigation reveals that discrimination and/or prohibited harassment did occur, the College 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, by the Acting Dean for Student Affairs, Arlene Spencer at [arlene.spencer@fmcc.edu](mailto:arlene.spencer@fmcc.edu).

### **8. Discipline**

The College takes complaints of discrimination and prohibited harassment with the greatest seriousness. For that reason, if, following the investigation, Acting Dean for Student Affairs 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.

## **V. 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 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 sexual 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 with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual 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 sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual 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](http://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](http://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](mailto: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](mailto: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 does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. 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](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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 sexual 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](mailto: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](mailto: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](mailto: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.

FULTON-MONTGOMERY COMMUNITY COLLEGE  
DISCRIMINATION/HARASSMENT COMPLAINT

Name of Complainant: \_\_\_\_\_  
(Please print)

Date Filed: \_\_\_\_\_

Home Address: \_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City) (State) (Zip Code)

Telephone: \_\_\_\_\_

Signature: \_\_\_\_\_

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Address: \_\_\_\_\_

\_\_\_\_\_  
(City) (State) (Zip Code)

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Position Held: \_\_\_\_\_  
\_\_\_\_\_

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

Race	Actual or Perceived National Origin
Color	Military or Veteran
Color	Status
Sexual Orientation	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
Gender	Familial Status
Other:	

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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Person assisting complainant (Optional):

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Telephone: \_\_\_\_\_

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Relief Sought by Complainant:

\_\_\_\_\_  
\_\_\_\_\_