

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY****Overview**

The BOCES is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses employment discrimination. It is just one component of the BOCES' overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the BOCES is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of any legally protected class or category including, but not limited to: age; race; creed; religion; color; national origin; sexual orientation; gender identity or expression; military status; sex; disability; predisposing genetic characteristics; familial status; marital status; status as a victim of domestic violence; and criminal arrest or conviction record.

The BOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of employment discrimination. The BOCES will promptly respond to reports of employment discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the BOCES' Civil Rights Compliance Officer(s) (CRCO(s)). The CRCO is appointed annually at the July Board of Education Re-organizational meeting.

**Reporting Allegations of Employment Discrimination**

Any person may report employment discrimination regardless of whether they are the alleged victim or not. Reports of employment discrimination may be made orally or in writing to the BOCES' CRCO or any other BOCES employee including, but not limited to, a supervisor or building principal.

All BOCES employees who witness or receive an oral or written report of employment discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, BOCES employees must comply with reporting requirements in any other applicable BOCES policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES.

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**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)****Process for Complaints of Employment Discrimination**

The BOCES will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of employment discrimination and will promptly take appropriate action to protect individuals from further discrimination.

Various BOCES policies and documents address employment discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES. All complaints will be handled in accordance with the applicable BOCES policies and/or documents.

The determination as to which BOCES policies and/or documents are applicable is fact specific, and the CRCO may work with other BOCES staff to determine which BOCES policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that employment discrimination has occurred, the BOCES will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable BOCES policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the BOCES' *Code of Conduct*.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The BOCES prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of employment discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Where appropriate, follow-up inquiries will be made to ensure that the discrimination has not resumed and that those involved in the investigation have not suffered retaliation.

8 USC Section 1324b

29 USC Section 206

42 USC Section 1981

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC Section 621 et seq.

Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC Section 2000ff et seq.

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## Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)**

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.  
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.  
28 CFR Part 35  
29 CFR Chapter XIV -- Equal Employment Opportunity Commission  
34 CFR Parts 100, 104, and 106  
45 CFR Part 86  
Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a  
Civil Service Law Sections 75-b and 115  
Correction Law Section 752  
Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, and 215  
New York State Human Rights Law, Executive Law Section 290 et seq.  
Military Law Sections 242, 243, and 318  
9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the BOCES  
#3421 -- Title IX and Sex Discrimination  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances

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