

CONNECTICUT STATE COLLEGES AND UNIVERSITIES (CSCU)

Discrimination Complaint Policy & Procedure

The Connecticut State Colleges and Universities (CSCU) has adopted a policy of "zero-tolerance" with respect to unlawful employee harassment. In this connection, the CSCU's expressly prohibits any form of unlawful employee harassment based on race, color, age, sex, including pregnancy, sexual harassment and sexual assault, religious creed, marital status, national origin, ancestry, physical or mental disabilities (including learning disabilities, intellectual disabilities, past or present history of mental disability), status as a Vietnam-era or special disabled veteran, gender identity or expression, sexual orientation, transgender status, workplace hazards to reproductive systems or other factors which cannot lawfully be the basis for employment actions, unless there is a bona fide occupational qualification. The Connecticut State Colleges and Universities (CSCU) will not request or require genetic information from job applicants or employees, or otherwise discriminate against any person in employment conditions on the basis of genetic information. Additionally, the Connecticut State Colleges and Universities (CSCU) will not unlawfully discriminate against persons with a prior criminal conviction.

Improper interference with the ability of Connecticut State Colleges and Universities (CSCU) employees to perform their expected job duties will not be tolerated.

The following procedure provides periodic training in confidential counseling and grievance investigation for agency counselors. Confidential counseling is completely independent of any other grievance procedure presently in place. It is for the purpose of resolving employee allegations of discrimination at the Connecticut State Colleges and Universities (CSCU) in an expeditious and informal manner.

This procedure, or submission of a complaint to this procedure, in no way precludes the submission of a complaint of a discriminatory nature to the Commission on Human Rights and Opportunities (CHRO), United State Equal Employment Opportunity Commission (EEOC), United States Department of Education Office of Civil Rights (OCR), United States Department of Labor (DOL), Wage and Hour Division, and any other agencies, state, federal or local, that enforces laws concerning discrimination in employment or public service and accommodation. Nor, does the establishment of this procedure foreclose any other legal options available to the employee.

Violation of this policy may be grounds for disciplinary action, up to and including dismissal from State Service.

Connecticut State Colleges and Universities (CSCU) Discrimination Complaint Procedure

Definition/Legal Basis

Race, Color, Religion, Sex or National Origin

Title VII of the Civil Rights Act of 1964 (as amended) and Executive Order 11246 (as amended) prohibit discrimination in employment against any person (e.g. applicants and employees) on the basis of race, color, religion (religious creed), sex or national origin.

Age

The Age Discrimination in Employment Act of 1967 (ADEA), (as amended) prohibits discrimination in employment on the basis of age against any person (e.g. applicants and employees) age forty (40) or older. Connecticut Sec. 46a-60 prohibits discrimination based on age and protects any worker eighteen (18) years of age or older.

Disability

The Rehabilitation Act of 1973 defines "disabled individual" as any person who has a physical or mental impairment that substantially limits one or more of such person's major life activities, has a record of impairment, or is regarded as having such an impairment. Section 7(b) of the Rehabilitation Act addresses drug and alcohol abuse, noting that the definition of "disabled individual" does not include any individual who: is "an alcoholic or a drug abuser whose current use of alcohol or drugs prevents such an individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to the property or the safety of others.

Persons with disability are defined in the Connecticut General Statutes Sec. 46a-8 as "any person who has a physical, mental, emotional, or other disability or dysfunction which constitutes a significant obstacle to such person's ability to function normally in society and includes those persons defined as developmentally disabled under Public law 94-103 and any amendments thereto." Physically disabled is defined under Connecticut General Statutes Sec. 46a-51(15) as "any individual who has any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes from illness, including, but not limited to, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance or device." Learning disability is defined in the Connecticut General Statutes Sec. 46a-51(19) as "an individual who exhibits a severe discrepancy between educational performance and measured intellectual ability and who exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in a diminished ability to listen, speak, read, write, spell or to do mathematical calculations."

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against qualified individuals with disabilities.

The ADA covers not only individuals who have disabilities, who have records of disabilities, or who are perceived as having disabilities, but also individuals related to, or associated with, persons who fit into one of these categories.

Status as a Vietnam-era or Special Disabled Veteran

The Vietnam Era Veterans Readjustment Assistance Act of 1974 (VEVRAA) defines Vietnam-era veteran as an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era (between August 5, 1964, and May 7, 1975).

To be an eligible veteran, a person must have served on active duty for a period of more than one hundred eighty (180) days and have been discharged or released therefrom with other than a dishonorable discharge or have been discharged or released from active duty because of a service connected disability.

VEVRAA defines a special disabled veteran as:

- c. A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veteran's Administration for a disability rated at thirty (30) percent or more, or rated at ten (10) or twenty (20) percent in the case of a veteran who has been determined to have a serious employment handicap; or
- d. A person who was discharged or released from active duty because of a service-connected disability.

Resolution - Time Constraints

The Manager of Diversity and Inclusion will resolve any alleged discrimination or unfair employment practice within ninety (90) calendar days after the receipt of a written complaint. This timeframe includes filing, processing and resolution of such matters.

Records Retention

All records relevant to employee grievances including counseling sessions and informal allegations which result in complaints to enforcement agencies, are maintained, regularly, reviewed and reported on by the Manager of Diversity and Inclusion in the Affirmative Action Plan.

Training/Notification

The Connecticut State Colleges and Universities (CSCU) will obtain and provide periodic training in counseling and grievance investigations for agency managers, supervisors and employees.

Employees are notified about the Connecticut State Colleges and Universities (CSCU) Discrimination Complaint Procedure when the Affirmative Action Plan has been reviewed by the Commission on Human Rights and Opportunities (CHRO). The employees are also invited to review the Affirmative Action Plan.

Procedure for Handling and Investigating Discrimination Complaints

If you feel you have been a victim of discrimination please follow the following procedures:

1. Complainant requests a confidential meeting with the Manager of Diversity and Inclusion. The Manager of Diversity and Inclusion will advise the complainant of his or her rights in accordance with relevant laws and propose possible remedies.

2. If the complainant is unsatisfied with any of the possible remedies or if a remedy is not readily available the Complainant then has the right to file a written complaint with the assistance of the Manager of Diversity and Inclusion.
3. The written complaint must be filed on the complaint form and should include the following [please note: all grievances should be submitted within thirty (30) days of the alleged discriminatory treatment] :
 - a. Complainant's name
 - b. Work telephone number
 - c. Job title
 - d. Supervisor's name
 - e. Supervisor's Title
 - f. Complainant's home address
 - g. Complainant's home telephone number
 - h. Name of individual against whom the complaint is filed
 - i. The nature of the complaint
 - j. A description of the alleged act (s) of discrimination
 - k. The date (s) the act (s) took place
 - l. The date the complaint was filed
 - m. The complainant's signature
4. The Manager of Diversity and Inclusion will notify the accused party of the particulars of the complaint within seven (7) calendar days after receipt of the written complaint.
5. Upon the filing of a complaint, the Manager of Diversity and Inclusion will conduct a fact finding investigation of the complaint. Within thirty (30) calendar days from the filing of the complaint, the Manager of Diversity and Inclusion will provide a written report to the Complainant, the Accused, the President and/or a Designee as appropriate. If there is evidence that indicates the Complainant was discriminated against, the parties shall endeavor to resolve the matter within thirty (30) calendar days and/or an administrative action (e.g. discipline up to and including dismissal from State service) will be applied to the "harasser". If the endeavors at mediation are successful, a written agreement will be prepared for signature (by the Complainant, the Accused and the Manager of Diversity and Inclusion).
6. If there is no evidence of discrimination, the Manager of Diversity and Inclusion will advise the parties involved and dismiss the complaint.
7. If the complainant does not agree with the findings made in the investigation, he/she may appeal for review and reconsideration by the President. Any such appeal must be in writing and be filed within ten (10) calendar days from the date of the written report of the findings and must include specific information or evidence in support of the appeal. The President will advise the Complainant in writing within fourteen (14) calendar days of receipt of the appeal as to their choice of action on the matter.

Retaliation for Discrimination Complaints

Retaliation for having filed or participated in a complaint or investigation of discrimination is presumptive employment discrimination in violation of the law and as such will not be tolerated.

Definition of Retaliation

Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with an employee because that employee has complained about or resisted harassment, discrimination or retaliation.

Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in any item above.

The above is not to be construed as an all-inclusive list of prohibited acts under this policy. If you feel you have been the subject of retaliation for having filed or taken part in a discriminatory complaint/investigation please contact the Manager of Diversity and Inclusion immediately.

Sexual Harassment Policy & Procedure

It is the policy of the Board of Regents of Higher Education to prohibit harassment of one employee by another or supervisor on the basis of sex. The purpose of this policy is not to regulate our employees' personal morality; rather it is to assure that no employee harasses another on the basis of sex. In this regard, sexually offensive activity will not be tolerated.

Violations of the policy may be grounds for disciplinary action, up to and including dismissal from State Service.

Definition

Sexual harassment is a form of sex discrimination that is prohibited under both Connecticut law and Title VII of the Federal Civil Rights Act of 1964. See C.G.S. 46a-60(a) (8) and 29 C.F.R. 1604.11.

"Sexual harassment' is defined under Connecticut law as: "any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (C) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

The Connecticut Courts have distinguished two general categories of sexually harassing behavior: Quid Pro Quo and Hostile Work Environment. The following are descriptions of conduct which constitute each category and are prohibited by this policy.

Quid Pro Quo (literally "this for that")

Quid Pro Quo sexual harassment occurs when an economic or job benefit is conditioned upon the granting of sexual favors. It may also occur when an employee is punished for failing to grant sexual favors in the workplace.

In a Quid Pro Quo case, the sexual overture or conduct is generally clear: for example, the supervisor demands that an employee go out with him or her in exchange for a promotion.

Title VII is violated if the employee's response to such an overture is used as the basis for an employment decision affecting the employee.

Quid Pro Quo harassment may be based on a single incident.

Hostile Work Environment

Sexual harassment may also occur when there is unwanted sexual conduct that creates an intimidating, hostile or offensive work environment, or that has the effect of unreasonably interfering with an individual's work performance. It is not necessarily to show a direct and tangible job or economic loss. This type of claim can be brought against anyone in the workplace, whether it is a supervisor or a coworker.

Conduct that will be considered a violation of this policy includes, but is not limited to the following:

- a. Verbal - includes sexual innuendoes, suggestive comments, insults, jokes of a sexual nature, sexual propositions and threats.
- b. Non-verbal - includes sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling and obscene gestures.
- c. Physical - unwanted physical contact, including touching, patting, grabbing, pinching, brushing the body, massaging, coerced sexual intercourse, rape, molestation, sexual assault and battery.
- d. Any other unwelcome conduct of a sexual nature.

Procedure for Handling and Investigating Sexual Harassment Complaints

If you feel you have been a victim of sexual harassment please follow the following procedures:

- 1) Keep a record of the incidents of sexual harassment. Write down the details of the incident: the date, time and location, the names of any witnesses and your response. Include also any notes, letters, pictures, etc. Keep the records in a safe place.
- 2) Seek assistance from the Manager of Diversity and Inclusion, any Human Resources staff member, supervisor or manager about the harassment or issues.
- 3) Supervisors and managers will contact the Manager of Diversity and Inclusion and refer the employee to the Manager of Diversity and Inclusion. The Manager of Diversity and Inclusion shall receive both written and verbal complaints and may assist the complainant in preparing a statement of allegations. Anonymous complaints and complaints from the public will also be investigated.

- 4) Within five (5) days of receiving a formal complaint of sexual harassment, the alleged harasser shall be contacted by the Manager of Diversity and Inclusion to set up a meeting and will be presented with a copy of the complaint. The individual has the right to union representation or other representation at this meeting (as long as bargaining unit members have signed a waiver of union representation) and shall be given an opportunity to respond to the charges alleged in the complaint.
- 5) All complaints will be investigated expeditiously by the Manager of Diversity and Inclusion.
- 6) Discipline will be applied if a violation of this policy is found to have occurred.

When a complaint is made the Manager of Diversity and Inclusion will have the duty of immediately bringing all sexual harassment and retaliation complaints to the confidential attention of the President.

Retaliation for Sexual Harassment Complaints

Retaliation for having filed or participated in a complaint or investigation of sexual harassment will not be tolerated at the Connecticut State Colleges and Universities (CSCU) and throughout all Connecticut State Colleges and Universities.

Definition of Retaliation

Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with an employee because that employee has complained about or resisted harassment, discrimination or retaliation.

Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in any item above.

The above is not to be construed as an all-inclusive list of prohibited acts under this policy.

Please note: Harassment on the basis of race, color, religious creed, sex, national origin, ancestry, marital status, age, sexual orientation, transgender, genetic background information, prior conviction of a crime, physical disability, learning disability, intellectual disability, past or present history of a mental disability, status as a Vietnam-era or special disabled veteran or status in any group protected by state or federal law is prohibited.

Records of Complaints and Confidentiality

All records associated with complaints will be maintained in the Manager of Diversity and Inclusion's Office.

All complaints and resulting documents will be held in strict confidence to the extent possible. Anyone involved in the intake, investigation, discipline and outcome of a complaint will be disciplined as appropriate for failing to protect the confidentiality of all involved in the investigation and outcome of a complaint.

Sexual Orientation Policy & Procedure

All employees are prohibited from discriminating against another employee or agent of the Connecticut State Colleges and Universities (CSCU) on the basis of his/her sexual orientation, in accordance with Connecticut General Statutes, Section 46a-81c.

For purposes of this policy, "sexual orientation" means having a preference for heterosexuality, homosexuality, or bisexuality; having a history of such preference; or being identified with such preference. .

The following shall be considered a discriminatory practice in violation of this policy and Connecticut General Statutes, Section 46a-81c: If an employer, except in the case of a bona fide occupational qualification or need, refuses to hire, or employ, or to bar or to discharge from employment any individual; or to discriminate against him/her in compensation or in terms, conditions, or privileges of employment because of the individual's sexual orientation. If any person, employer, employment agency or labor organization, except in the case of bona fide occupational qualification or need, advertises employment opportunities in a manner that restricts such employment so as to discriminate against individuals because of their sexual orientation.

Nothing in this policy shall be deemed or construed to mean that the Connecticut State Colleges and Universities (CSCU) authorizes or permits the use of numerical goals or quota, or other types of affirmative action programs, with respect to transgender status, homosexuality or bisexuality in the administration of this policy.

Procedure

Any employee who feels that he or she is the victim of discrimination based on sexual orientation may file a written complaint with the Manager of Diversity and Inclusion.

DISCRIMINATION COMPLAINT AGENCIES

An individual has the right to file his or her complaint of discrimination with any or all of the relevant agencies listed below. The individual can also simultaneously avail himself or herself of the Connecticut State Colleges and Universities (CSCU) Discrimination Complaint Procedure

1. The Connecticut Commission on Human Rights & Opportunities

Southwest Region Office

350 Fairfield Avenue
6th Floor
Bridgeport, CT 06604
Tel: (203) 579-6246
TDD (203) 579 – 6246

West Central Region Office

Rowland State Government Center
55 West Main Street, Suite 210
Waterbury, CT 06702-2004
Tel: (203) 805-6530
TDD (203) 805-6579

Capitol Region Office

450 Columbus Blvd
Hartford, CT 06103
Tel: (860) 566-7710
TDD (860) 566 – 7710

Eastern Region Office

100 Broadway
Norwich, CT 06360
Tel: (860) 886-5703
TDD (860) 886 - 5707

Complaints should be filed with the Commission on Human Rights and Opportunities (CHRO) no later than one hundred and eighty (180) days after the alleged act of employment discrimination occurred.

2. The Equal Employment Opportunities Commission

John F. Kennedy Federal Office Building
Government Center, Room 475
Boston, MA 02203
Tel: (617) 565-3200

Complaints should be filed with the Equal Employment Opportunities Commission (EEOC) no later than one hundred and eighty (180) days after the alleged act of employment discrimination occurred, except, that in a case when the aggrieved person has initially filed a complaint with the Commission on Human Rights and Opportunities, such complaint should be filed no later than three hundred (300) days after the alleged act of employment discrimination occurred. Alternatively:

3. The Department of Education, Office of Civil Rights

U.S. Department of Education
Boston Office
8th Floor
5 Post Office Square
Boston, Massachusetts 02109-3921
Tel: (617) 289-0111

4. Connecticut Commission on Women, Children and Seniors

18-20 Trinity Street
Hartford, CT 06106
Tel: (860) 240-8300

5. Commission on Equity and Opportunity

18-20 Trinity Street
Room 202
Hartford, CT 06106
Tel. (860) 240-1424

6. State of Connecticut: Employee Grievance Procedure

(Contact Human Resources Office or union representatives for Grievance forms and/or procedures).

200 Folly Brook Boulevard
Wethersfield, CT 06109
Tel: (860) 566-3450

7. Wage and Hour and Public Contracts Division

United States Labor Department
135 High Street
Hartford, CT 06103
Tel: (860) 240-4277

8. Wage and Workplace Standards Division

Connecticut Department of Labor
200 Folly Brook Boulevard
Wethersfield, CT 06109
Tel: (860) 263-6790