Policy Prohibiting Discrimination in the Workplace and Educational Environment

ROWAN UNIVERSITY POLICY

Title: Policy Prohibiting Discrimination in the Workplace and Educational Environment
(formerly: Policy Prohibiting Discrimination in the Workplace)
Subject: Equity
Policy No: OED: 2015:03
Applies: University-wide
Issuing Authority: President
Responsible Officer: Assistant Vice President of Employee Equity & Labor Relations; Associate Vice President of Diversity, Equity and Inclusion
Adopted: 12/16/1999
Last Revision: 7/19/2023
Last Reviewed: 7/19/2023

I. Purpose

Rowan University is committed to providing every Rowan University employee, prospective Rowan employee, and student with a work and educational environment free from prohibited discrimination or harassment. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated.

II. Accountability

Supervisors and Managers are responsible for maintaining a discrimination and harassment-free work and educational environment. The Office of Employee Equity in Human Resources and the Office of Student Equity & Compliance in the Division of Diversity, Equity and Inclusion are responsible for the promotion and implementation of this policy, as well as responding to any and all complaints of violations of this policy.

III. Applicability

As a New Jersey state institution, Rowan University is subject to state legislation prohibiting discrimination, described more fully at N.J.A.C. 4A:7-3. This Policy, modeled after the New Jersey State Policy Prohibiting Discrimination in the Workplace, is applicable to all Rowan University employees, prospective employees and students bringing forth complaints against university employees for alleged discrimination.

As a recipient of Federal financial assistance, Rowan University is also subject to Title IX of the Education Amendments of 1972. Title IX is a federal law that prohibits sex discrimination in the University's programs and activities. It reads: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Student/employee complaints of sexual harassment/sexual assault (as defined by Title IX) against students and University employees raise Title IX concerns and, therefore, are governed by the University's Title IX Sexual Harassment/Sexual Assault Policy. Complaints alleging sexual misconduct that falls outside of Title IX's definitional and jurisdictional requirements, may be governed by the University's Student Sexual Misconduct and Harassment Policy or Student Code of Conduct when made against a student; or this Policy Prohibiting Discrimination in the Workplace and Educational Environment or Disruptive Behavior and Workplace Violence Policy when made against a University Employee.

Student Discrimination Complaints Against Other Students: Complaints by students against other students for all forms of discrimination based on protected classifications should be reported to the Associate Vice President of Diversity, Equity and Inclusion, who retains discretion to determine the most appropriate avenue of response, including but not limited to, coordination with other University resources such as Residential Learning, the Office of Community Standards, or the Dean of Students. (See: Office of Student Equity and Compliance, Complaint Form: https://cm.maxient.com/reportingform.php?RowanUniv&layout_id=16). Not all such allegations will warrant a full investigation, but the University reserves the right to investigate any matter in which discrimination based on a protected class is asserted.

IV. Definitions

1. *Discrimination/Harassment in the Workplace or Educational Environment* means any employment or educational practice or procedure that treats an individual less favorably based upon any of the protected categories referred to below or as provided under applicable law. It is also a violation of this policy to use derogatory or demeaning references regarding the protected categories listed below or as provided under applicable law.
2. *Sexual Harassment* (when not covered by the Title IX Sexual Harassment/Sexual Assault Policy) means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:
    a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
    b. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
    c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience, or creating an intimidating, hostile or offensive working environment.
3. *Sexual Misconduct* means the forms of sexual misconduct set forth in the Student Sexual Misconduct and Harassment policy. All of the definitions set forth in that policy apply to such complaints. Prohibited conduct includes Sexual Assault (Rape, Fondling, Incest, Statutory Rape), Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Sexual/Gender-Based Harassment.
4. *Third Party Harassment* means unwelcome behavior involving any of the protected categories referred to in the policy below that is not directed at an individual but exists in the workplace and interferes with an individual's ability to do his or her job.
5. *Retaliation* means adverse employment or educational consequences based upon that employee or student bringing forth a complaint, providing information for an investigation, testifying in any proceeding under this policy, or engaging in any other protected activity under this policy or under applicable law.

V. Standard of Evidence

A finding under this policy will be based on the preponderance of the evidence standard. In other words, a finding will be made if the evidence as a whole shows that is more likely than not that a violation of the policy occurred.

VI. Policy Statement

1. Protected Categories
   Rowan University is committed to providing every employee, prospective employee and student with a work and educational environment free from prohibited discrimination or harassment. Under this policy, forms of discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin/ethnicity, nationality, ancestry, age, sex/gender, pregnancy, marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, disability or any other protected classification (N.J.A.C. 4A:7-3.1).

   To achieve the goal of maintaining a work and educational environment free from discrimination and

harassment, Rowan University strictly prohibits the conduct that is described in this policy. This is a zero tolerance policy. This means that the University reserves the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.

2. Applicability

Prohibited discrimination/harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. Thus, this policy applies to all employees and applicants for employment at Rowan University. Similarly, discrimination/harassment undermines the integrity of the educational relationship and compromises a student's ability to participate in and enjoy the benefits of the University's education program. Thus, this policy also applies to student complaints alleging discrimination against University employees, including allegations of sexual misconduct that fall outside the definitional and jurisdictional requirements of Title IX. However, allegations of sexual harassment/sexual assault covered by Title IX will be addressed in accordance with the Title IX Sexual Harassment/Sexual Assault Policy.

The University will not tolerate harassment or discrimination by anyone in the workplace or educational environment, including supervisors, co-workers, professors, adjunct faculty or persons doing business with the University, including vendors and third party consultants. This policy also applies to both conduct that occurs in the workplace or educational environment and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace or educational environment (any field location, any off-site business-related social function, or any facility where Rowan University business is being conducted and discussed). This policy further applies to posts on any social media site and/or electronic device, personal or business, which adversely affects the work or educational environments. At the University's discretion, this policy may also apply to conduct that occurs outside the workplace or educational environment, but has a direct impact on an individual's workplace or educational environment.

This policy also applies to third party harassment. Third party harassment, or hostile environment harassment, is unwelcome behavior involving any of the protected categories referred to above that is not directed at an individual but exists in the workplace or educational environment and interferes with an individual's ability to do his or her job or to participate in and enjoy the benefits of the education program. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

3. Prohibited Conduct

   a. It is a violation of this policy to engage in any employment or educational practice or procedure that treats an individual less favorably based upon any of the protected categories referred to above. This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, compensation, fringe benefits, working conditions, and career development and to all educational practices such as grading student work, providing educational opportunities, and discipline.

      It is also a violation of this policy to use derogatory or demeaning references regarding a person's race, gender, age, religion, disability, affectional or sexual orientation, ethnic background, or any other protected category set forth above. A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another.

   b. Examples of behaviors that may constitute a violation of this policy include, but are not limited to:
      i. Discriminating against an individual with regard to terms and conditions of employment or education because of being in one or more of the protected categories referred to above;
      ii. Treating an individual differently because of the individual's race, color, national origin or other protected category, or because an individual has the physical, cultural or linguistic characteristics of a racial, religious, or other protected category;
      iii. Treating an individual differently because of marriage to, civil union to**,** domestic partnership with, or association with persons of a racial, religious or other protected

category; or due to the individual's membership in or association with an organization identified with the interests of a certain racial, religious or other protected category; or because an individual's name, domestic partner's name, or spouse's name is associated with a certain racial, religious or other protected category;

iv. Calling an individual by an unwanted nickname that refers to one or more of the above protected categories, or telling jokes pertaining to one or more protected categories;
v. Using derogatory references with regard to any of the protected categories in any communication;
vi. Engaging in threatening, intimidating, or hostile acts toward another individual in the workplace or educational environment because that individual belongs to, or is associated with, any of the protected categories; or
vii. Displaying or distributing material (including electronic communications) in the workplace or educational environment, or outside the workplace or educational environment that has an adverse impact on the work or educational environments, that contains derogatory or demeaning language or images pertaining to any of the protected categories.

4. Romantic Relationships with University Employees
    a. Romantic/sexual relationships that occur in the context of employment supervision or evaluation present special problems. These types of romantic/sexual relationships are especially vulnerable to exploitation due to the difference in power and the respect and trust that are often present between a supervisor and a subordinate, or a senior and junior colleague in the same unit. Therefore, the University strongly discourages romantic/sexual relationships between individuals where there is an imbalance of power where one individual is in a position to make decisions, which may affect the standing or employment or career of the other. A subordinate's "voluntary" participation in a romantic/sexual relationship with an individual in a position of power or authority does not alone demonstrate that the conduct was welcome. A supervisor's display of a romantic interest in a subordinate may constitute sexual harassment. Employees in romantic/sexual relationships must recuse themselves from decision making when the decisions at issue may have an impact, either direct or indirect, on the employee with whom they are romantically involved. Those in a position of power who engage in a romantic or sexual relationship deemed unwelcome at any time by the other party may be in violation of this Policy and subject to investigation and possible disciplinary action.
    b. Romantic/sexual relationships that occur in the student-professor context present special problems. These types of romantic/sexual relationships are especially vulnerable to exploitation due to the difference in power and the respect and trust that are often present between a professor and a student. Therefore, the University strongly discourages romantic/sexual relationships between individuals where there is an imbalance of power where one individual is in a position to make decisions, which may affect the educational opportunities or standing of the other. A student's "voluntary" participation in a romantic/sexual relationship with an individual in a position of power or authority does not alone demonstrate that the conduct was welcome. Therefore, the attempts of a professor to show a romantic interest in a student may constitute sexual harassment. University employees in romantic/sexual relationships must recuse themselves from decision making when the decisions at issue may have an impact, either direct or indirect, on the student with whom they are romantically/sexually involved. Those who abuse their power in such circumstances may be found to have violated this Policy. An abuse of power may be, but is not limited to, inflating a student's grade, or providing preferential academic opportunities to an individual based on a romantic or sexual relationship.
    c. Any individual who engages in a consensual romantic or sexual relationship with someone over whom he or she has supervisory responsibility in the employment context, or educational responsibility in the educational context, must inform his or her immediate supervisor of the consensual relationship, so that the University can take appropriate action to make changes that eliminate the conflict of interest. Failure to give proper notice to the appropriate supervisor may result in the denial of legal representation and indemnification in the event that a lawsuit based on the relationship is filed. In addition, failure to give proper notice to the appropriate supervisor may result in disciplinary action.

5. Sexual Harassment

a. It is a violation of this policy to engage in sexual (or gender-based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:
    i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
    ii. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
    iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience, or creating an intimidating, hostile or offensive working environment.

b. Examples of prohibited behaviors that may constitute sexual harassment and are therefore a violation of this policy include, but are not limited to
    i. Generalized gender-based remarks and comments;
    ii. Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement;
    iii. Sexual physical contact or sexual misconduct (as defined in the Student Sexual Misconduct and Harassment Policy) that involves any form of coercion, force, or lack of consent, such as sexual assault, which falls outside of Title IX's definitional and jurisdictional requirements and, therefore, would not otherwise be governed by the University's Title IX Sexual Harassment/Sexual Assault Policy.
    iv. Verbal, written or electronic sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, text messages, invitations, gestures or inappropriate comments about a person's clothing;
    v. Visual contact, such as leering or staring at another's body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall, or on a screen saver;
    vi. Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;
    vii. Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluation or promotional opportunity; or
    viii. Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

6. Student Responsibilities

Any student who believes that she or he has been subjected to any form of prohibited discrimination /harassment by an employee, or who witnesses other students being subjected to such discrimination /harassment, is encouraged to promptly report the incident(s) to the Office of Student Equity & Compliance in the Division of Diversity, Equity and Inclusion. (Complaint Form: https://cm.maxient.com/reportingform.php?RowanUniv&layout_id=16).

7. Employee Responsibilities

Any employee who believes that she or he has been subjected to any form of prohibited discrimination /harassment, or who witnesses others being subjected to such discrimination/harassment, is encouraged to promptly report the incident(s) to a supervisor or directly to the Office of Employee Equity in Human Resources. (Complaint Form: Civil Service Employees – https://sites.rowan.edu/equity/_docs/discrimination_complaint_form.pdf; non-Civil Service Employees – https://sites.rowan.edu/equity/_docs/policies/non-discrimination-complaint-form.pdf). A person who wishes to take action about prohibited sexual physical contact can file a criminal complaint with law enforcement of the municipality where the incident occurred. That person can also make a criminal report and a report to his/her or their supervisor or the Office of Employee Equity - the individual does not have to choose one or the other.

Any employee who receives a complaint from a student that she or he has been subjected to any form of prohibited discrimination/harassment by an employee, or who witnesses students being subjected to such discrimination/harassment, should promptly report the incident(s) to the Office of Student Equity &

Compliance in the Division of Diversity, Equity and Inclusion. (Complaint Form: https://cm.maxient.com/reportingform.php?RowanUniv&layout_id=16).

All employees are expected to cooperate with investigations undertaken pursuant to the Procedures for Internal Discrimination/Harassment Complaints below. Failure to cooperate in an investigation may result in administrative and/or disciplinary action, up to and including termination of employment.

8. Supervisor Responsibilities
   Supervisors shall make every effort to maintain a work or educational environment that is free from any form of prohibited discrimination/harassment. Supervisors shall immediately refer allegations of prohibited discrimination/harassment made by employees to the Office of Employee Equity in Human Resources and allegations made by students to the Office of Student Equity & Compliance in the Division of Diversity, Equity and Inclusion.

   A supervisor's failure to comply with these requirements may result in administrative and/or disciplinary action, up to and including termination of employment. For purposes of this Policy, a supervisor is defined broadly to include any manager or other individual who has authority to control the work environment of any other staff member (for example, a project leader).

9. Dissemination
   The University shall annually distribute the policy described in this section, or a summarized notice of it, to all of its employees and students, including part-time and seasonal employees. The policy can be accessed on the Rowan University website https://sites.rowan.edu/equity/policies.html or a hardcopy can be obtained from the Office of Employee Equity in Human Resources. Rowan University will distribute the policy to vendors/contractors with whom it has a direct relationship.

10. Complaint Process
    Rowan University follows the Model Procedures for Processing Internal Discrimination Complaints with regard to reporting, investigating, and where appropriate, remediating claims of discrimination /harassment (See Procedures for Internal Discrimination / Harassment Complaints, below, and N.J.A.C. 4A:7-3.2).

    The Office of Employee Equity in Human Resources is responsible for receiving and investigating complaints of discrimination/harassment made by employees against employees and third parties. The Office of Student Equity & Compliance in the Division of Diversity, Equity and Inclusion is responsible for receiving and investigating complaints of discrimination/harassment made by students against employees and third parties.

    All investigations of discrimination/harassment claims shall be conducted in a way that respects, to the extent possible, the privacy of all the persons involved. The investigations shall be conducted in a prompt, thorough and impartial manner. The results of the investigations of complaints against employees shall be forwarded to the Rowan University Vice President of Human Resources (or his/her authorized designee) to make a final decision as to whether a violation of the policy has been substantiated.

    Where a violation of this policy is found to have occurred, Rowan University shall take prompt and appropriate remedial action to stop the behavior and deter its reoccurrence. The University shall also have the authority to take prompt and appropriate remedial action, such as moving two employees or employees and students apart, before a final determination has been made regarding whether a violation of this policy has occurred.

    The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including termination of employment.

    Rowan University shall maintain a written record of the discrimination/harassment complaints received. Written records, consisting of the investigative report and any attachments, including witness statements, shall be maintained as confidential records to the extent practicable and appropriate, and

will maintain so indefinitely.

11. Prohibition Against Retaliation
    a. Retaliation against any employee or student who alleges that she or he was the victim of discrimination/harassment, provides information in the course of an investigation into claims of discrimination/harassment in the workplace or educational environment, or opposes a discriminatory practice, is prohibited by this policy. No employee or student bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment or other consequences based upon such involvement or be the subject of other retaliation.
    b. Following are examples of prohibited actions taken against an employee or student because the employee or student has engaged in activity protected by this subsection:
        i. Termination of an employee;
        ii. Failing to promote an employee;
        iii. Altering an employee's work or a student's course assignment for reasons other than legitimate business or educational reasons;
        iv. Imposing or threatening to impose disciplinary action on an employee or student for reasons other than legitimate business or educational reasons;
        v. Ostracizing an employee or student (for example, excluding an employee or student from an activity or privilege offered or provided to all other employees or students); or
        vi. Imposing a poor grade or evaluation of a student for other than legitimate educational reasons.

12. False Accusations and Information: The burden is on the complainant to articulate a sufficient nexus between the alleged conduct to a protected category pursuant to this policy. An employee who knowingly makes a false accusation of prohibited discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, may be subjected to administrative and/or disciplinary action, up to and including termination of employment. Similarly, a student who knowingly makes a false accusation of prohibited discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, may be subjected to discipline under the Student Code of Conduct. Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered a false accusation.

13. Confidentiality: All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved, and the University will strive to prevent any unnecessary disruption to the work or educational environment. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed and other persons who may have relevant knowledge or who have a legitimate need to know about the matter. In order to protect the integrity of the investigation, minimize the risk of retaliation against the individuals participating in the investigative process, and protect the important privacy interests of all concerned, all persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others, unless there is a legitimate business reason to disclose such information. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment or student discipline in accord with the Student Code of Conduct.

14. Administrative and/or Disciplinary Action: Any employee found to have violated any portion or portions of this policy may be subject to appropriate administrative and/or disciplinary action which may include, but which shall not be limited to – referral for training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion or termination of employment. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

15. Training: Rowan University shall provide all new employees with training on the policy and procedures set forth in this section within a reasonable period of time after each new employee's appointment date. Refresher training shall be provided to all employees, including supervisors, within a reasonable period

of time. The University shall also provide supervisors with training on a regular basis regarding their obligations and duties under the policy and regarding procedures set forth in this section. University employees responsible for managing and investigating complaints of harassment or discrimination, shall receive additional training related to response to and prevention of sexual violence. Each such employee shall complete a refresher training course every three years.

VII. Procedures for Internal Discrimination/Harassment Complaints

The following procedures are adapted from the New Jersey Model Procedures for Internal Complaints Alleging Discrimination in the Workplace, N.J.A.C. 4A:7-3.2. Rowan University will follow the procedures below in the receipt and investigation of discrimination complaints.

a. All employees, applicants for employment, and students have the right and are encouraged to immediately report suspected violations of the Rowan University Policy Prohibiting Discrimination in the Workplace and Educational Environment (as adapted from N.J.A.C. 4A:7-3.1).
b. Complaints of prohibited discrimination/harassment made by employees against employees should be reported to the Assistant Vice President of Employee Equity & Labor Relations and/or HR Investigation Manager in Human Resources, or to any supervisory employee of Rowan University or through the State's Hotline (833-691-0404). (Complaint Form: Civil Service Employees – https://sites.rowan.edu/equity/_docs/discrimination_complaint_form.pdf; non-Civil Service Employees – https://sites.rowan.edu/equity/_docs/policies/non-discrimination-complaint-form.pdf). Complaints of prohibited discrimination/harassment made by students against employees should be reported to the Associate Vice President of Diversity, Equity and Inclusion or the DEI Investigation Manager in the Division of Diversity, Equity and Inclusion. (Complaint Form: https://cm.maxient.com/reportingform.php?RowanUniv&layout_id=16).
c. Every effort should be made to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.
d. Supervisory employees shall immediately report all alleged violations of the Rowan University Policy Prohibiting Discrimination in the Workplace and Educational Environment. Complaints made by employees shall be reported to the Assistant Vice President of Employee Equity & Labor Relations and/or HR Investigation Manager in Human Resources. Complaints made by students shall be reported to the Associate Vice President of Diversity, Equity and Inclusion or DEI Investigation Manager in the Division of Diversity, Equity and Inclusion. Such a report shall include both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.
e. If reporting a complaint to any of the persons set forth in paragraphs b. or d. above presents a conflict of interest, Civil Service employees can file the complaint directly with the Division of EEO /AA, P.O. Box 315, Trenton, NJ 08625, and non-Civil Service employees can file a complaint directly with the Associate Vice President of Human Resources. An example of such a conflict would be where the individual against whom the complaint is made is involved in the intake, investigative or decision-making process.
f. In order to facilitate a prompt, thorough and impartial investigation, all employee complainants are encouraged to submit a Complaint Form, which can be found at: Civil Service Employees – https://sites.rowan.edu/equity/_docs/discrimination_complaint_form.pdf; non-Civil Service Employees – https://sites.rowan.edu/equity/_docs/policies/non-discrimination-complaint-form.pdf). https://sites.rowan.edu/equity/_docs/policies/non-discrimination-complaint-form.pdf. Student complainants are encouraged to submit a Complaint Form, which can be found at https://cm.maxient.com/reportingform.php?RowanUniv&layout_id=16. An investigation may be conducted whether or not the form is completed.
g. To the extent required, Rowan University shall maintain a written record of the discrimination /harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate. A copy of all complaints (regardless of the format in which submitted) must be submitted to the Civil Service Commission, Division of EEO/AA, by the University's Office of Employee Equity, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed the complaint and, if applicable, the complaint notification letter sent to the person(s) against whom the complaint has been filed, including the basis for the complaint

and whether or not an investigation will be initiated. When a complaint on its face is insufficient to determine the nature and scope of the allegations, the Assistant Vice President of Employee Equity & Labor Relations (or designee) shall interview the person submitting the complaint for additional information to determine whether the allegations implicate this policy, If after conducting the interview of a complainant, the Assistant Vice President of Employee Equity & Labor Relations (or designee) determines that an investigation is not warranted, a letter shall be sent to the complainant explaining the basis for the decision not to investigate. If a written complaint has not been filed, the Office of Employee Equity must submit to the Division of EEO /AA a brief summary of the allegations that have been made. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court also must be submitted to the Division of EEO/AA.

h. During the initial intake of a complaint, the representative of the Office of Employee Equity or representative from the Office of Student Equity & Compliance, or an authorized designee, will obtain information regarding the complaint, and determine if interim corrective measures are necessary to prevent continued violations of the Rowan University Policy Prohibiting Discrimination in the Workplace and Educational Environment. Interim corrective actions include, but are not limited to:
    i. Separation of parties;
    ii. Removal of parties from the workplace or educational environment; and
    iii. Involvement of law enforcement, when appropriate, for instances involving bodily harm or serious bodily harm.
i. At the discretion of the Assistant Vice President of Employee Equity & Labor Relations or Associate Vice President of Diversity, Equity and Inclusion (or designees), whichever is applicable, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place. The complainant shall have the burden to articulate a sufficient nexus between the alleged conduct to a protected category pursuant to this policy.

    In determining whether or not a thorough investigation is warranted, the Assistant Vice President of Employee Equity & Labor Relations (or designee) when reviewing complaints shall consider, but is not limited to considering, the following factors: the facts presented, whether the complainant articulated sufficient nexus between the alleged conduct to a protected category referred to above, the time the incident(s) occurred, the time the incident was reported, and whether the complainant and/or respondent is a current University employee (regardless of when the incident occurred).
j. An investigatory report will be prepared by the Assistant Vice President of Employee Equity & Labor Relations or the Associate Vice President of Diversity, Equity and Inclusion, whichever is applicable, or his or her designee, when the investigation is completed. The report will include, at a minimum:
    i. A summary of the complaint;
    ii. A summary of the parties' positions;
    iii. A summary of the facts developed through the investigation; and
    iv. An analysis of the allegations and the facts

    The investigatory report will be submitted to the **Vice President of Human Resources (or his/her authorized designee),** who will issue a final letter of determination to the parties.
k. The Vice President of Human Resources (or his/her authorized designee) will review the investigatory report issued by the Assistant Vice President of Employee Equity & Labor Relations or the Associate Vice President of Diversity, Equity and Inclusion, whichever is applicable, or his or her authorized designee, and make a determination as to whether the allegation of a violation of the Rowan University Policy Prohibiting Discrimination in the Workplace and Educational Environment has been substantiated. If a violation has occurred, and the respondent is a management employee, the Vice President of Human Resources (or his/her authorized designee) will determine appropriate corrective measures necessary to immediately remedy the violation. If a violation has occurred, and the respondent is a union and/or non-management employee, the Vice President of Human Resources (or his/her authorized designee) will refer the matter to the Assistant Vice President of Employee Equity & Labor Relations to determine the appropriate corrective measures necessary to immediately remedy the violation.

l. The Vice President of Human Resources (or his/her authorized designee) will issue a final letter of determination to both the complainant(s) and the person(s) against whom the complaint was filed, setting forth the results of the investigation and the right of appeal as set forth in the Paragraphs below. To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Civil Service Commission, Division of EEO /AA shall be furnished with a copy of the final letter of determination.
    i. The letter shall include, at a minimum:
        1. A brief summary of the parties' positions;
        2. A brief summary of the facts developed during the investigation; and
        3. An explanation of the determination, which shall include whether:
            a. The allegations were either substantiated or not substantiated; and
            b. A violation of the Rowan University Policy Prohibiting Discrimination in the Workplace and Educational Environment did or did not occur.
    ii. The investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint is completed.
    iii. The time for completion of the investigation and issuance of the final letter of determination may be extended by Rowan University for up to 60 additional days in cases involving exceptional circumstances. When applicable, the Office of Employee Equity shall provide the Division of EEO/AA and all parties with written notice of any extension and shall include in the notice an explanation of the exceptional circumstances supporting the extension.

m. A complainant who is in the career, unclassified or senior executive service, or who is an applicant for employment, who disagrees with the determination of the Vice President of Human Resources (or his/her authorized designee), may submit a written appeal to the New Jersey Civil Service Commission ("NJCSC"), Division of Merit System Practices and Labor Relations, Written Record Appeals Unit, P.O. Box 312, Trenton, NJ 08625-0312, postmarked or delivered within 20 days of the receipt of the determination from the Vice President of Human Resources (or his/her authorized designee). The appeal shall be in writing and include all materials presented by the complainant at the University level, the final letter of determination, the reason for the appeal and the specific relief requested. Please be advised that there is a fee for appeals. Please include a check or money order along with the appeal, payable to NJCSC. Persons receiving public assistance and those qualifying for NJCSC Veterans Preference are exempt from this fee.
    i. Civil Service employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The Civil Service Commission may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in this section or a combination of procedures as the Commission deems appropriate. See N.J.A.C. 4A:2-1.7.
    ii. If an appeal under this policy raises issues concerning the employee not receiving an advancement appointment, the Commission shall decide those issues in the course of its determination.
    iii. The Civil Service Commission shall decide the appeal on a review of the written record or such other proceeding as it deems appropriate. See N.J.A.C. 4A:2-1.1(d).
    iv. The appellant shall have the burden of proof in all discrimination appeals brought before the Civil Service Commission.

n. In a case where a violation has been substantiated, and no disciplinary action recommended, the party(ies) against whom the complaint was filed, and who are in the career, unclassified or senior executive service, may appeal the determination to the Civil Service Commission at the address indicated above, within 20 days of receipt of the final letter of determination by the Vice President of Human Resources (or his/her authorized designee).
    i. The burden of proof shall be on the appellant.
    ii. The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.
    iii. If disciplinary action has been recommended in the final letter of determination, the party (ies) charged, who are in the career, unclassified or senior executive service may appeal using the procedures set forth in N.J.A.C. 4A:2-2 (Major Discipline) and 3 (Minor Discipline and Grievances)

o. A complainant or respondent (an individual against whom the complaint was filed) who is NOT in the career, unclassified or senior executive service, or who is NOT an applicant for employment, or who is a student of Rowan University, who disagrees with the determination of the Vice President of Human Resources (or his/her authorized designee), may submit a written appeal to the Chief of Staff, postmarked or delivered within 20 days of the receipt of the determination from the Vice President of Human Resources (or his/her authorized designee). The appeal shall be in writing, presented by the complainant or respondent to the Chief of Staff, with a copy to the Assistant Vice President of Employee Equity & Labor Relations in Human Resources, as set forth below. The Chief of Staff (or his/her authorized designee) will forward the appeal to an Appeals Panel, consisting of representatives of senior leadership, to review the appeal. The Appeals Panel may or may not elect to review a decision. The Chief of Staff (or his/her authorized designee) shall respond to a request for review within 15 days.
    i. The complainant or respondent may request an appeal of the determination only if the complainant or respondent is able to produce new information not previously submitted or can produce information demonstrating that the determination was arbitrary and capricious. This means that the determination will be considered for review only if new information exists or if information exists demonstrating that the determination was invalid because it was made on unreasonable grounds or without consideration of the circumstances.
    ii. The complainant or respondent should send either the new information or a brief explanation of why they believe the finding is arbitrary and capricious based upon the facts presented to the Chief of Staff (with a copy to the Assistant Vice President of Employee Equity & Labor Relations in Human Resources) within 20 days of receipt of the determination letter. The appeal shall be in writing and shall include only those materials supporting the request for review and the specific relief requested. You need not include the original materials submitted with the complaint or in response to the complaint as these documents will be provided by the original office to whom the complaint was submitted. The Appeals Panel may elect to review the materials only if it is believed the determination is arbitrary and capricious, or if the new materials were not previously considered in the original determination.
    iii. The appellant shall have the burden of proof in all discrimination appeals brought before the Chief of Staff (or his/her authorized designee).

p. When required, the Director of the Division of EEO/AA shall be placed on notice of, and given the opportunity to submit comments on, appeals filed with the Civil Service Commission of decisions on discrimination complaints, regardless of whether or not the complaint was initially filed directly with the Director of Division of EEO/AA.

VIII. External Agencies

Any employee or applicant for employment can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The timeframes for filing complaints with external agencies indicated below are provided for informational purposes only. An individual should contact the specific agency to obtain exact timeframes for filing a complaint. The deadlines run from the date of the last incident of alleged discrimination/harassment, not from the date that the final letter of determination is issued by the Vice President of Human Resources (or his/her authorized designee).

Division on Civil Rights
N. J. Department of Law & Public Safety
(Within 180 days of the discriminatory act)

The DCR may be contacted at:
www.njCivilRights.gov or
1-833-NJDCR4U (833-653-2748)

The Regional Offices are located:

Northern Regional Office
31 Clinton Street, 3rd Floor
Newark, NJ 07102
973-648-2700

Central Regional Office
140 East Front Street: 6th Floor
PO Box 090
Trenton, NJ 08625
609-292-4605

Southern Regional Office
5 Executive Campus, Suite 107
Cherry Hill, NJ 08034
856-486-4080

South Shore Regional Office
1325 Boardwalk, 1st Floor
Tennessee Ave & Boardwalk
Atlantic City, NJ 08401
609-441-3100

United States Equal Employment Opportunity Commission (EEOC)
(Within 300 days of the discriminatory act)
National Call Center – 1 800-669-4000

Newark Area Office
Two Gateway Center
Suite 1703
283-299 Market Street
Newark, NJ 07102
1-800-669-4000 / 973-645-4684
The Newark Area Office has jurisdiction over the State of New Jersey Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren.

Philadelphia District Office
801 Market Street, Suite 1000
Philadelphia, PA 19107-3126
1-800-669-4000 / 267-589-9700 / or email PDOContact@eeoc.gov.
The Philadelphia District Office has jurisdiction over the State of New Jersey Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

IX. References

1. N.J.A.C. 4A:7 Equal Employment Opportunity and Affirmative Action
2. New Jersey Policy Prohibiting Discrimination in the Workplace
3. New Jersey Model Procedures for Internal Complaints Alleging Discrimination in the Workplace
4. Non-Civil Service Employee Discrimination Complaint Processing Form
5. Civil Service Employee Discrimination Complaint Processing Form
6. Student Discrimination Complaint Processing Form
7. Student Sexual Misconduct and Harassment Policy
8. Title IX Sexual Harassment/Sexual Assault Policy