

 NEW YORK STATE Corrections and Community Supervision DIRECTIVE	TITLE Discriminatory Treatment Complaints - Procedures for Visitors		NO. 2611
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SUPERSEDES DIR #2611 Dtd. 10/02/18	DISTRIBUTION A B	PAGES PAGE 1 OF 3	DATE LAST REVISED
REFERENCES (Include but are not limited to) 9 NYCRR Part 7695	APPROVING AUTHORITY 		

- I. PURPOSE:** To establish a procedure for the processing of complaints of discriminatory treatment of visitors to any State correctional facility. This policy is based on the State Commission of Correction's regulation Title 9 NYCRR, Part 7695.
- II. DEFINITIONS**
- A. Unlawful Discrimination shall mean acts or policies which adversely affect individuals based on their membership in a protected class, which include: race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, pregnancy-related condition, predisposing genetic characteristics, prior arrest or conviction record, gender identity or expression, familial status, veteran status, or retaliation for opposing unlawful discriminatory practices. Unlawful discrimination also includes acts or policies that adversely affect individuals based on their religious observance or practices and their political belief.
- B. Individual with a Disability shall mean one who has a physical or mental impairment which substantially limits one or more of such person's major life activities. Such disability shall be based upon a medically documented record of impairment and such person shall be regarded as having a disability.
- III. PROGRAM RESPONSIBILITY:** The Office of Diversity and Inclusion (ODI), under the direction of the Director of Diversity and Inclusion, shall be responsible for the implementation of policies and procedures designed to address complaints that allege unlawful discriminatory treatment of visitors. Such policies and procedures include, but are not limited to:
- A. Method of inquiry to be used when staff members or volunteers have allegedly engaged in discriminatory treatment, including but not limited to, racial and ethnic slurs/actions against visitors; and
- B. A process that provides a discriminatory treatment complaint procedure for visitors. (See Attachment A; this complaint procedure must be permanently posted in areas where visitors can read it.)
- IV. PROCEDURE**
- A. Visitors: Visitors who wish to lodge a complaint of unlawful discriminatory treatment shall send a written description outlining the particulars of the incident including date, time, place, name(s) of person(s) involved if known, and/or any other documentation in support of the claim to:
- Director, Office of Diversity and Inclusion
 New York State Department of Corrections and Community Supervision
 Harriman State Campus
 1220 Washington Avenue
 Albany, New York 12226-2050

B. Office of Diversity and Inclusion (ODI)

1. The Director of ODI or designee will review a written complaint to determine if unlawful discriminatory treatment may have occurred and if a referral for investigation might be necessary. Complaints that do not allege protected class-based discrimination may be processed at ODI as appropriate, in coordination with the facility.
2. ODI staff shall refer a written complaint that pertains to allegations of unlawful discriminatory treatment to the Office of Special Investigations (OSI) for appropriate investigation and/or action. The investigation will take into consideration the nature of the complaint and the location of the complaining party.
3. ODI shall submit an acknowledgement letter to the complainant notifying them that the complaint was received and is under process.
4. OSI will review the complaint and decide whether to open an investigation or to refer the complaint to the appropriate facility for an investigation and response. If the complaint is referred to a facility, OSI will request that the facility's response be sent to OSI and ODI for review. If OSI opens the investigation, they will notify ODI of the findings at the conclusion of their investigation.
5. At the end of the process, ODI shall send a response to all complainants who submitted a written complaint of unlawful discriminatory treatment of visitors.
6. OSI, or the Director of ODI or designee, may confer with the Office of Counsel, the appropriate Deputy Commissioner, and/or other pertinent staff if corrective action is recommended.
7. OSI shall submit to ODI a monthly report of the complaints alleging the unlawful discriminatory treatment of visitors submitted directly to OSI or referred to OSI by other programs or agencies. ODI will maintain a record of all complaints that allege unlawful discriminatory treatment of visitors and the resolutions.

PERMANENT POSTING**New York State Department of Corrections and Community Supervision
Discriminatory Treatment Complaints Procedure For Visitors**

Any visitor who has a complaint of discrimination based upon race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, pregnancy-related condition, predisposing genetic characteristics, prior arrest or conviction record, gender identity or expression, familial status, veteran status, religious observance or practices, political belief, or retaliation for opposing unlawful discriminatory practices in any program or facility within the Department of Corrections and Community Supervision may file a complaint of discrimination.

The complainant is advised to write or call the Office of Diversity and Inclusion as listed below and they will be advised of their rights and all avenues of redress.

Director, Office of Diversity and Inclusion
New York State Department of Corrections and Community Supervision
Harriman State Campus
1220 Washington Avenue
Albany, NY 12226-2050

Telephone number: (518) 485-5806

DiversityManagement@DOCCS.ny.gov

A FIJAR PERMANENTEMENTE**Estado de Nueva York Departamento de Correcciones y Supervisión Comunitaria
Procedimientos para los Visitantes sobre las Querellas de Tratamiento Discriminatorio**

Cualquier visitante que tenga una queja de discrimen basado en raza, creencia, color, origen nacional, orientación sexual, estado militar, sexo, edad, estado civil, estado de víctima de violencia doméstica, discapacidad, condición relacionada con el embarazo, características genéticas predispositivas, arresto previo o expediente de condena, identidad o expresión de género, estado familiar, estado de veterano, observancias o prácticas religiosas, creencia política o represalias por oponerse a prácticas discriminatorias ilegales de cualquier programa o institución correccional dentro del Departamento de Correcciones y Supervisión Comunitaria puede someter una querella de discriminación.

Al querellante se le aconseja que le escriba a la Oficina de la Diversidad e Inclusión a continuación y se le aconsejará de sus derechos y todas las medidas para remedio.

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New York State Department of Corrections and Community Supervision
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