
Subject: NONDISCRIMINATION/EQUAL OPPORTUNITY (COMPLAINT AND COMPLIANCE PROCESS)

1. The BOCES shall respond to all complaints of discrimination and/or harassment reported; take action in response when discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in discrimination and/or harassment complaints to the extent practical and appropriate under the circumstances. These actions shall apply to the extent permitted by law or where personal safety is not an issue. Under certain circumstances, the complaint may be referred to law enforcement for investigation.

2. The Board of Directors shall designate an official as the responsible employee to coordinate BOCES compliance with and investigation of possible violations of Title II (discrimination based on disability), Title VI (discrimination based on race, color or national origin), Title IX (discrimination based on sex or marital status), Section 504 (discrimination based on disability), or BOCES policies prohibiting discrimination or harassment.

3. The compliance officer shall be responsible for continuing surveillance of BOCES programs and activities with regard to compliance with federal and state antidiscrimination laws and BOCES policies prohibiting discrimination or harassment.

4. The compliance officer shall annually notify all BOCES employees and members of the public of the name, office, address and telephone number of the compliance officer. Notification shall be by posting and/or other means sufficient to reasonably advise all students, employees and members of the public.

5. Any employee, applicant for employment or member of the public shall have a ready means of resolving any claim of discrimination or harassment.

5.1 An aggrieved individual may file, with the compliance officer, a written complaint charging the BOCES, another student or any BOCES employee with a violation of Title II, Title VI, Title IX, Section 504 or with a violation of BOCES policies prohibiting discrimination or harassment.

5.2 The compliance officer shall confer with the charging party in order to obtain a clear understanding of the basis of the complaint.

5.3 The compliance officer shall then attempt to meet with the charged party in order to obtain a response to the complaint.

5.4 The compliance officer may hold as many meetings with the parties as is necessary to gather facts and obtain statements from witnesses if available.

5.5 On the basis of the compliance officer's perception of the situation, the compliance officer may attempt to resolve the matter informally through conciliation or report the incident and transfer the record to the Executive Director or designee and so notify the parties by certified mail.

5.6 After reviewing the record made by the compliance officer, the Executive Director or designee may gather additional evidence or determine that a hearing is necessary.

5.7 Within 10 work days of receiving the record made by the compliance officer, the Executive Director or designee shall determine any sanction or other action deemed appropriate.

5.8 All parties shall be notified of the final outcome of the investigation and all steps taken by the BOCES. If disciplinary action is recommended for an employee, that action shall proceed in accordance with applicable policy.

5.9 **At any time, the charging party may request an end to the informal process of resolving the matter through conciliation and begin the formal grievance process.**

6. Whether or not a formal complaint is filed, the BOCES shall take appropriate action to end the discrimination and/or harassment, to make the victim feel whole by restoring lost educational or employment opportunities, to prevent discrimination and/or harassment from recurring and to prevent retaliation against anyone that reports discrimination and/or harassment or participates in a discrimination and/or harassment investigation.