



**national youth leadership council**

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## **Civil Rights Grievance Procedure**

The National Youth Leadership Council is committed to maintaining an environment free of discrimination, harassment or retaliation based on race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, age, or disability.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by Board Members, personnel, students, vendors and other individuals in NYLC programs or NYLC related events. Retaliation against any individual who has brought harassment or discrimination to the attention of NYLC officials or who has cooperated in an investigation of a complaint under this Procedure is unlawful and will not be tolerated by the National Youth Leadership Council.

Persons who engage in harassment, discrimination or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the National Youth Leadership Council's leadership, subject to applicable procedural requirements.

### **Non-Applicability of This Procedure to Title IX Sexual Harassment Allegations**

The Civil Rights Grievance Procedure shall not apply to reports of sexual harassment as defined under Title IX of the Education Amendment of 1972 and its implementing regulations ("Title IX") effective August of 2020. Allegations of conduct that could, if proven, meet the definition of sexual harassment under Title IX shall be addressed through NYLC's Sexual Harassment Grievance Procedure. Similarly, allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedure.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the Civil Rights Grievance Procedure.

Definitions For the purposes of this Procedure:

A. "Discrimination" means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the National Youth Leadership Council.



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B. “Harassment” means unwelcome conduct on the basis of race, age, color, national origin, sex, sexual orientation, gender identity disability, or religion that is sufficiently severe, persistent or pervasive to create or contribute to a hostile environment for the individual at school. Harassment may include insults, name-calling, off-color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interferes with an individual’s participation in, denies the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the organization.

C. Retaliation: Retaliatory acts against any individual who exercises their rights under the civil rights statutes covered by this Procedure or the Title IX Sexual Harassment Grievance Procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any right granted or protected under these procedures and/or the Title IX Sexual Harassment Grievance Procedure.

D. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this Procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.

E. Party or Parties: The complainant and/or respondent.

F. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this Procedure.

#### How to make a complaint

Any student or employee who believes that they have been discriminated against or harassed should report their concern promptly to the CEO or Civil Rights Coordinator. Students may also report incidents of harassing conduct to a program leader or a board member. Any complaint received by personnel shall be promptly reported to the CEO or Civil Rights Coordinator.

A complaint will not be dismissed because it was reported to the incorrect personnel. Students or employees who are unsure whether discrimination, harassment, or retaliation has occurred are encouraged to discuss the situation with the CEO. There may be instances where another third-party, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under this Procedure. In such circumstances, that person is referred to as the “reporter.”



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- A. Any National Youth Leadership Council employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any organizational employee who observes discrimination, harassment or retaliation against a student or staff member should intervene to stop the conduct and report it to the CEO. Upon receipt of a report of discrimination, harassment or retaliation, the CEO shall promptly inform the relevant Civil Rights Coordinator of the report, and the organization will respond in a manner consistent with this Procedure. If the report involves an accusation against the CEO or Civil Rights Coordinator, the employee shall report the incident to the Chair of the Board or designee.
- B. **Informal Reports:** Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the CEO or Civil Rights Coordinator. The organization shall inform anyone making an informal report that they may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.
- C. **Anonymous Reports:** Complainants and reporters should be aware that although the organization will often be able to maintain confidentiality of reporting persons, the organization may sometimes be required to take actions to protect the safety of the larger program community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the organization to respond fully to any reported event, including limitations on the ability to take disciplinary action against an Respondent.
- D. **Informal Process:** If the organization concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, the organization may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.
- E. **Formal Process:** A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or CEO. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.
- F. **Initial Assessments:** The Civil Rights Coordinator or CEO will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or CEO may:



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- a. if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint;
  - b. if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel;
  - c. if the Civil Rights Coordinator or CEO concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or CEO may seek to do so in accordance with Section D, above; or
  - d. if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or CEO will initiate an investigation. The Civil Rights Coordinator or CEO may also identify and initiate any interim measures. See Section G.
- G. Interim Measures: The organization will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the larger program community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.
- H. Timeframes: The organization will seek to complete any investigation within twenty (20) working days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) working days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, planned vacation periods, and the involvement of law enforcement and other outside agency investigations. If the investigator extends the investigation, they will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the organization will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed. Any interim measures provided to the parties may continue during the period of postponement. See Section G.
- I. Under the formal resolution procedure, the complaint will be investigated by the CEO, Civil Rights Coordinator or other individual designated by the CEO or Civil Rights Coordinator who has responsibility for seeking and gathering evidence relative to the investigation. A formal complaint against an employee who holds a supervisory position



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shall be investigated by a person who is not subject to that supervisor's authority. During the formal resolution procedure:

- a. The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.
  - b. The Respondent will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
  - c. The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws.
  - d. The investigator will keep a written record of the investigation process.
  - e. The investigation will be completed within twenty (20) working days of the date of receipt of the complaint.
  - f. The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty five (25) working days of the receipt of the complaint, unless extended for good cause.
  - g. Nothing in this Procedure will preclude the investigator, in their discretion, from completing the investigation sooner than the time period described above.
- J. Standard of Proof: The investigation shall made factual findings based on a preponderance of the evidence standard.
- K. If the investigator determines that discrimination, harassment or retaliation has occurred, the organization shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:
- a. Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and
  - b. Informing the Complainant and Respondent or, in the case of minor children, the parties' parent(s)/legal guardian(s) of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines. The notification will include the notice of the opportunity for appeal; however, failure to provide notice of appeal shall not constitute a violation of this policy. The organization's leadership may also refer the offender for disciplinary procedures to be conducted in accordance with federal and state law. Nothing in the Civil Rights Grievance Procedure shall be interpreted as limiting or prohibiting the organization's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable. When informing the parties' parent(s)/legal guardian(s) about the results of the investigation, the organization may consider appropriate notification



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processes when special circumstances may apply (e.g., disclosure of sexual orientation or gender identity/expression).

- L. Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the CEO or designee within seven (7) calendar days after receiving notice of the outcome of the investigation.
- M. Identification of Civil Rights Coordinators for complaints of discrimination, harassment, and retaliation under this Procedure is: The National Youth Leadership Council's Title IX Coordinator is Pamela Siebert, Vice President of Community Impact, NYLC who can be reached by e-mail at: [psiebert@nylc.org](mailto:psiebert@nylc.org) or by phone at: 652-393-5695.

The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website: <https://www.eeoc.gov/field-office/boston/location>; and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617) 8