

**EQUAL OPPORTUNITY POLICIES FOR
LEGAL ASSISTANCE OF WESTERN NEW YORK, INC.**

I. Purpose

The purpose of the Legal Assistance of Western New York, Inc. Equal Opportunity Policies is to assure that all persons who seek employment with, are employed by, serve on the Board of Directors of, or receive legal services from LAWNY, are not subjected to any discrimination with regard to actual or perceived gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, marital status, military status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, parental status, a prior criminal record, gender identity or any other consideration prohibited by law.

II. Statement of Policies

A. Equal Opportunity in the Provision of Legal Services.

It is the policy of LAWNY to make no distinction in the provision of legal assistance to eligible persons because of actual or perceived gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, marital status, military status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, parental status, a prior criminal record, gender identity or any other consideration prohibited by law.

B. Equal Opportunity in Employment

It is the policy of LAWNY with respect to employment applicants and employees, to provide equal opportunities in all aspects of employment and to administer all personnel activities in a manner that will not discriminate against any person because of actual or perceived gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, marital status, military status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, parental status, a prior criminal record, gender identity or any other consideration prohibited by law.

III. Dissemination of the Plan and Policy

A. Internal

LAWNY will communicate to its employees the policies by the following procedures:

1. Upon request, LAWNY will give to any job applicant a copy of the policies.
2. The Personnel Policies, distributed to all employees, will include a copy of the policies.

B. External

Upon request by any person, the Executive Director will provide a copy of the policies.

IV. Implementation of Equal Opportunity Policies.

A. General

The LAWNY Board of Directors has the overall responsibility for the Equal Opportunity Policies.

1. The implementation of equal opportunity policies is the primary responsibility of the Executive Director.
2. The Executive Director will review, on a continuing basis, all aspects of the program's operations to ensure that these equal opportunity policies are being observed and to determine if additional policies or procedures are needed to satisfactorily achieve the purposes set forth in this policy.
3. It shall also be the obligation of the Executive Director to keep, record, and review statistical data compiled in accordance with Section C herein.
4. The Executive Director is responsible for assuring that no recruitment or hiring practice, employee policy or office management policy inadvertently operates to discourage the employment or advancement of any person on the basis of actual or perceived gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, marital status, military status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, parental status, a prior criminal record, gender identity or any other consideration prohibited by law.

B. Provision of Legal Assistance

1. LAWNY will not, on the basis of actual or perceived gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, marital status, military status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, parental status, a prior criminal record, gender identity or any other consideration prohibited by law:
 - a. Deny legal assistance to any eligible person;

- b. Provide legal assistance to a person different in form, quality or manner from that provided to others, except as may be necessary to accommodate the special needs of that person;
 - c. Treat differently any person in determining whether s/he is eligible for legal assistance; or
 - d. Deny a person the opportunity to participate as a member of a policy-making, planning, or advisory body.
2. LAWNY will locate its legal services offices in places which will not exclude persons from its services on the basis of actual or perceived age, race, color, national origin or physical disability.
3. Each location in which LAWNY maintains an office shall be, to the maximum extent feasible, accessible to persons with physical disabilities. If it is impracticable to modify an existing structure or to move an office location, the Executive Director shall establish an alternative site which is fully accessible to the persons with physical disabilities where legal services shall be provided to persons with physical disabilities. If it is impossible to obtain an alternate accessible site, legal services shall be provided to persons with physical disabilities at their place of residence or other location chosen by the client.

Each Deputy Director or Managing Attorney shall be responsible for notification to all agencies within the geographical area from which clients are drawn and which serve, in whole or in part, the needs of persons with physical disabilities, of this policy and of the location, if any, of the accessible site.

C. Employment Practices.

1. Recruitment

When any position for employment is available, LAWNY (except as stated in "c" below) will seek qualified applicants without regard to actual or perceived gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, marital status, military status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, parental status, a prior criminal record, gender identity or any other consideration prohibited by law.

- a. Advertisements will be placed in media chosen to reach qualified persons, including minorities and women. In attempting to recruit qualified minority and women attorneys, law school graduates or paralegals, LAWNY will send announcements to local women and minority lawyer associations, the National Bar Association, the National Conference of Black Lawyers, and to other organizations which have knowledge of the legal needs of poor people.
- b. All employment advertisements will contain the following statement: "Legal Assistance of Western New York, Inc. is an equal opportunity employer. Women, minorities and persons with disabilities are encouraged to apply."
- c. Qualified applicants need not be sought outside of LAWNY if the Executive Director decides to hire a qualified person who is currently working with LAWNY and is being promoted from one position within LAWNY to another position.

2. Hiring, Placement and Promotion

The hiring and placement of applicants and the promotion of employees will be made on the basis of individual ability and performance, and the staffing needs of LAWNY, consistent with the commitment to equal opportunity that is set forth in this statement of equal opportunity policies. All hiring, placement, and promotional activities will be monitored by the Executive Director to assure that full consideration as required by this policy, has been given to all qualified minority and women applicants and employees. Employees will be informed of all job opportunities for promotions to vacant and new positions of increased responsibility.

3. Benefits and Compensation

All compensation and fringe benefits, including access to training and educational programs for employees of LAWNY, will be determined without regard to actual or perceived gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, marital status, military status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, parental status, a prior criminal record, gender identity or any other consideration prohibited by law.

4. Reports

LAWNY will develop and implement procedures that will provide for the continual monitoring and evaluation of program personnel and client records to ensure compliance with all equal opportunity policies. The Executive Director will furnish the Board of Directors with an Annual Report summarizing LAWNY's equal opportunity efforts in the preceding calendar year. The report will include the following:

- a. a statistical report showing the race, age and gender composition of the program's Board of Directors, staff personnel and clientele with a comparison to the race, age and gender of the community served by LAWNY; and
- b. an evaluation of LAWNY's equal opportunity policies, including comment on their operation and any recommended changes.

5. Discrimination Complaints

Persons who feel that these equal opportunity policies have not been adhered to may file a complaint pursuant to the LawNY policy against discrimination and harassment, attached as appendix D.

In addition to the option of filing a discrimination complaint with LawNY, discrimination complaints may be filed directly with a court, as well as with the following state and federal administrative agencies whose function it is to enforce state and federal laws which prohibit discrimination:

New York State Department of Criminal Justice Services

The DCJS policy and procedure and the complaint discrimination forms may be downloaded at <http://www.criminaljustice.ny.gov/crimnet/mail.htm> or <http://www.criminaljustice.ny.gov/ofpa/contact.htm>.

A complaint may be submitted via email at the following email address: civilrights@dcjs.ny.gov or filed via land mail at the following address:

NYS Division of Criminal Justice Services
Office of Legal Services
80 South Swan Street
Albany, NY 12210

Department of Justice Office of Civil Rights (OCR)
<http://www.justice.gov/actioncenter/submit-complaint>