

Affirmative Action Discrimination Complaint Process
Naugatuck Valley Community College
August 2018

Purpose

The purpose of the Affirmative Action Discrimination Complaint Process is to provide an informal structure for expeditious resolution of allegations of unlawful discrimination while assuring that legal options for filing complaints with enforcement agencies are not foreclosed. Employees who utilize the Discrimination Complaint Process will not be subject to retaliation.

Who may use this System

The College encourages employees to use this internal Discrimination Complaint Process when an employee believes that he or she has been subjected to discrimination in violation of the College's Affirmative Action Policy Statement. Employee concerns or complaints should be directed to the Equal Employment Opportunity Officer, Ronald Clymer. His office is located at Kinney Hall, Room K702, and the telephone number is (203) 575-8110. Employee concerns or complaints may also be to the Director of Human Resources and Labor Relations, Kimberly Carolina. Her office is located at Kinney Hall, Room K704b, and the telephone number is (203) 575-8056.

Student concerns or complaints should be directed to the Dean of Student Services or to such other College official as the President may have designated. The Dean of Student Services is Sarah Gager. Her office is located at Kinney Hall, Room K509A, and the telephone number is (203) 575-8086. Nothing shall prevent students from speaking to a College counselor about their concerns. However, such communication is not a substitute for filing a complaint with an appropriate College designee.

A claim that an employee of a third party contractor has engaged in discriminatory conduct on College premises or in connection with the performance of the third party contract should be reported immediately to either the Interim Dean of Administration or to the President for appropriate follow-up action. The Interim Dean of Administration is Dana Elm. Her office is located at Kinney Hall, Room K706b, and the telephone number is (203) 596-2153. The President is Daisy Cocco DeFilippis, Ph.D. Her office is located at Kinney Hall, Room K703 and the telephone number is (203) 575-8044.

For Title IX issues (sexual harassment/violence or gender discrimination) contact Jacquie Swanson, Associate Director of Human Resources/Title IX Coordinator, Room K704c, Naugatuck Valley Community College, 750 Chase Parkway, Waterbury, CT 06708; 203-575-8043.

Affirmative Action Policy Statement

Equal Employment Opportunity is the employment of individuals without consideration of race, color, religious creed, age, sex, marital status, national origin, ancestry, intellectual disability, learning disability, sexual orientation, gender identity or expression, physical disability, criminal record, present or past history of mental disability, genetic information, veteran status and status in any group protected by state or local law, unless the provisions of Sections 46a-60(b), 46a-80(b) or 46a-81(b) of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups. Although it is recognized that there are bona fide occupational qualifications which provide for exception from employment prohibitions, it is understood that these exceptions are to be applied pursuant to Section 46a-68-33 of the administrative regulations.

How to File an Informal Complaint

A complaint must be made in writing to the College's Equal Employment Opportunity Officer within fifteen (15) calendar days of the alleged discrimination. Where the action complained of relates to an opportunity for appointment to a position for which a single vacancy exists, the complaint is to be filed with the President as soon as possible. A written complaint consists of a statement of the facts, which relate to the alleged discrimination, the date of the alleged discrimination, the basis of the grievant's complaint (e.g., sex, race, disability), and the remedy requested.

Recourse to other procedures

Utilization of the Affirmative Action Discrimination Complaint Process does not preclude the grievant from filing complaints under applicable collective bargaining agreements and state or federal law. Employees may file formal discrimination complaints with state and/or federal agencies. Complaints may be filed with the Connecticut Commission on Human Rights and Opportunities; United States Equal Employment Opportunity Commission; United States Department of Labor, Wage and Hour Division; and any other agencies, state, federal, or local, that enforce laws concerning discrimination in employment. The Connecticut Commission on Human Rights and Opportunities can provide assistance in filing complaints and determining the legal options which may be available. In general, complaints must be filed within 180 days of the alleged discrimination. An exception exists for complaints, which allege unlawful reliance on criminal records; Connecticut law requires that the complaint be filed within thirty (30) days.

Noncompliance with Affirmative Action Program

If an employee believes that there has been a failure to comply with the College's Affirmative Action Program, a written complaint may be submitted to the President. If the response of the President is unsatisfactory or if the alleged violation is attributed to the President, a written complaint may be filed with the Connecticut State Colleges and Universities (CSCU).

Notice

The President or designee is responsible for providing a notice to all employees indicating that an Affirmative Action Discrimination Complaint Process is available. This notice shall provide a guarantee of no retaliation for the exercise of rights granted pursuant to the Affirmative Action Grievance Procedure and state the name and work location of the college Equal Employment Opportunity Officer. It will further provide advisement to employees of the legal options to file complaints with the Connecticut Commission on Human Rights and Opportunities; the United States Equal Employment Opportunity Commission; the United States Department of Labor, Wage and Hour Division; and any other agencies, state, federal, or local that enforces laws concerning discrimination in employment. Please refer to attached document for specific contact information on Federal and State Agencies dealing with discrimination complaints.

Training

A plan for periodic training in counseling and complaint investigations has been developed and implemented at the Connecticut State Colleges and Universities (CSCU). Periodic training will be made available to all appropriately designated personnel responsible for discrimination complaints. Additional training on state and federal discrimination laws and complaint investigations is required by the Connecticut General Statutes.

Affirmative Action Plan Reports

In accordance with Section 46a-68-89(c) of the State of Connecticut Regulations a summary of matters alleged in complaints, the results of the complaint, and the time required to process it will be provided to the Commission on Human Rights and Opportunities. Where an informal complaint results in a formal complaint with an enforcement agency, such complaint and its status shall also be reported to the Commission. All records of Complaints shall be reviewed on a regular basis by the Equal Employment Opportunity Officer to detect any patterns in the nature of the Complaints. All records relevant to employee complaints filed under this section shall be maintained by the College.

Affirmative Action Discrimination Complaint Process Steps

1. The grievant must file a written complaint, as provided above. Although not mandatory, grievants are encouraged to seek informal resolution of complaints filed with the Equal Employment Opportunity Officer.
2. Upon receipt of the complaint, the Equal Employment Opportunity Officer should meet with the grievant. The purpose of this meeting is to clarify the complaint and to elicit relevant information and documents from the grievant.
3. The Equal Employment Opportunity Officer or other designated representative of the President will investigate all complaints. Following completion of his or her investigation, the Equal Employment Opportunity Officer shall make a report to the President. The report shall summarize the claim and the factual basis asserted by the grievant, the facts which the investigation has revealed, and whether the Equal

Employment Opportunity Officer recommends (a) informal resolution or (b) further review by the President. The Equal Employment Opportunity Officer is not expected to determine the merits of the complaint or to make conclusions with respect to facts in dispute. Where the conduct complained of relates to the President, a copy of the report shall be submitted to the CSCU. After consultation with the CSCU, the Equal Employment Opportunity Officer may be authorized to attempt to mediate the dispute. The purpose of this mediation is to effect prompt resolution of informal complaints.

4. The disposition of the complaint at the college level shall be determined by the President and communicated in writing to the grievant. Steps (2) through (4) should be completed within fifteen (15) working days, except where informal resolution is implemented. In this case, the President may extend this period for up to an additional fifteen (15) working days. If the process is not completed within thirty (30) working days, the grievant may move the complaint to the level of the CSCU as provided in paragraph (5).

5. Within fifteen calendar days of receipt, the grievant may appeal the president's response by submitting a written statement of appeal to the CSCU.

6. The appeal shall be reviewed by a designee of the CSCU and two campus Equal Employment Opportunity Officers. The response by the CSCU shall be made in writing to the grievant within thirty (30) days of the date the complaint is received at his or her level or within seventy-five (75) days of the initiation of the process specified in paragraph (2), whichever is later.

This revised Affirmative Action Discrimination Complaint Process is effective as of August 2018.

Approved,

Daisy Cocco De Filippis, Ph.D., President
Naugatuck Valley Community College