

RECEIVED

MAR 16 2010

BINGHAMTON REGIONAL OFFICE

I hereby would like to add the following persons individually and/or under color of state law as respondents:

Nancy Zimpher, Chancellor of the State University of New York (SUNY) Board of Trustees, and the Board of Trustees of the State University of New York (SUNY).

The decision-making authorities in this matter include the above persons. In fact, due to my race, I was disparately treated in the exercise of my rights in that my job duties were changed, as well as coming under investigation when other persons of different races have not. An example of such disparate treatment is the coach of the football team in SUNY Albany. He is Caucasian. In 2006, three members of his football team who were recruited by him and on scholarship, committed rape while being football players for SUNY Albany. This coach was not disciplined nor was his duties changed in any manner. In fact, the Athletic Director of the SUNY Albany campus who is a minority, under the then Chancellor, merely instituted procedures in the university to aid, monitor and mentor such students more effectively. Other instances of disparate treatment have occurred, including receipt of secondary NCAA violations by many coaches who are non-minority with no disciplinary action, change of status or investigation ever occurring. In fact, I was treated differently by further having the respondents hire, for nearly \$1 million, an outside entity to allegedly survey the Binghamton Athletic Department when in fact, the direction of the survey ended up being an investigation mostly into myself, other minority coaches and other minority professors who were perceived to be my friends solely because of our color and ethnic status.



NEW YORK STATE
DIVISION OF HUMAN RIGHTS
NEW YORK STATE OFFICE BUILDING
44 HAWLEY STREET, ROOM 603
BINGHAMTON, NEW YORK 13901

(607) 721-8467
Fax: (607) 721-8470
www.dhr.state.ny.us

DAVID A. PATERSON
GOVERNOR

GALEN D. KIRKLAND
COMMISSIONER

March 9, 2010

Kevin Broadus
413 Brook Hill Avenue
Vestal, NY 13850

Re: Kevin Broadus v. New York State, State University of
New York at Binghamton
Case No. 10139917

Dear Kevin Broadus:

Please be advised that this office has received your
complaint. Your filing date is 3/8/2010.

A copy of your complaint, and the determination, will be
sent to the U.S. Equal Employment Opportunity Commission (EEOC),
so that your complaint may be dual-filed under applicable federal
law. Your EEOC charge number is 16GB002362.

To protect your rights, it is essential that the Division be
notified promptly of any change in your address or telephone
number. A form is enclosed for this purpose.

You will be contacted by the Human Rights Specialist
assigned to your case when the active investigation of your
complaint begins. In the meantime, if you have any questions
please call our office at (607) 721-8467.

Very truly yours,

Michael P. Kendall
Regional Director

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

DO NOT JEOPARDIZE YOUR RIGHTS. COMPLETE AND RETURN
THIS FORM TO THE REGIONAL OFFICE IF YOU MOVE.

Return to:
NYS Division of Human Rights
Binghamton Regional Office
44 Hawley Street, Room 603
Binghamton, New York 13901
or by fax to: (607) 721-8470

PLEASE PRINT

Re: Kevin Broadus v. New York State, State University of New York at
Binghamton
CASE NO: 10139917

COMPLAINANT'S NAME: Kevin Broadus

New name, address, and/or telephone:

NAME: _____

ADDRESS: _____

TELEPHONE NO: _____

DAYTIME/OTHER TELEPHONE NO: _____

I WILL BE AT MY NEW ADDRESS ON OR AFTER: _____

Please indicate below the name, address, and telephone number of a
person who may be contacted and will know your whereabouts if the
Division cannot locate you:

Date

Complainant's Signature



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INFORMATION FOR COMPLAINANTS
CONCERNING COMPLAINT PROCEDURES OF
NEW YORK STATE DIVISION OF HUMAN RIGHTS

The New York State Division of Human Rights is a State agency mandated to receive, investigate and resolve complaints of discrimination under N.Y. Executive Law, Article 15 ("Human Rights Law"). The Division's role is to fairly and thoroughly investigate the allegations in light of all evidence gathered.

YOUR RIGHTS AND RESPONSIBILITIES AS A COMPLAINANT

- You have a right to obtain a private attorney at any time, but you are not required to do so.
- If you experience any further conduct by the Respondent that you believe is discriminatory, or is in retaliation for filing your complaint, you should immediately report it to the Division of Human Rights.
- You must notify the Division of any change in your address or telephone number. If the Division cannot contact you, we may not be able to proceed with your case. Inability to locate you will result in the eventual administrative dismissal of your case.
- Your complaint may voluntarily be withdrawn in writing by you at any time. The withdrawal form must be signed by you or your attorney (original or fax will be accepted). A withdrawal form may be obtained from the Division.
- Conciliation or settlement is possible at all points in the proceeding, and the Division may provide assistance with conciliation or settlement at the request of any party.
- You, or your attorney, may review the Division's file in this matter, and may copy by hand any material in the file, or obtain photocopies at a nominal charge. The Respondent in this matter has the same right to review the file.

WHAT IS THE INVESTIGATIVE PROCEDURE?

The Division represents neither the Complainant nor the Respondent. The Division pursues the State's interest in the proper resolution of the matter in accordance with the Human Rights Law. Upon receipt of a complaint, the regional office will:

- Notify the Respondent(s). (A Respondent is a person or entity about whose action the Complainant complains.)
- Resolve issues of questionable jurisdiction.

- Forward a copy of the complaint to the U.S. Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Housing and Urban Development (HUD), where applicable. Such federal filing creates a complaint separate and apart from the complaint filed with the Division, and protects your rights under federal law, although in most cases only one investigation is conducted pursuant to work-sharing agreements with these federal agencies.
- Investigate the complaint through appropriate methods (written inquiry, field investigation, witness interviews, requests for documents, investigatory conference, etc.), in the discretion of the Regional Director. The investigation of the complaint is to be objective.
- Allow the parties to settle the matter by reaching agreement on terms acceptable to the Complainant, Respondent and the Division. The Division will allow settlement from the time of filing until the matter reaches a final resolution.
- Determine whether or not there is probable cause to believe that an act of discrimination has occurred, if the matter cannot be settled prior to that Determination. The Division will notify the Complainant and Respondent in writing of the Determination.

WHAT IS THE DIVISION'S POLICY ON ADJOURNMENTS AND EXTENSIONS?

It is the Division's policy to investigate all cases promptly and expeditiously. Therefore, you are expected to cooperate with the investigation fully and promptly. No deadlines will be extended at any time during the investigation, unless good cause is shown in a written application submitted at least five (5) calendar days prior to the original deadline.

WHAT IS THE PROCEDURE FOLLOWING THE INVESTIGATION?

If there is a Determination of no probable cause, lack of jurisdiction, or any other type of dismissal of the case, the Complainant may appeal to the State Supreme Court within 60 days.

If the Determination is one of probable cause, there is no appeal to court. The case then proceeds to public hearing before an Administrative Law Judge. Under Rule 465.20 (9 N.Y.C.R.R. § 465.20), the Respondent may ask the Commissioner of Human Rights within 60 days of the finding of probable cause to review the finding of probable cause.

WHAT IS A PUBLIC HEARING?

A public hearing, pursuant to the Human Rights Law, is a trial-like proceeding at which relevant evidence is placed in the hearing record. It is a hearing de novo, which means that the Commissioner's final decision on the case is based solely on the content of the hearing record. The public hearing is presided over by an Administrative Law Judge, and a verbatim transcript is made of the proceedings.

The hearing may last one or more days, not always consecutive. Parties are notified of all hearing sessions in advance, and the case may be adjourned to a later date only for good cause.

The Complainant can retain private counsel for the hearing, but is not required to do so. If Complainant is not represented by private counsel, the Division's counsel prosecutes the case in support of the complaint. Respondent can retain private counsel for the hearing, and, if Respondent is a corporation, is required to be represented by legal counsel. Attorneys for the parties or for the Division may issue subpoenas for documents and to compel the presence of witnesses.

At the conclusion of the hearing sessions, a proposed Order is prepared by the Administrative Law Judge and is sent to the parties for comment.

A final Order is issued by the Commissioner. The Commissioner either dismisses the complaint or finds discrimination. If discrimination is found, Respondent will be ordered to cease and desist and take appropriate action, such as reinstatement, training of staff, or provision of reasonable accommodation of disability. The Division may award money damages to Complainant, including back pay and compensatory damages for mental pain and suffering, and in the case of housing discrimination, punitive damages, attorney's fees and civil fines and penalties. A Commissioner's Order may be appealed by either party to the State Supreme Court within 60 days. Orders after hearing are transferred by the lower court to the Appellate Division for review.

WHAT IS A COMPLIANCE INVESTIGATION?

The compliance investigation unit verifies whether the Respondent has complied with the provisions of the Commissioner's Order. If the Respondent has not complied, enforcement proceedings in court may be brought by the Division.

NOTICE PURSUANT TO PERSONAL PRIVACY PROTECTION LAW

Pursuant to the Human Rights Law, the Division collects certain personal information from individuals filing complaints and from those against whom a complaint has been filed. The information is necessary to conduct a proper investigation; failure to provide such information could impair the Division's ability to properly investigate the matter. This information is maintained in a computerized Case Management System maintained by the Division's Director of Information Technology, who is located at One Fordham Plaza, Bronx, New York, (718) 741-8365.

GENERAL INFORMATION

For a more detailed explanation of the process, see the Division's Rules of Practice (9 N.Y.C.R.R. § 465) available on our website www.dhr.state.ny.us. If you have any additional questions about the process, the investigator assigned to the case will be available to answer most questions.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004-2112

Kevin Broadus
413 Brook Hill Avenue
Vestal, NY 13850

EEOC Charge Number: 16GB002362
NYS DHR Case Number: 10139917

NOTICE

This office has been informed that you filed a complaint of employment discrimination with the New York State Division of Human Rights (NYS DHR). The purpose of this notice is to inform you of your federal rights pursuant to one or more of the statutes under which you may have filed. Please be advised that your complaint will be investigated by the New York State Division of Human Rights, not the Federal Equal Employment Opportunity Commission (EEOC). All questions, correspondence and status reports with regard to your case must be directed to the New York State Division of Human Rights office where your complaint was filed.

YOUR FEDERAL RIGHTS (if you filed under):

- Title VII of the Civil Rights Act of 1964, as amended – If you want to file a private lawsuit in federal district court with your own private attorney because you do not want the New York State Division of Human Rights to conduct an investigation, you may request from the EEOC a Notice of Right to Sue, 180 days after you have filed your complaint. Once the EEOC grants your request, it is only valid for ninety (90) days from the date the Notice was issued, after which your time to sue expires. If you want the New York State Division of Human Rights to conduct an investigation, you do not need to make this request, or to contact or write either agency. The New York State Division of Human Rights will contact you and/or advise you in the near future of their investigation and determination findings.
- The Americans with Disabilities Act of 1990 (ADA) – Same as Title VII, above.
- The Age Discrimination in Employment Act of 1967, as amended (ADEA) – If you want to file a private lawsuit with your own private attorney, you could do so any time after 60 days from the date you filed your complaint with the New York State Division of Human Rights. This is only if you do not want the New York State Division of Human Rights to conduct an investigation, otherwise you do not need to do anything at this time. The New York State Division of Human Rights will contact you and/or advise you in the near future of their investigation and determination findings.

Date: March 9, 2010

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004-2112

EEOC REVIEW PROCEDURE

If you want the EEOC to review the New York State Division of Human Rights final determination, because you are not satisfied with their final findings, you may request that the EEOC conduct a substantial weight review. This request must be done in writing to the EEOC and within fifteen (15) days from the date you received the New York State Division of Human Rights final determination. Otherwise, we will adopt the state findings.

Your review request must specify the reason(s) why you do not agree with the New York State Division of Human Rights final determination.

Mail your request for substantial weight review to:

Equal Employment Opportunity Commission
Attn: State and Local Unit
33 Whitehall Street, 5th Floor
New York, New York 10004-2112

This address is for review purposes only. Remember, if you have questions concerning the status of your case, you must contact the New York State Division of Human Rights.

Date: March 9, 2010



DAVID A. PATERSON
GOVERNOR

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

KEVIN BROADUS,

Complainant,

v.

NEW YORK STATE, STATE UNIVERSITY OF
NEW YORK AT BINGHAMTON,

Respondent.

and NEW YORK STATE, OFFICE OF STATE
COMPTROLLER, DEPARTMENT OF AUDIT AND
CONTROL, NEW YORK STATE, DEPARTMENT OF
CIVIL SERVICE, Necessary Parties.

VERIFIED COMPLAINT
Pursuant to Executive
Law, Article 15

Case No.
10139917

Federal Charge No. 16GB002362

I, Kevin Broadus, residing at 413 Brook Hill Avenue, Vestal, NY, 13850, charge the above named respondent, whose address is P.O. Box 6000, Binghamton, NY, 13902-6000 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color.

Date most recent or continuing discrimination took place is 3/4/2010.

The allegations are:

1. I am African-American. Because of this, I have been subject to unlawful discriminatory actions.

SEE ATTACHED COMPLAINT FORM



New York State Division of Human Rights Complaint Form

RECEIVED

smc

MAR 08 2010

BINGHAMTON REGIONAL OFFICE

CONTACT INFORMATION

My contact information:

Name: Kevin Brindus

Address: 413 Brook Hill Ave Apt or Floor #: _____

City: Vestal State: NY Zip: 13850

REGULATED AREAS

I believe I was discriminated against in the area of:

- Employment
- Education
- Volunteer firefighting
- Apprentice Training
- Boycotting/Blacklisting
- Credit
- Public Accommodations
(Restaurants, stores, hotels, movie theaters amusement parks, etc.)
- Housing
- Labor Union, Employment Agencies
- Commercial Space

I am filing a complaint against:

Company or Other Name: Jim Norris (Binghamton University)

Address: 4400 Vestal Parkway

City: Binghamton State: NY Zip: 13902

Telephone Number: 607 768 6699
(area code) 607-427-9540

Individual people who discriminated against me:

Name: Jim Norris Name: _____

Title: Asst. Athletic Director Title: _____

DATE OF DISCRIMINATION

The most recent act of discrimination happened on:

3 month 4 day 10 year

BASIS OF DISCRIMINATION

Please tell us why you were discriminated against by checking one or more of the boxes below.



You do not need to provide information for every type of discrimination on this list. Before you check a box, make sure you are checking it only if you believe it was a reason for the discrimination. Please look at the list on Page 1 for an explanation of each type of discrimination.

Please note: Some types of discrimination on this list do not apply to all of the regulated areas listed on Page 3. (For example, Conviction Record applies only to Employment and Credit complaints, and Familial Status is a basis only in Housing and Credit complaints). These exceptions are listed next to the types of discrimination below.

I believe I was discriminated against because of my:

<input type="checkbox"/> Age (Does not apply to Public Accommodations) Date of Birth:	<input type="checkbox"/> Genetic Predisposition (Employment only) Please specify:
<input type="checkbox"/> Arrest Record (Only for Employment, Licensing, and Credit) Please specify:	<input type="checkbox"/> Marital Status Please specify:
<input type="checkbox"/> Conviction Record (Employment and Credit only) Please specify:	<input type="checkbox"/> Military Status: Please specify:
<input type="checkbox"/> Creed / Religion Please specify:	<input type="checkbox"/> National Origin Please specify:
<input type="checkbox"/> Disability Please specify:	<input checked="" type="checkbox"/> Race/Color or Ethnicity Please specify: <i>African American</i>
<input type="checkbox"/> Domestic Violence Victim Status: (Employment only) Please specify:	<input type="checkbox"/> Sex Please specify: <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Familial Status (Housing and Credit only) Please specify:	<input type="checkbox"/> Sexual Orientation Please specify:
<input type="checkbox"/> Retaliation Please specify:	



Before you turn to the next page, please check this list to make sure that you provided information **only** for the type of discrimination that relates to your complaint.

EMPLOYMENT DISCRIMINATION

Please answer the questions on this page only if you were discriminated against in the area of employment. If not, turn to the next page.

How many employees does this company have?

- a) 1-3 b) 4-14 c) 15 or more d) 20 or more e) Don't know

Are you currently working for the company?

Yes

Date of hire:

(April 17)
Month day year

No

Last day of work:

(Present)
Month day year

I was not hired by the company

Date of application:

()
Month day year

ACTS OF DISCRIMINATION

What did the person/company you are complaining against do? Please check all that apply.

- Refused to hire me
- Fired me / laid me off
- Did not call me back after a lay-off
- Demoted me
- Suspended me
- Sexually harassed me
- Harassed or intimidated me (other than sexual harassment)
- Denied me training
- Denied me a promotion or pay raise
- Denied me leave time or other benefits
- Paid me a lower salary than other workers in my same title
- Gave me different or worse job duties than other workers in my same title
- Denied me an accommodation for my disability
- Denied me an accommodation for my religious practices
- Gave me a disciplinary notice or negative performance evaluation
- Other: _____

DESCRIPTION OF DISCRIMINATION - for all complaints (Public Accommodation, Employment, Education, Housing, and all other regulated areas listed on Page 3)

Please tell us more about each act of discrimination that you provided information about on Pages 3 and 4. Please include dates, names of people involved, and explain why you think it was discriminatory. PLEASE TYPE OR PRINT CLEARLY.

Jim Norris who is currently serving as the Interim Athletic Director told me on June 13, 2017 that he said it was due to "stress" during that time he never recommended I see a doctor. The things that transpired during that time were misinterpreted by the court. I was never under any stress or pressure.

Jim Norris did not let me coach my team this year. I want answers. No one else in the department has ever been treated in this manner, but the most important component is I am the only person of color who is a Head Coach. The department is made up of all European persons.

As soon as Mr. Norris took over the department he removed me. Took my travel credit card, said I could not use the state car. Told me I could not attend the final this year. Mr. Norris has violated my contract and me personally because I am a African American.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. PLEASE DO NOT WRITE ON THE BACK OF THIS FORM.

After Oct 20, 2009 when I was put on leave the University/Suny System decided to do an investigation of the "Athletics" Department. The department as a whole! This never occurred, No other coaches in the department were interviewed outside the mens Basketball Staff which consist of all minorities. 40 African American and 1 Asian. We were the only ones interviewed during the investigation! With a department that has over 200 No one was put under the same intense scrutiny!

People have said many things of my leave, ie reasons of 1 secondary violation, If this is the case No coach in the Suny System has ever been put on 1 whole season leave for 1 minor secondary violation. Every coach in the department has a secondary violation!! Every coach in the league has a violation, But every other coach we are talking about is a African American.

Tim Lincecum has told Players and Parents that I am not his coach of choice, why - Im a African American? Im a coach first! Who won the American

East, Regular + Tournament Championship:
And 2008-2009 American East Coach of the
Year.

Kevin L. Broddus

NOTARIZATION OF THE COMPLAINT

Based on the information contained in this form, I charge the above-named Respondent with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment), or filing my housing/credit complaint with HUD under Title VIII of the Federal Fair Housing Act, as amended (covers acts of discrimination in housing), as applicable. This complaint will protect your rights under Federal Law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law and/or to accept this complaint on behalf of the U.S. Department of Housing and Urban Development for review and additional filing by them, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Kevin L. Broadus
Sign-your full legal name

Subscribed and sworn before me
This *8th* day of *March*, 20*10*

Sandra M. Carlin
Signature of Notary Public

County: *Broome* Commission expires:

SANDRA M. CARLIN
Notary Public, State of New York
No. 01CA6033805
Residing in Tioga County
My commission expires Nov. 29, 20*13*

Please note: Once this form is notarized and returned to the Division, it becomes a legal document and an official complaint with the Division of Human rights. After the Division accepts your complaint, this form will be sent to the company or person(s) whom you are accusing of discrimination.