

NonDiscrimination AND Anti-Harassment Policies AND Complaint Procedures 2013–14

Inquiries About Policy

TC Westcott

*Vice President for Finance, Administration &
Treasurer/Equal Opportunity Officer*

The Cooper Union
for the Advancement of Science and Art

Business Office
30 Cooper Square, 7th Floor
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Tel. 212.353.4150

**NonDiscrimination and Anti-Harassment Policies
and Complaint Procedures**

The Cooper Union's Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer has overall responsibility for the management of the College's Equal Opportunity and NonDiscrimination Policies and has been designated to coordinate compliance activities under these policies and applicable federal, state and local laws. Students, faculty, and staff may contact the Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer, Human Resources Manager, Dean of Students or their Academic Dean to inquire about their rights under the College's policies, request counseling, or seek information about filing a complaint.

Complaints by students against students are governed by the College's Code of Fair Practice and Student Equal Educational Opportunity and NonDiscrimination and Anti-Harassment policies. Complaints by students against faculty or other college employees are governed by the Student Equal Educational Opportunity and NonDiscrimination and Anti-Harassment Policies.

Complaints by faculty and other employees are governed by the Equal Employment Opportunity and NonDiscrimination and Anti-Harassment Policies, published in the Staff Handbooks. Links to those policies are available at: <http://www.cooper.edu/hr>. Faculty and bargaining unit staff may also refer to their collective bargaining agreements.

All students, faculty and other employees are protected from retaliation for filing a complaint or assisting in an investigation under the NonDiscrimination and Anti-Harassment Policies. The College's policies apply to all students, faculty, other employees, and applicants for admission and employment, and all such persons are protected from coercion, intimidation, interference, or retaliation for filing an internal or external complaint of discrimination or harassment or assisting in an investigation under any of the above-named policies and applicable laws.

**Student Equal Educational
Opportunity And NonDiscrimination
And Anti-Harassment Policies**

The Cooper Union is committed to providing a learning environment free from unlawful discrimination and harassment and to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all of its members. Consistent with this commitment and with applicable laws, it is the policy of The Cooper Union not to tolerate unlawful discrimination or harassment in any form and to provide students who feel that they are victims of discrimination or harassment with mechanisms for seeking redress.

Continuing its long-standing policy to support actively equality of opportunity for all persons, The Cooper Union does not discriminate on the basis of age, race, religion, sex, color, sexual orientation, national and ethnic origin, nor does it

discriminate against qualified persons with disabilities or any other legally protected characteristic, in the administration of its admission and educational policies or scholarship, loan, athletic and other school-administered programs. Rather, The Cooper Union affirms that it admits students regardless of their age, race, religion, sex, color, handicap or disability, sexual orientation, ethnicity, national origin or any other legally protected characteristic and thereafter accords them all the rights and privileges generally made available to students at the school.

Consistent with The Cooper Union's policy of supporting cultural diversity, no student shall be refused admission to or be dismissed from The Cooper Union solely because he/she is unable to participate in any examination, study, or work requirement due to his/her religious observances and practices. It is the intent of The Cooper Union to reasonably accommodate an individual student's religious obligations and practices without penalty, based on good faith, effort and due notice to those relevantly concerned of the anticipated religious observance date. It is the student's obligation to provide prior notice of anticipated absences. Students absent due to religious observances and practices will be given an opportunity to make up any examination, study, or work requirement missed, without penalty. The College also modifies policies, practices, and procedures for, and grants reasonable accommodations and provides auxiliary aids and services to students with disabilities in accordance with the law.

Discriminatory harassment and sexual harassment pose a direct threat to the right of every member of The Cooper Union community to be treated respectfully. Students, professors, staff, and administrators share an obligation to maintain an environment in which members of the community are free to pursue and to promote learning, scholarly inquiry, and artistic achievement without harassment. The harassment of any student is unacceptable and will not be tolerated at The Cooper Union.

Nothing in this policy shall abridge academic freedom or the College's educational mission. Prohibitions against discrimination and harassment do not extend to statements or written materials that are germane to the classroom subject matter.

Definitions

For purposes of these policies and procedures, discrimination, discriminatory harassment, and sexual harassment are defined as follows:

Discrimination

Discrimination is defined as:

- Treating members of a protected class less favorably because of their membership in that class;
- Having a policy or practice that has a disproportionately adverse impact on protected class members, without sufficient justification; or
- Failing to reasonably accommodate, modify policies, practices, or procedures, or provide appropriate auxiliary aids and services to students with disabilities.

"Protected class" refers to any personal trait or category that is protected by law, including an individual's race, religion, sex, color, ethnicity, national origin, age, marital status, creed, genetic predisposition and carrier status, sexual orientation, alienage, citizenship status, veteran status, disability, or any other characteristic protected by law.

Discriminatory Harassment

Discriminatory harassment is defined as substantially interfering with an individual's educational or college living experience by subjecting him or her to severe or threatening conduct or to repeated humiliating or abusive conduct, based on his or her membership in a protected class. This includes sexual harassment, which is described below in further detail.

Under this policy, harassment is verbal or physical conduct that belittles or shows hostility or aversion toward an individual because of his or her race, religion, sex, color, ethnicity, national origin, age, marital status, creed, genetic predisposition and carrier status, sexual orientation, alienage, citizenship status, veteran status, disability, or any other characteristic protected by law, or that of his or her relatives, friends, or associates, and that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;
- Has the purpose or effect of unreasonably interfering with an individual's academic performance; or

- Otherwise adversely affects an individual's academic experience.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; and written or graphic material that belittles or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on The Cooper Union premises or circulated in the school (including through e-mail).

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, demeaning, or offensive academic, work or college living environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted

sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment—that is, harassment not involving sexual activity or language—may also constitute discrimination if it is severe or pervasive and directed at an individual because of his or her sex.

Truly consensual romantic relationships are not sexual harassment and are not prohibited by The Cooper Union's policies. Individuals should be aware, however, that romantic relationships are susceptible to being determined after the fact to have been nonconsensual, and even coercive, whenever there is an inherent power differential between the parties. Therefore, any such relationship between a faculty or staff member and a student is strongly discouraged.

Requests for Disability Accommodation

Students seeking reasonable accommodations, modifications to policies, practices, or procedures, and/or auxiliary aids and services for a disability should contact the Dean of Students (ideally at least six weeks before the beginning of the semester). Such requests may also be given to the Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer.

Inquiries About Policy

Inquiries concerning any policy, program or other activity at The Cooper Union may be referred to the following individual who has been designated by The Cooper Union to oversee the continued application of the School's NonDiscrimination and Anti-Harassment Policies:

TC Westcott

*Vice President for Finance, Administration
& Treasurer/Equal Opportunity Officer*

The Cooper Union
for the Advancement of Science and Art
Business Office
30 Cooper Square, 7th Floor
New York, NY 10003

Tel. 212.353.4150

Procedures for Students with Concerns or Complaints About Discrimination and Harassment and Non-Retaliation Policy

All members of the College community are expected to adhere to the College's policies and to cooperate with the procedures for responding to complaints of discrimination and harassment. All are encouraged to report any conduct believed to be in violation of these policies. It is in the best interest of the entire Cooper Union community for students to report incidents of discrimination and harassment. All students and applicants for admission are protected from coercion, intimidation, interference, or retaliation for filing a complaint or assisting in an investigation under any of the applicable policies and laws. Subjecting

another to retaliatory, intimidating or coercive conduct for filing a complaint or participating in an investigation is prohibited and may be addressed as a separate violation.

Any person who believes that he or she has been the subject of discrimination or harassment may initially choose to deal with the alleged offender directly through a face-to-face discussion, a personal telephone conversation, e-mail correspondence, or letters. In many cases, this may effectively resolve the situation; however, individuals are not required to address the alleged offender directly. Such an approach may be ineffective in correcting the problem, or an individual may be uncomfortable in handling the situation alone. All students are strongly urged to promptly report concerns of discrimination and harassment under the procedures outlined below.

Formal Complaint Procedures for Students

Students who wish to make a formal complaint may do so in accordance with the procedures set forth below.

Complaints About Other Students

The harassment of any student is unacceptable and will not be tolerated at The Cooper Union. It is in the best interest of the entire Cooper Union community for students to report incidents of discrimination and harassment. Any student who believes he or she has been subjected to harassment by another student should submit a complaint, if possible in writing, to the Vice President for Finance, Administration &

Treasurer/Equal Opportunity Officer, the Dean of Students or his or her Academic Dean. The College will then designate the appropriate person to address the complaint. After a complaint is made, it will be investigated and an attempt will be made to resolve the matter as amicably and privately as possible. The penalties of expulsion, suspension, dismissal, warning, probation, or loss of privileges can be meted out to the offending student in the College's discretion and as the College deems appropriate. The matter may be referred to the Student Judicial Committee, in accordance with the procedures set forth in the Code of Fair Practice.

Complaints About Faculty And Employees

The Cooper Union has established separate procedures to handle student complaints about harassment and discrimination imposed on students by faculty or staff.

Sexual harassment, whether it imposes a requirement of sexual cooperation as a condition of academic achievement or not, is inimical to the College's academic environment. Harassment and discrimination on the basis of race, religion, national origin, sex, disability, and/or sexual orientation and any other characteristic protected by law are also prohibited. Student complaints about harassment by staff or faculty should be filed with the Dean of Students, the Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer, or the Academic Dean.

The Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer will investigate, or will appoint an investigator to investigate the matter and try to resolve the matter as amicably and privately as possible. If this effort is not successful and if the Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer or the President deems it appropriate under the circumstances, a Hearing Board may be appointed by the President to review the complaint, conduct any additional investigation deemed appropriate, and make recommendations to the President.

A Hearing Board is typically comprised of an Academic Dean, a faculty member, and an elected student representative, all from schools other than that of the complainant, although the College retains discretion to alter the composition of a Hearing Board as it deems appropriate.

In resolving any matter, the College retains discretion to take any remedial action it deems appropriate, including, without limitation, warning, demotion, transfer, suspension, training and termination.

Complaints against persons represented by a labor organization will be handled in a manner that is consistent with the applicable collective bargaining agreement.

Complaints About Third Parties

Student complaints of discrimination or harassment by third parties (e.g., visitors to the school or contractors working on

school premises) may be filed in the same manner as complaints about faculty and employees and will be governed by the same procedures.

Independent Investigation and Review by Trustees

The Cooper Union, in its discretion, may conduct an investigation independent of or in addition to the procedures outlined above, at any time. In addition, although the Board of Trustees will not typically be involved in the receipt, investigation and remediation of complaints of discrimination and harassment, the Board of Trustees or a committee authorized by the Chairman of the Board of Trustees is authorized to modify the procedures herein as it deems appropriate under the circumstances, and to take remedial action as it deems appropriate.

At the conclusion of the investigation under any of the procedures set forth above, the complaining party and the accused party will be notified of the outcome of the investigation. Students with questions as to the appropriate procedure in a particular situation should contact the Dean of Students, the Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer, or their Academic Dean.

Non-Retaliation

Retaliation against students who complain about perceived discrimination or harassment is strictly prohibited. Complaints of retaliation will be investigated and treated as violations of the College's NonDiscrimination and Anti-Harassment Policy.

Compliance with Laws Promoting Equal Educational Opportunity and Prohibiting Discrimination and Harassment

In accordance with all applicable laws and pursuant to its own policies and operating procedures, The Cooper Union provides for equal opportunity and prohibits unlawful discrimination and harassment. The applicable laws include:

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination against any person on the basis of race, color, or national origin in programs or activities receiving federal financial assistance.

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination against any person because of race, color, sex, religion, pregnancy or national origin in connection with employment.

Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of sex in the conduct or operation of a school's educational programs or activities, including admission to these programs and activities.

Section 504 of the Rehabilitation Act of 1973, prohibits the exclusion of any person solely on the basis of a disability from participation in or access to benefits of any federally financed program or activity; it also prohibits discrimination against any person solely on the basis of disability in any federally financed program or activity.

The Americans with Disabilities Act of 1990, amended by Congress in 2008, prohibits discrimination against persons with disabilities in public accommodations.

The Age Discrimination Act of 1975, prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.

The New York Executive Law, Article 15, Section 296(4), prohibits an educational institution from denying the use of its facilities to anyone otherwise qualified or permitting harassment of a student or applicant on the basis of color, race, religion, disability, national origin, sexual orientation, military status, sex, age, and marital status.

Policy and Procedures for Faculty and Staff

The New York Education Law, Section 313, as amended, prohibits educational institutions from discriminating against persons seeking admission as students to any institution, program, or course because of race, color, sex, religion, creed, marital status, age, sexual orientation, or national origin.

The New York City Human Rights Law, Section 8-107, prohibits discrimination on the basis of actual or perceived race, creed, color, national origin, age, gender (including gender identity and expression), disability, marital status, partnership status, sexual orientation, or alienage or citizenship status in public accommodations.

Any person wanting to file an external complaint under any of these laws should consult the Web site of the relevant government agency listed below:

**Office of Civil Rights,
U.S. Department of Education**
<http://www.ed.gov>

New York State Division of Human Rights
<http://www.dhr.state.ny.us>

New York City Commission on Human Rights
<http://www.nyc.gov/html/cchr/home.html>

Faculty and Staff Equal Employment Opportunity and NonDiscrimination and Anti-Harassment Policies

The Cooper Union is an equal opportunity employer and is committed to providing a working and learning environment free from unlawful discrimination and to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all of its members. The College does not discriminate against or permit harassment of employees or applicants for employment on the basis of race, color, sex, gender (including gender identity and expression), pregnancy, religion, creed, national origin, age, alienage and citizenship, status as a perceived or actual victim of domestic violence, disability, marital status, sexual orientation, military status, partnership status, genetic predisposition or carrier status, arrest record, or any other legally protected status.

Sexual harassment is strictly prohibited. Harassment on the basis of any other protected characteristic is also strictly prohibited.

The Cooper Union reasonably accommodates employees and applicants with disabilities and also provides reasonable accommodation of religious beliefs and practices in accordance with law.

Nothing in these policies shall abridge academic freedom or the College's educational mission. Prohibitions against discrimination and harassment do not extend to statements or written materials that are germane to classroom subject matter.

All members of The Cooper Union community are expected to adhere to these policies and to cooperate with the procedures for responding to complaints of discrimination and harassment. They also are encouraged to report any conduct they believe to be in violation of these policies. Management and supervisory personnel in particular are responsible for taking reasonable and necessary action to prevent discrimination and harassment in the workplace and for responding promptly and thoroughly to any such claims. Those individuals include any officer or dean having formal supervisory responsibility over employees. For the purpose of these policies, faculty are supervisors of other faculty when they are acting in a supervisory role as department chair, dean, academic vice president, or similar position.

Employees may file an informal or formal complaint under this policy as set forth below. Any individual found to have engaged in discrimination or harassment will be subject to discipline up to and including termination. Retaliation against anyone who files a complaint or participates in an investigation of a complaint is prohibited and will be addressed as a separate violation of this policy.

The Cooper Union provides training programs to educate faculty and administrators about conduct that may constitute a violation of its policies and to inform them of the procedures that are available to respond to alleged violations.

Definitions

For purposes of these policies and procedures, discrimination, discriminatory harassment, and sexual harassment are defined as follows:

Discrimination

Discrimination is defined as:

- Treating members of a protected class less favorably because of their membership in that class; or
- Having a policy or practice that has a disproportionately adverse impact on protected class members, without sufficient justification.
- Failing to reasonably accommodate qualified individuals with disabilities where doing so does not constitute an undue hardship.
- “Protected class” refers to any personal trait or category that is protected by law, including an individual's race, religion, sex, color, ethnicity, national origin, age, marital status, creed, genetic predisposition and carrier status, sexual orientation, alienage, citizenship status, veteran status, disability, or any other characteristic protected by law.

Discriminatory Harassment

Discriminatory Harassment is defined as subjecting an individual to humiliating, abusive, or threatening conduct that creates an intimidating, hostile, or abusive work environment; alters the conditions of employment; or unreasonably interferes with an individual's work performance on

the basis of that individual's membership in a protected class. This includes sexual harassment, which is described in further detail below.

Under this policy, harassment is verbal or physical conduct that belittles or shows hostility or aversion toward an individual because of his or her race, religion, sex, color, ethnicity, national origin, age, marital status, creed, genetic predisposition and carrier status, sexual orientation, alienage, citizenship status, veteran status, disability, or any other characteristic protected by law, or that of his or her relatives, friends, associates, and that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; and written or graphic material that belittles or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on The Cooper Union premises or circulated in the workplace (including through e-mail).

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, demeaning, or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment—that is, harassment not involving sexual

activity or language—may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

Truly consensual romantic relationships are not sexual harassment and are not prohibited by The Cooper Union policies. Individuals should be aware, however, that romantic relationships are susceptible to being determined after the fact to have been nonconsensual, and even coercive, whenever there is an inherent power differential between the parties. Therefore, any such relationship with a subordinate employee or a student is strongly discouraged.

Disability Accommodation

Employees seeking an accommodation for a disability should contact the Human Resources Manager, Yvonne Moray, or Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer TC Westcott.

Inquiries About Policy

Inquiries concerning any policy, program or other activity at The Cooper Union may be referred to the following individual who has been designated by The Cooper Union to oversee the continued application of the School's NonDiscrimination and Anti-Harassment Policies:

TC Westcott
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 30 Cooper Square, 7th Floor
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 Tel. 212.353.4150

Individuals and Conduct Covered

These employee policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to The Cooper Union (e.g., an outside vendor, consultant or customer). Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace. Any individual found to have engaged in sexual or any other form of harassment, or other inappropriate conduct, will be disciplined as appropriate, up to and including discharge.

Non-Retaliation Policy

The Cooper Union will not in any way retaliate against an individual who, in good faith, makes a complaint or report of harassment, or participates in the investigation of such complaint or report. Retaliation against any individual for, in good faith, reporting a claim of discrimination or harassment or

cooperating in the investigation of same will not be tolerated and will itself be subject to appropriate discipline.

Reports of retaliation should be made in the same manner as complaints reporting discrimination and harassment and such complaints will be investigated.

Complaint Procedures for Faculty and Other Employees and Applicants

Any employee who has witnessed, been subject to, or believes that he or she has been the subject of discrimination, sexual or any other form of harassment or retaliation by anyone at The Cooper Union should, and is encouraged to, bring the matter to the attention of a supervisory staff member or the Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer referred to above or to other persons designated to receive complaints as set forth below. Individuals should not feel obligated to file their complaints with their immediate supervisor before bringing the matter to the attention of the other designated representatives.

IMPORTANT NOTICE TO ALL EMPLOYEES: Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

The Investigation and Confidentiality

A prompt, thorough and impartial investigation of the alleged incident will be conducted to the extent possible, and appropriate corrective action will be taken if warranted. To the extent consistent with adequate investigation and appropriate corrective action, complaints of discrimination and harassment will be treated as confidential. At the conclusion of the investigation, the complaining party and the accused party will be notified of the outcome of the investigation.

Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and adequately. Responsive action may include, without limitation, training, referral to counseling, monitoring the offender, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay, or termination, as The Cooper Union believes appropriate under the circumstances.

Grievance Procedure Under The Cooper Union's NonDiscrimination and Anti-Harassment Policies

An employee of The Cooper Union who believes that he or she has been discriminated against or harassed in violation of any provision of The Cooper Union's NonDiscrimination or Anti-Harassment Policies may ask the

offender to stop his/her behavior. An employee should not feel obligated to confront the offender, however, and may also attempt to resolve such grievance in the following manner.

Step 1. Informal Complaint

Employees with complaints in which the immediate supervisor is not directly involved generally should start at Step 1. Employees with complaints which directly involve the immediate supervisor or in which the employee is not comfortable presenting the complaint directly to his/her supervisor should proceed directly to Step 2.

The complainant should present the complaint, if possible in writing, to his or her immediate superior as soon as possible after the date on which the alleged act of discrimination or harassment took place, and should also forward a copy of any written complaint in a sealed envelope marked "CONFIDENTIAL" to the Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer or to the Human Resources Manager.

The complainant's immediate superior or another individual designated by the College shall meet with the complainant for purposes of initiating an investigation. An investigation may involve a review of documents and interviews with witnesses and the alleged offender. Once an investigation is completed, appropriate remedial action will be taken.

If the complaint is not satisfactorily resolved at Step 1, it may be presented as a formal grievance/appeal under Step 2. As stated previously, if the complainant is uncomfortable presenting his/her complaint to his/her immediate supervisor, the complainant may immediately proceed to Step 2.

Step 2. Formal Grievance/Step

In the case where the complainant feels uncomfortable presenting the complaint to his or her immediate supervisor or when the complainant is dissatisfied by the results of Step 1, the grievance may be formally presented by the grievant to the Vice President for Finance, Administration & Treasurer/Equal Opportunity Officer or to the Human Resources Manager.

The grievance should be written, if possible, and set forth specifically the facts on which the grievance is based. The Equal Opportunity Officer, or an authorized designee, will investigate the grievance and/or review the investigation already conducted and make a determination on the grievance and appropriate remedial action.

Separate Rights of Faculty and Bargaining Unit Staff

Nothing herein precludes faculty and bargaining unit staff from seeking redress under their collective bargaining agreements.

Independent Investigation and Review by Trustees

The Cooper Union, in its discretion, may conduct an investigation independent of or in addition to the procedures outlined above at any time. In addition, although the Board of Trustees will not typically be involved in the receipt, investigation and remediation of complaints of discrimination and harassment, the Board of Trustees or a committee authorized by the Chairman of the Board of Trustees is authorized to modify the procedures herein as it deems appropriate under the circumstances, and to take remedial action as it deems appropriate in certain cases.

Compliance with Federal, State and Local Laws Promoting Equal Employment Opportunity, Prohibiting Discrimination and Harassment and Authorizing Affirmative Action

In accordance with all applicable laws and pursuant to its own policies and operating procedures, The Cooper Union provides for equal opportunity, prohibits unlawful discrimination and harassment, and takes affirmative action. The applicable laws include:

Title VI of the Civil Rights Act of 1964,

as amended, prohibits discrimination against any person on the basis of race, color, or national origin in programs or activities receiving federal financial assistance.

Title VII of the Civil Rights Act of 1964,

as amended, prohibits employment discrimination against any person because of race, color, religion, sex, pregnancy, or national origin.

Title IX of the Education Amendments of 1972,

as amended, prohibits discrimination on the basis of sex in the conduct or operation of a school's educational programs or activities, including employment in these programs and activities.

The Equal Pay Act of 1963,

prohibits discrimination on the basis of sex in rates of pay. The Lily Ledbetter Act of 2009 extends this protection.

Executive Order 11246,

as amended, prohibits discrimination in employment because of race, color, religion, sex, or national origin and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Section 503 of the Rehabilitation Act of 1973,

requires a federal contractor to take affirmative action to employ and advance in employment qualified workers with disabilities. Section 504 prohibits the exclusion of any person solely on the basis of a disability from participation in or access to benefits of any federally financed program or activity; it also prohibits discrimination against any person solely on the basis of disability in any federally financed program or activity.

The Americans with Disabilities Act of 1990,

amended by Congress in 2008, prohibits discrimination in public accommodations and in employment against a qualified person with a disability and requires an employer to provide qualified applicants and employees with reasonable accommodations.

The Age Discrimination in Employment

Act of 1967, as amended, prohibits discrimination in employment on the basis of age.

The Age Discrimination Act of 1975,

prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.

The Uniformed Services Employment and Reemployment Rights Act (USERRA),

prohibits discrimination in employment based on past, current, or future military obligations.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 and the Veterans

Employment Opportunities Act of 1998, as amended, prohibit job discrimination and require affirmative action to employ and advance in employment qualified special disabled veterans, veterans of the Vietnam Era, recently separated veterans, and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.

The Immigration Reform and Control Act

of 1986, prohibits employers from discriminating on the basis of citizenship status. The prohibition extends to employers who hire only U.S. citizens or U.S. citizens and green card holders, as well as to employers who prefer to employ unauthorized workers or temporary visa holders rather than U.S. citizens and other workers with employment authorization.

The Small Business Act of 1958,

as amended, Section 15(g)(1), requires federal contractors to afford maximum practicable business opportunities to Small Business Concerns, including businesses owned by disadvantaged individuals, disabled veterans, and women.

The New York Executive Law, Article 15,

Section 296(1), prohibits discrimination against any person in employment because of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, genetic predisposition or carrier status, marital status, or arrest record. Section 296(4) prohibits an educational institution from denying the use of its facilities to anyone otherwise qualified or permitting harassment of a student or applicant on the basis of color, race, religion, disability, national origin, sexual orientation, military status, sex, age, and marital status.

The New York Labor Law, Section 194,

prohibits discrimination on the basis of sex in rates of pay.

The New York City Human Rights Law, Chapter

1, Section 8-107, makes it an unlawful discriminatory practice for an employer to discriminate against any person because of his or her actual or perceived age, race, creed, color, national origin, gender (including gender identity and expression), disability, marital status, sexual orientation, alienage or citizenship status, partnership status or status as a perceived or actual victim of domestic violence.

Any person wanting to file an external complaint under any of these laws should consult the Web site of the relevant government agency listed below:

Office of Federal Contract Compliance Programs

<http://www.dol.gov/esa/contacts/ofccp/ofnation2.htm#NewYork>

U.S. Equal Employment Opportunity Commission

<http://www.eeoc.gov>

**Office of Civil Rights, U.S.
Department of Education**

<http://www.ed.gov>

**Veterans' Training and Employment Service, U.S.
Department of Labor**

<http://www.dol.gov/vets>

New York State Division of Human Rights

<http://www.dhr.state.ny.us>

New York State Department of Labor

<http://www.labor.state.ny.us>

New York City Commission on Human Rights

<http://www.nyc.gov/html/cchr/home.html>

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