



<b>Title</b>	Equal Employment Opportunity (EEO) – Complaint & Investigation
<b>Guideline Number</b>	200-002b-SOP
<b>Responsible Office</b>	Human Resources
<b>Date Revised</b>	6/13/2011

## 1. Purpose

The SCA is committed to providing equal employment opportunities in accordance with applicable federal, state, and local laws. These laws also prohibit retaliation against any individual who exercises his or her right to be free of illegal discrimination and permit the retaliation itself to serve as the basis for a complaint or lawsuit.

The procedures below establish a process by which an applicant for employment or a current SCA employee who believes s/he has been the victim of a discriminatory act or practice in violation of federal, state, or local law or the equal opportunity policy of the SCA may seek appropriate recourse. In an effort to facilitate the prompt, thorough, and fair resolution of complaints of discrimination, these procedures are offered as a supplement to existing procedures provided by federal, state, and/or city laws.

## 2. Definitions

This section left intentionally blank.

## 3. Responsibilities by Role

### 3.1. President & CEO

- 3.1.1. The President & CEO of the SCA has ultimate responsibility for ensuring that EEO laws are observed and that appropriate EEO policies are developed and enforced.
- 3.1.2. The President & CEO shall appoint an EEO Officer.
- 3.1.3. The President & CEO shall develop EEO policies and plans to ameliorate unfair barriers in the SCA's recruitment, selection, compensation, training, and/or promotion processes. Corrective strategies shall be developed to eliminate any such barriers.
- 3.1.4. The President & CEO shall review all EEO complaint investigation findings and recommendations, and authorize action as appropriate.



### 3.2. Vice Presidents

3.2.1. Vice Presidents shall be accountable to the President & CEO for ensuring that professionals, managers, and supervisors participate in training in EEO laws, the SCA's Equal Employment Opportunity policies, and their managerial and supervisory responsibilities under these policies and procedures.

### 3.3. Managers/Supervisors

3.3.1. Managers and supervisors shall be accountable to Departmental Vice Presidents and shall cooperate with the EEO Officer in the discharge of his/her duties which include training, investigation, and resolution of complaints; and appropriate modification of relevant procedures to ensure equal employment opportunity for applicants and employees.

3.3.2. Managers and supervisors shall strive to create a work environment of equality of job opportunity. Managers and supervisors shall participate in training concerning the content and mandates of EEO laws, implementing the SCA's EEO policies, and carrying out managerial and supervisory responsibilities related to equal employment opportunity and respect for the diversity of all employees.

3.3.3. If an EEO-related complaint is reported to a manager or supervisor, s/he is obligated to report it to the EEO Officer and assist the EEO Officer or EEO Counselors in the investigation and resolution of the matter.

### 3.4. EEO Officer

3.4.1. The EEO Officer shall have primary responsibility for assisting the President & CEO, and/or his/her designees, to implement the SCA's EEO Policy. The EEO Officer shall have primary responsibility for the conduct of investigation, mediation, and resolution of complaints of unlawful discrimination, and the implementation of appropriate corrective strategies as required. The EEO Officer shall assist the President & CEO and Vice Presidents in setting and achieving training objectives, and shall provide information to the President & CEO and the Vice Presidents relevant to the development of appropriate anti-discrimination policies and strategies to support diversity in the SCA workplace.

3.4.2. The EEO Officer shall report directly to the Vice President, Administration, who shall ensure that the responsibilities of the EEO Officer are discharged competently. The person appointed as the EEO Officer may be assigned non-EEO related responsibilities; however, implementing the SCA's EEO policies and procedures shall be given priority among the duties of the EEO Officer.



### 3.5. EEO Counselors

3.5.1. EEO Counselors shall be recruited from the SCA's staff to provide greater access for employees who seek assistance or file complaints. These counselors shall be trained to discharge effectively their duties under the SCA's EEO Policy. EEO Counselors shall receive instruction concerning EEO laws and the requirements of the SCA's EEO policies and discrimination complaint procedures, and the proper manner by which to investigate and resolve discrimination complaints. The EEO Officer shall supervise the activities of the EEO Counselors and consult with the SCA's Vice President & General Counsel as appropriate.

### 3.6. Human Resources and EEO Professional

3.6.1. Each Human Resources and EEO professional is also responsible for ensuring equal opportunity, for applicants and employees, as required by the SCA's EEO Policy.

## 4. **Operating Guidelines**

### 4.1. When to File a Complaint

4.1.1. Federal, state and city laws prohibit the following types of discrimination based on actual or perceived membership in a protected group.

4.1.2. An employee or applicant for employment should consult with the SCA's EEO Officer or an EEO Counselor if s/he believes that s/he is being subjected to discrimination by a manager, supervisor, another employee, an independent contractor of the SCA or a City agency because of: age; alienage or citizenship status; color; disability; gender (which includes gender identity and a person's actual or perceived sex); genetic predisposition or carrier status; marital status; military status; national origin; partnership status; prior record of arrest or conviction; actual or perceived race; religion or creed; sexual orientation; or status (actual or perceived) as a victim of domestic violence, sexual offenses, or stalking.

4.1.3. An employee or applicant should follow the same procedure if s/he believes s/he has been sexually or otherwise harassed on any of the above listed bases by a manager, supervisor, other employee, or an independent contractor of the SCA or a City agency.

4.1.4. If an employee or employment applicant believes s/he is being harassed or retaliated against because s/he: (1) consulted with the EEO Officer or an EEO Counselor; (2) filed a discrimination complaint; or, (3) cooperated in the investigation of a complaint, s/he is encouraged to report this behavior to the EEO Officer or an EEO Counselor for investigation and further action.

4.1.5. The EEO Officer or Counselor shall assist the complainant to determine whether the issue s/he has raised is appropriate for resolution through the complaint process. There shall be no retaliation against employees for consulting with the EEO Officer or a Counselor about a suspicion of discrimination or for filing a complaint or cooperating in an investigation.



4.1.6. Discrimination which may be unlawful may involve, but is not limited to, the following activities:

4.1.6.1. Discriminatory treatment of employees or applicants in hiring, testing, work assignments, working conditions, salary and benefits, evaluation, promotion, training, transfer, discipline, termination, and any other term and condition of employment;

4.1.6.2. policies that have a disproportionate impact on a group protected by law, unless they are justified by business necessity;

4.1.6.3. failure to make a reasonable accommodation for an employee with a disability, or for an employee's religious observance; or

4.1.6.4. discriminatory harassment, intimidation, ridicule, or insults.

4.1.7. Employees who have experienced conduct that they believe is contrary to the SCA's EEO Policy have an obligation to take advantage of this complaint procedure. Please remember, the SCA cannot resolve issues that are not brought to its attention.

#### 4.2. Where to File an Internal Complaint or Seek Assistance with an EEO Matter

4.2.1. EEO Officer  
NYC School Construction Authority  
30-30 Thomson Avenue  
Long Island City, N.Y. 11101-3045  
(718) 472-8155

or:

SCA EEO Counselors (Section 7. of this document)

#### 4.3. Meeting with the EEO Officer, Counselor, or Discrimination Complaint Investigator

4.3.1. Any person who has a question or problem related to SCA's EEO Policy or wants to file a complaint of unlawful discrimination should contact any of the persons listed in Section 7. of this document.

4.3.2. An employee may consult with any SCA EEO Counselor and is not limited to an EEO Counselor who works in the employee's particular department, division, or work location.

4.3.3. All complaints of discrimination filed with any EEO Counselor shall be forwarded to the EEO Officer.



- 4.3.4. An employee has the right to meet privately with the EEO Officer or Counselor during work hours; however, the employee shall obtain approval for leaving his/her work assignment. An employee need not disclose to a supervisor the details or the purpose of the meeting with the EEO Officer or Counselor. Reasonable requests to meet with the EEO Officer or Counselor during work hours shall not be denied by supervisors. Managers and supervisors shall allow employees to meet with the EEO Officer or Counselor at the earliest practicable time consistent with the operational needs of their units.
- 4.3.5. The EEO Officer or Counselor shall arrange to meet with an employee at outside premises where necessary to ensure confidentiality. At the employee's request, arrangements may also be made to hold the meeting before or after work hours or during the employee's lunch period.
- 4.3.6. An employee or applicant may bring a representative of his or her choice to the meeting, provided advance notice is given to the EEO Officer or Counselor.
- 4.3.7. In addition, a person who requires a sign language interpreter or alternative form of effective communication for a meeting concerning an EEO matter may request that the EEO Officer make appropriate arrangements.

#### 4.4. Anonymous Complaints

- 4.4.1. A person who wants to discuss a problem concerning discrimination without revealing his/her identity may do so by telephoning or writing the EEO Officer or Counselor. In such cases, the EEO Officer or Counselor will provide counseling and take such follow-up actions as may be appropriate given the constraints of anonymity.
- 4.4.2. Anonymous complainants should be aware that it may be necessary for the EEO Officer or Counselor to investigate alleged discriminatory behavior and take or recommend action to remedy unlawful behavior on behalf of the SCA, even if the complainant wishes to withdraw his/her complaint.

#### 4.5. Confidentiality

- 4.5.1. All EEO matters will be handled under the supervision of the EEO Officer in consultation with the Vice President & General Counsel as appropriate.
- 4.5.2. The EEO Officer shall treat complaints and other information provided by employees confidentially, to the extent possible. Information obtained from a person who seeks the assistance of the EEO Officer or an EEO counselor will not be discussed with other personnel except as necessary to investigate and resolve a complaint or other matter.

#### 4.6. Services Available from the EEO Officer & EEO Counselors

- 4.6.1. The EEO Officer and Counselors will interview the person seeking assistance or filing a complaint to determine whether the person seeks counseling, mediation, or wants to file a: (a) written internal complaint of unlawful discrimination for investigation by the EEO Officer or EEO Counselor; and/or (b) formal complaint with an external administrative agency.



- 4.6.2. The EEO Officer and Counselors are also responsible for arranging sign language interpreters and alternate forms of effective communication for persons with disabilities to facilitate access to EEO services.
- 4.6.3. Counseling – The EEO Officer or Counselor will discuss with the person seeking assistance various options for handling the matter involved. These options may include further actions that the employee may take on his or her own behalf or other informal assistance from the EEO Officer. The EEO Officer or Counselor shall also inform the person seeking assistance of his/her rights with respect to filing complaints of unlawful discrimination with city, state or federal regulatory agencies.
- 4.6.4. Mediation – Mediation is a voluntary dispute resolution process. If an employee seeking assistance identifies another individual(s) as a party to the alleged unlawful discrimination, s/he may file a written request for mediation (see the [Request for Mediation Form 200-002-FRM-03](#)). Mediation may be declined by any of the parties involved in the complaint.
  - 4.6.4.1. When a request for mediation is made, the EEO Officer, serving as Mediator, shall attempt to assist the parties involved in resolving the matter in dispute. The EEO Officer shall consult with the person who filed the request, the person named in the request, and other parties as appropriate.
  - 4.6.4.2. If the parties agree to a resolution of the situation, the EEO Officer shall prepare a written mediation report detailing the proposed resolution for review by the President & CEO. If the proposed resolution is authorized by the President & CEO, the mediation report shall be signed by all parties and copies given to them.
  - 4.6.4.3. A request for mediation may be withdrawn at any time by the requesting party. Similarly, any party necessary to ongoing mediation may withdraw from further participation at any time. In such event, the EEO Officer shall inform all parties, in writing, of the termination of the mediation effort, but shall not disclose the identity of the withdrawing party.
  - 4.6.4.4. The EEO Officer may terminate the mediation process if s/he deems that the effort has been unproductive. In such event, the EEO Officer shall provide the parties with a written statement confirming the termination of mediation and informing the person who sought mediation of the right to file a formal complaint of discrimination internally in accordance with the SCA discrimination complaint operating guidelines and/or externally with city, state, and/or federal regulatory agencies.

#### 4.7. Investigation of Complaints

- 4.7.1. A person may initiate an internal SCA formal complaint of unlawful discrimination by filing a written [Complaint of Discrimination form \(200-002-FRM-02\)](#) with the EEO Officer within the time frame established by the statute of limitations governing the events which are the subject of the complaint.
- 4.7.2. Requests for reasonable accommodation are not subject to any time limitations.



- 4.7.3. The EEO Officer may determine that another form of communication, such as a telephone call or letter, should be handled as a formal internal complaint. In such event, or when a person who has a disability which precludes his/her completion of the complaint form seeks to file a complaint, the EEO Officer shall complete a Discrimination Complaint form.
  - 4.7.4. A [Complaint of Discrimination form](#) shall also be completed by the EEO Officer when s/he initiates an investigation on his/her own initiative.
  - 4.7.5. If the EEO Officer receives a complaint of unlawful discrimination that alleges that the President & CEO has engaged, or is engaging, in unlawful discriminatory conduct, the EEO Officer shall bring the matter to the attention of the SCA Board of Trustees.
  - 4.7.6. A complaint of unlawful discrimination which alleges that the EEO Officer has engaged, or is engaging, in unlawful discriminatory conduct should be made directly to the Vice-President & General Counsel.
  - 4.7.7. An investigation shall be conducted by the EEO Officer, an EEO Counselor or other person, as appropriate, acting under the direction of the EEO Officer.
  - 4.7.8. In appropriate cases, the investigation shall be conducted in conjunction with the Vice President & General Counsel.
  - 4.7.9. Any person who is interviewed in the course of an investigation of a complaint of discrimination shall have the right to be accompanied by a representative of their choice.
  - 4.7.10. Any person who has been named as the respondent in a complaint of discrimination shall receive a copy of the complaint and have the opportunity to respond in writing.
  - 4.7.11. The EEO Officer shall submit a confidential written report of the investigation to the President & CEO through the Vice President, Administration.
  - 4.7.12. If the EEO Officer or other investigating official concludes, on the basis of the investigation, that a violation of antidiscrimination laws or the SCA's EEO Policy has occurred, s/he shall recommend appropriate corrective action.
  - 4.7.13. The President & CEO shall review the EEO Officer's report and authorize any corrective action that s/he deems appropriate.
  - 4.7.14. The EEO Officer shall advise all parties in writing of the outcome of the complaint.
- 4.8. Discipline and Other Corrective Action
- 4.8.1. The President & CEO shall review the EEO Officer's report and authorize any corrective action that s/he deems appropriate.
  - 4.8.2. Corrective action may include disciplinary measures against any party found to have violated anti-discrimination laws or the SCA's EEO Policy.



- 4.8.3. Corrective action in the form of disciplinary measures such as formal reprimand, suspension, probation, transfer, demotion, fine, or termination shall be taken in accordance with applicable provisions of law, rules and regulations, and collective bargaining agreements.
- 4.8.4. Corrective action may include measures necessary to address any adverse impact that unlawful discriminatory conduct or violation of law or the SCA EEO Policy has had on the complainant.

#### 4.9. Withdrawing Complaints of Discrimination

- 4.9.1. A complaint of discrimination may be withdrawn at any time by the complainant. In most cases, this action will terminate the investigation.
  - 4.9.1.1. However, prior to making a determination to end the investigation, the EEO Officer shall assess whether evidence has been found which requires the SCA to take corrective action to prevent or eliminate unlawful discrimination.
  - 4.9.1.2. If such evidence exists, the EEO Officer shall continue the investigation until s/he is prepared to recommend whether the SCA should take corrective action.
  - 4.9.1.3. The EEO Officer shall notify the respondent in writing that the complainant has withdrawn the complaint and notify all parties that the investigation is continuing or has been terminated.

#### 4.10. Filing a Complaint With an External Regulatory Agency

- 4.10.1. Any person who believes that s/he has suffered unlawful discrimination has a right to file a formal complaint with federal, state or local agencies, some of which are listed below.
- 4.10.2. A person does not waive this right when s/he files a discrimination complaint internally with the SCA EEO Officer. The following federal, state, and local agencies enforce laws against discrimination:
  - 4.10.2.1. New York City Commission on Human Rights  
40 Rector Street  
New York, N.Y. 10006  
212-306-7500  
800-421-1220 (NY Relay Service English)  
877-662-4886 (NY Relay Service Spanish)  
[www.nyc.gov/cchr](http://www.nyc.gov/cchr)
  - 4.10.2.2. New York State Division of Human Rights  
55 Hanson Place, Room 304  
Brooklyn, New York 11217  
718-722-2856  
718-741-8300 (TTY)  
[www.dhr.state.ny.us](http://www.dhr.state.ny.us)



4.10.2.3. United States Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street, 5th Floor  
New York, NY 10004  
212-336-3620  
800-669-6820 (TTY)  
[www.eeoc.gov](http://www.eeoc.gov)

4.10.2.4. In addition to filing with the agencies listed above, a person alleging unlawful discrimination based on a disability may file a complaint with:

United States Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section - NYA  
Washington, DC 20530  
800-514-0301  
800-514-0383 (TTY)  
[www.ada.gov](http://www.ada.gov)

*There are statutory deadlines for filing complaints with each of these external regulatory agencies. The deadline in some instances is as short as 180 days. Therefore, if you believe you have been discriminated against and wish to file a complaint with an external agency, to preserve your rights, promptly contact the City Commission on Human Rights, the State Division of Human Rights, the EEOC, the Department of Justice, or a private attorney for further guidance.*

## 5. **Related Policies and Operating Guidelines**

- 5.1. 200-002-POL – Equal Employment Opportunity (EEO) Policy
- 5.2. 200-002a-SOP – EEO Reasonable Accommodation for Disabilities Operating Guidelines

## 6. **Web Address for Operating Guidelines**

TBD



7. **Contacts**

<b>Title</b>	<b>Department</b>	<b>Phone</b>
Louise Nicolazzi-Shapiro EEO Officer	Human Resources	718-472-8215
Joseph Akkerman EEO Counselor	A/E In-House Design Studio	718-472-8624
Cynthia Brooks-Richardson EEO Counselor	A/E Design Consultant Management Studio	718-472-8089
Susie Drayton EEO Counselor	Administrative Services	718-472-8828
Sarah Sinclair EEO Counselor	Pre-Qualification	718-472-8326
Andreana Mirabella EEO Counselor	Human Resources	718-472-8058

8. **Forms**

- 8.1. [200-002-FRM-02 – Complaint of Discrimination](#)
- 8.2. [200-002-FRM-03 – Request for Mediation](#)



NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY  
COMPLAINT OF DISCRIMINATION

Name \_\_\_\_\_

Title \_\_\_\_\_

Division \_\_\_\_\_

Supervisor \_\_\_\_\_

---

What is the alleged basis of discrimination? (Check all that apply.)

Age \_\_\_\_\_ Alienage/Citizenship \_\_\_\_\_ Color \_\_\_\_\_ Disability \_\_\_\_\_ Gender \_\_\_\_\_

Genetic Predisposition or Carrier Status \_\_\_\_\_ Marital Status \_\_\_\_\_ Military Status \_\_\_\_\_

National Origin \_\_\_\_\_ Partnership Status \_\_\_\_\_ Prior Record of Arrest/Conviction \_\_\_\_\_

Actual or Perceived Race \_\_\_\_\_ Religion/Creed \_\_\_\_\_ Sexual Orientation \_\_\_\_\_

Status as a Victim of Domestic Violence, a Sexual Offense or Stalking \_\_\_\_\_

Sexual Harassment \_\_\_\_\_ Retaliation \_\_\_\_\_

---

Please answer all of the following questions. Attach additional pages if necessary.

1. Name, title, and division of the person you believe discriminated against you.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



2. Date(s) on which the discriminatory action took place.

---

---

3. Place where the discriminatory action took place.

---

---

4. Were there witnesses to the discrimination? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please complete the attached sheet marked "Witnesses."

5. Did you report the incident(s) to anyone? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, please provide the name, title, and division of the person(s) to whom you reported the event(s) that are the subject of this complaint.

---

---

---

6. Have you filed a complaint of discrimination with any of the following agencies?

Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, please provide the date your complaint was filed and the complaint number issued by the receiving organization.

New York City Commission on Human Rights Date Filed \_\_\_\_\_ Complaint # \_\_\_\_\_

New York State Division of Human Rights Date Filed \_\_\_\_\_ Complaint # \_\_\_\_\_

United States Equal Employment Opportunity Commission Date Filed \_\_\_\_\_ Complaint # \_\_\_\_\_

United States Department of Justice Date Filed \_\_\_\_\_ Complaint # \_\_\_\_\_

Other Date Filed \_\_\_\_\_ Complaint # \_\_\_\_\_



7. Describe the action(s) or behavior that you believe is unlawful discrimination, including how other persons were treated differently. This statement may be amended to correct mistakes or omissions.

---

---

---

---

---

---

---

---

8. What corrective action(s) do you want taken to address this matter?

---

---

---

---

---

---

---

---

I certify that I have read the above charge and that it is true to the best of my knowledge, information and belief. I have read the SCA policy concerning my rights to file a complaint with federal, state, and local civil rights enforcement agencies.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant's Signature



## NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY

### WITNESSES

Complainant's Name \_\_\_\_\_

Division \_\_\_\_\_

### WITNESSES

Please list the name, title, and divisions of any witnesses to the discriminatory actions/incident.

Name

Title

Division

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



## NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY

### REQUEST FOR MEDIATION

**Believing that I have a valid complaint of discrimination and desiring to resolve that complaint, if possible without resorting to formal investigation, I respectfully request that the SCA EEO Officer attempt to mediate my complaint in accordance with the SCA EEO Complaint and Investigation Procedures and the guidelines implementing those procedures.**

\_\_\_\_\_  
Name of Complainant

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

Witnessed by:

\_\_\_\_\_  
Name of EEO Officer

\_\_\_\_\_  
Signature of EEO Officer

\_\_\_\_\_  
Date