

## **Orleans County Microenterprise Assistance Program Grievance Procedure for Title IX, Section 504, and Other Discrimination and Harassment Complaints**

This procedure will be used by the Orleans County Microenterprise Assistance Program (the “Program”) for the processing of student and employee complaints of discrimination or harassment based on race, sex, color, religion, creed, national origin or ancestry, age, marital status, sexual orientation, gender identity, gender expression, disability, military status, or other protected status.

### **I. Statement on Non-Discrimination and Non-Harassment**

The Program is committed to maintaining an educational and working environment free from discrimination and harassment and in which no student or employee is excluded from participation in or denied the benefits of the Program as a result of race, sex<sup>1</sup>, color, religion, creed, national origin or ancestry, age, marital status, sexual orientation, gender identity, gender expression, disability, military, or other protected status.

If any student or employee of the Program feels that he or she has been subject to discrimination or harassment on any of the above bases by other students, employees, or others, he or she may use this Grievance Procedure to bring the concerns to the attention of the Program’s Title IX Coordinator for the purpose of obtaining a prompt and equitable resolution.

### **II. Step 1: Informal Discussion**

A student or employee (referred to as the “complainant”) who feels that he or she has been subject to discrimination or harassment as outlined above should bring the matter to the attention of the Title IX Coordinator. The Orleans County Microenterprise Business Coordinator serves as the Program’s Title IX Coordinator and can be reached at:

Microenterprise Business Coordinator and Title IX Coordinator  
Orleans County Local Development Corporation  
121 North Main Street  
Albion, New York 14411  
(585) 589-7060, ext. 101

The complainant should contact the Title IX Coordinator, either verbally or in writing, as soon as possible after the alleged unlawful conduct, preferably within 30 days.

Within 15 days after the complainant contacts the Title IX Coordinator, the Title IX Coordinator will attempt to resolve the matter through informal discussion with the complainant and the individual(s) accused of unlawful conduct. As part of this process, the Title IX Coordinator may conduct a meeting with all involved parties, but in cases of sexual assault, sexual misconduct, or

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<sup>1</sup> Sex discrimination includes unfair treatment based on sex/gender or pregnancy, sexual harassment, sexual assault, sexual misconduct, and sexual violence.

sexual violence or other sensitive cases, the complainant shall not be required to attend a meeting with the accused individual(s).

### **III. Step 2: Formal Grievance, Investigation, and Report to the CEO**

If the matter is not satisfactorily resolved at Step 1, the complainant may file a formal grievance. The grievance must be in writing and must be filed within 15 days of the close of Step 1 by regular mail or personal delivery to the office of the Title IX Coordinator at the address noted above. The grievance must detail the alleged unlawful conduct.

Upon the filing of the grievance, the Title IX Coordinator or his or her designee will conduct an investigation. The investigation may include interviews of the parties involved, interviews of witnesses, and gathering of any other relevant information.

Within 30 days after the formal grievance is filed, the Title IX Coordinator will complete a written report detailing the results of his or her investigation and deliver the report to the CEO of the Orleans County Local Development Corporation (the "CEO"). The report will detail the allegations made by the complainant, the witnesses interviewed and information received and considered in the course of the investigation, and Title IX Coordinator's factual findings.

The report will also set forth the Title IX Coordinator's recommendations, based on the evidence gathered in the investigation, as to whether any unlawful conduct has occurred and, if appropriate, the corrective and/disciplinary action(s) to be taken. Recommendations as to corrective and/or disciplinary action will be based on the severity, frequency, and duration of the unlawful conduct and the totality of the circumstances.

The CEO shall review the report and make a final determination within 15 days after the Title IX Coordinator issues his or her report as to whether any unlawful conduct has occurred and any corrective and/or disciplinary action(s) to be implemented. The final decision shall be in writing and shall be delivered to the Title IX Coordinator and the complainant.

### **IV. Step 3: Appeal to the Board**

Any party who is not satisfied with the outcome of Step 2 may proceed to Step 3 by presenting a written appeal to the Board of Directors of the Orleans County Local Development Corporation (the "Board"). The appeal must be filed within 15 days after the CEO issues his or her final decision under Step 2 by mailing or personally delivering the written appeal to:

Chairman of the Board of Directors  
c/o Orleans County Local Development Corporation  
121 North Main Street  
Albion, New York 14411

The Board or its designee(s) may, but is not required to, meet with the complainant to discuss the appeal. The Board will issue a decision on the appeal within 20 days of receiving the appeal.

**V. General Provisions**a. Confidentiality and Privacy

The Title IX Coordinator and the Program will strive to ensure the complainant's privacy and maintain the confidentiality of all activities under this Grievance Procedure, to the extent feasible in investigating and resolving the matter.

b. False Reports

The program will not tolerate intentional false reports. Employees who make false reports will be subject to disciplinary action, up to and including termination of employment. Students who make false reports may be removed from the Program.

c. Retaliation Prohibited

The Program prohibits and will not condone retaliation against any person either for alleging unlawful discrimination or harassment in good faith or for participating in these grievance procedures, whether as a complainant or witness. Any person who believes he or she has been retaliated against in violation of this prohibition may make a report of retaliation to the Title IX Coordinator or the CEO.

d. Complainant's Rights

This procedure in no way denies the right of the complainant to file a formal complaint with the New York State Division of Human Rights, the Office for Civil Rights, the Equal Employment Opportunity Commission, or other agencies available for mediation or rectification of discrimination and harassment grievances, or to seek private counsel.

e. Standard of Evidence

At all levels of this Grievance Procedure, the Program shall apply a preponderance of the evidence standard. A preponderance of the evidence means that it is "more likely than not" that unlawful conduct occurred.