

# ALBANY CSO POOL COMMUNITIES CORPORATION

C/O Capital District Regional Planning Commission  
One Park Place, Suite 102 | Albany, New York 12205 (518) 453-0850 | (518) 453-0856, fax |  
[www.cdrpc.org](http://www.cdrpc.org)

## **DISCRIMINATION AND HARASSMENT POLICY**

The Albany CSO Pool Communities Corporation believes in the dignity of the individual and recognizes the right of every person to equal opportunities. In this regard, the Corporation has had a longstanding practice of protecting and safeguarding the rights and opportunities of any person who might either seek or obtain employment with, volunteer for or otherwise serve the Corporation without being subjected to illegal discrimination or harassment in the workplace. Solely for the purposes of this policy, the term “employee” shall also include volunteers and board members.

### **POLICY**

In addition to prohibiting illegal discrimination on the basis of race, color, sex, religion, age, disability, marital status, military status, national origin, or other unlawful conduct, the Albany CSO Pool Communities Corporation also prohibits the illegal harassment of its employees or board members in any form at all. The Corporation will take all steps necessary to prevent and stop the occurrence of any illegal discrimination or harassment in the workplace.

1. This policy applies to all employees and all individuals who serve as contractors to the Corporation. Depending on the extent of the exercise of control, this policy may be applied to the conduct of those who are not officers or employees or contractors of the Corporation with respect to illegal discrimination or illegal harassment of employees in the workplace.
2. The Corporation and this discrimination and harassment policy prohibit conduct that is illegal under State or federal law, including, but not limited to, the inappropriate forms of behavior described on page 2 of this policy.
3. Corporation Staff are responsible for ensuring a work environment free from unsolicited, unwelcome, and intimidating unlawful discrimination or harassment. These individuals must take immediate and, if authorized, appropriate corrective action when allegations of illegal discrimination or harassment come to their attention to assure compliance with this policy. Should staff not be authorized to take corrective action, the matter shall be referred to the individual or body, as the case may be, having that authority.
4. A person who is found to have committed an act of unlawful discrimination or harassment or other inappropriate behavior will be subject to disciplinary action in accordance with the provisions of State law, as may be appropriate. Additionally, retaliation against someone who has complained about prohibited discrimination or harassment is strictly prohibited, as is retaliation against an individual who cooperates with an investigation of a discrimination or harassment complaint. Any such retaliatory conduct is illegal and will result in disciplinary

action against the retaliator, if that person is an employee, or volunteer of the Corporation. Intimidation, coercion, threats, reprisals, or discrimination against any person for complaining about unlawful discrimination or harassment, as described in this policy is prohibited.

5. All employees will be held responsible and accountable for avoiding or eliminating the conduct prohibited by this policy. Individuals are encouraged to report violations of this policy to staff or to a member of the discrimination/harassment committee. This committee shall consist of staff and two members of the Corporation Board, to be appointed by the Corporation President should a violation come to the attention of any board member.

## **DEFINITIONS OF HARASSMENT**

### **A. VERBAL HARASSMENT:**

Abusive verbal language, including slurs; suggestive, derogatory, or insulting comments or and threats.

### **B. NONVERBAL HARASSMENT**

Abusive written language, leering or obscene gestures in the workplace such that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

### **C. PHYSICAL HARASSMENT**

Any physical contact which is not welcome, including touching, petting, pinching, coerced sexual intercourse, assault, or persistent brushing up against a person's body.

## **PROCEDURE**

1. Any employee is encouraged to report an incident of suspected illegal discrimination or harassment to corporation staff or to the discrimination/harassment committee soon as possible after the alleged incident. A victim does not have to be the opposite sex of the harasser. The harasser does not have to be the victim's immediate supervisor. The harasser could be an agent of a board member, a co-worker or even someone not on the payroll of the Corporation who might have occasion to appear at a work site or enter a Corporation building or facility. A victim of harassment does not necessarily have to be the person at who unwelcome conduct is directed. Such an individual could be someone who is affected by such conduct when it is directed towards another person, thereby creating a hostile work environment. Such conduct is unlawful and is prohibited by the Corporation and by this policy.
2. Should an employee believe that he or she has been discriminated against or harassed and would like guidance as to how to proceed in filing a complaint, that individual should review the Corporation's discrimination and harassment complaint procedure or contact any member of the discrimination/harassment committee for assistance.

3. Should an individual file a complaint, the procedures of the discrimination/harassment committee must be followed, including the time limit of 180 days. The procedures describe the steps to be taken when an individual has filed a complaint, detail the responsibilities of all involved parties, and provide the time frames for actions to be taken.
4. All complaints will be handled in a timely and confidential manner. In no event will information concerning a complaint be released by the Corporation to any third party or to anyone within Corporation government who is not directly involved with or in the investigation. A breach of this prohibition will result in disciplinary action.
5. The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident or incidents occurred. Confidentiality will be maintained throughout the investigatory process. The discrimination/harassment committee will also investigate cases in which a supervisor requests or requires assistance.
6. An individual who believes that he or she has been unjustly charged with illegal discrimination or harassment will be afforded every opportunity to offer and present information relevant to the complaint. Any such information will be confidential.
7. A person who participates in this procedure may do so without fear of retaliation. Retaliation against anyone who has filed a complaint under this policy is prohibited and may well be a violation of federal and State law. Any such retaliation will result in disciplinary action.
8. A person who is found to have committed an act of illegal discrimination or harassment will be subject to disciplinary action in accordance with the provisions State law, as may be appropriate.
9. Retaliation against any individual who has filed a harassment/discrimination complaint is also prohibited. Should a complaint of such retaliation be filed with the appointing authority for the position held by the alleged retaliator, it will be investigated and may potentially lead to disciplinary charges.
10. Nothing in this policy should be construed to limit an individual's existing right to file a complaint with the New York State Division of Human Rights or the U.S. Equal Employment Opportunity Corporation, or to take any legal action which he or she may deem advisable.

## **Albany CSO Pool Communities Corporation**

### **DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

#### **SECTION 1. STEP ONE**

- A. An aggrieved person, hereafter referred to as the complainant, will meet with the corporation staff to discuss an allegation of discrimination or harassment and may file a complaint of discrimination or harassment. If a complaint is filed, the staff shall send a signed complaint to the Board President who will form a discrimination/harassment committee. Should an individual feel uncomfortable raising an issue of alleged illegal discrimination or harassment with the staff, any other member of the discrimination/harassment committee may be approached. Verbal complaints may be handled informally.
- B. Any written complaint must be filed by a complainant within 10 days of an alleged act of discrimination or harassment. A prompt filing is recommended.
- C. The complainant may withdraw his or her complaint at any time by filing a notice in writing to the Corporation.

#### **SECTION 2. STEP TWO**

- A. When a written complaint is filed, the staff or committee member shall have 15 working days to try to resolve the allegation informally by 1) gathering and assessing the facts deemed necessary to resolve it; 2) meeting with the alleged abuser and the complainant separately; and 3) using whatever other methods deemed necessary or appropriate to attempt to resolve the complaint.
- B. Regardless of whether the complaint is written or verbal, if a resolution is achieved by a staff, he or she will prepare a statement that the complaint has been resolved. All parties must sign the statement, which shall be sent to the discrimination/harassment committee. The case will be considered closed.
- C. If a complaint is not resolved, it will be turned over to the discrimination/harassment committee. The committee will investigate the complaint, call witnesses to appear before the committee, and review any other evidence the committee feels credible and probative of the allegation or allegations. Notice of the complaint must be given to the accused, who shall also be afforded an opportunity to appear before the committee with or without counsel, if he or she so desires. The committee will have ten (10) working days to investigate the complaint and an additional ten (10) working days to render a decision.
- D. Written notice of the committee's decision will be given to both the complainant and the accused.

**Albany CSO Pool Communities Corporation**

**COMPLAINT OF ILLEGAL DISCRIMINATION OR HARASSMENT**

NAME OF COMPLAINANT:

\_\_\_\_\_

HOME PHONE: \_\_\_\_\_

WORK PHONE: \_\_\_\_\_

CELL PHONE: \_\_\_\_\_

DATE OF HIRE OR DATE BOARD SERVICE BEGAN: \_\_\_\_\_

STAFF: \_\_\_\_\_

NAME AND TITLE OF PERSON (S) COMPLAINED OF: \_\_\_\_\_

\_\_\_\_\_

NAME OF ANY WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE(S) OF INCIDENT(S): \_\_\_\_\_

DESCRIPTION OF  
INCIDENT(S): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ARE YOU STILL EMPLOYED BY OR SERVING ON THE BOARD OF THE CORPORATION?

\_\_\_\_ Y \_\_\_\_ N

ACTION YOU ARE SEEKING: \_\_\_\_\_

\_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**ALBANY CSO POOL COMMUNITIES CORPORATION**

**WITHDRAWAL OF DISCRIMINATION OR HARASSMENT COMPLAINT**

NAME OF COMPLAINANT: \_\_\_\_\_

DATE COMPLAINT WAS FILED: \_\_\_\_\_

NAME OF STAFF NOTIFIED: \_\_\_\_\_

I HEREBY WITHDRAW THIS COMPLAINT AND AGREE THAT NO FURTHER ACTION IS REQUIRED ON IT.

\_\_\_\_\_  
(Signature of Complainant)

\_\_\_\_\_  
(Date)

**ALBANY CSO POOL COMMUNITIES CORPORATION**

**ACKNOWLEDGEMENT OF RECEIPT OF COPY OF CORPORATION'S  
DISCRIMINATION AND HARASSMENT POLICY AND RECEIPT OF  
RELATED TRAINING**

I, \_\_\_\_\_, hereby acknowledge that I have been given a copy of the Corporation's policy on discrimination and harassment. I understand that I have the right to file a complaint alleging illegal discrimination or harassment by another, employee, volunteer, Corporationer or by someone employed by a contractor retained by the Corporation. I understand the procedures and the form for doing so are set forth in the Corporation's policy.

\_\_\_\_\_  
(signature of employee/board member)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
**Print name of employee/board member**