



PROCEDURE

Procedures for Internal Complaints Alleging Discrimination in the Workplace

Procedure Administrator: Chief Officer for Institutional Diversity and Equity

Authority: N.J.A.C. 4A:2-1.1(d), 4A:2-1.7, 4A:2-2 and 3, 4A:7-3.1 & 3.2

Effective Date: December 16, 2009, June 3, 2005, August 20, 2007, October 6, 2010; February 16, 2011; December 5, 2013; November 24, 2015

Index Cross-References: Policy VI-28: Policy Prohibiting Discrimination in the Workplace

Procedure File Number: 6360

Approved By: Harvey Kesselman, Interim President

The following procedures are in accordance with the Model Procedures developed by the New Jersey Department of Personnel, Division of EEO/AA.

1. All employees and applicants for employment have the right and are encouraged to immediately report suspected violations of the University's Policy Prohibiting Discrimination in the Workplace, N.J.A.C. 4A:7-3.1.
2. Complaints of prohibited discrimination/harassment can be reported to either the Chief Officer for Institutional Diversity and Equity, or to any supervisory employee of the University.
3. 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.
4. Supervisory employees shall immediately report all alleged violations of the Policy Prohibiting Discrimination in the Workplace to the Chief Officer for Institutional Diversity and Equity. Such a report shall include both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.
5. If reporting a complaint to any of the persons set forth in paragraphs 2 through 4 above presents a conflict of interest, the complaint may be filed directly with the Department of Personnel, Division of EEO/AA, P.O. Box 315, Trenton, NJ 08625. 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.

6. In order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a New Jersey Civil Service Commission Discrimination Complaint Processing Form (DPF-481), which can be found [here](#). An investigation may be conducted whether or not the form is completed.
7. The 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 Department of Personnel, Division of EEO/AA, by the University's Chief Officer for Institutional Diversity and 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. If a written complaint has not been filed, the Chief Officer for Institutional Diversity and 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.
8. During the initial intake of a complaint, the Chief Officer for Institutional Diversity and Equity or authorized designee will obtain information regarding the complaint, and determine if interim corrective measures are necessary to prevent continued violations of the University's Policy Prohibiting Discrimination in the Workplace.
9. At the Chief Officer for Institutional Diversity and Equity discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place.
10. An investigatory report will be prepared by the Chief Officer for Institutional Diversity and Equity or his or her designee when the investigation is completed. The report will include, at a minimum:
 - a. A summary of the complaint;
 - b. A summary of the parties' positions;
 - c. A summary of the facts developed through the investigation; and
 - d. An analysis of the allegations and the facts.

The investigatory report will be submitted to the University President or designee who will issue a final letter of determination to the parties.

11. The University President or designee will review the investigatory report issued by the Chief Officer for Institutional Diversity and Equity or authorized designee, and make a determination as to whether the allegation of a violation of the University's Policy Prohibiting Discrimination in the Workplace has been substantiated. If a violation has occurred, the University President will determine the appropriate corrective measures necessary to immediately remedy the violation.
12. The University President or designee will issue a final letter of determination to both the complainant(s) and the person, against whom the complaint was filed, setting forth the results of the investigation and the right of appeal to the Merit System Board as set forth in Paragraphs 13 and 14, below. To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Division of EEO/AA, Department of Personnel shall be furnished with a copy of the final letter of determination.
 - a. 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:
 - i. The allegations were either substantiated or not substantiated; and
 - ii. A violation of the University's Policy Prohibiting Discrimination in the Workplace did or did not occur.
 - b. 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 referred to in Paragraph 8, above, is completed.
 - c. The time for completion of the investigation and issuance of the final letter of determination may be extended by the University President for up to 60 additional days in cases involving exceptional circumstances. The University President 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.
13. 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 University President or designee, may submit a written appeal, within twenty days of the receipt of the final letter of determination from the University President or designee, to the Merit System Board, P.O. Box 312, Trenton, NJ 08625. 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.

- a. Employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The University President 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 University President deems appropriate. See N.J.A.C. 4A:2-1.7.
 - b. The Merit System Board 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).
 - c. The appellant shall have the burden of proof in all discrimination appeals brought before the Merit System Board.
14. In a case where a violation has been substantiated, and no disciplinary action recommended, the party(ies) against whom the complaint was filed may appeal the determination to the Merit System Board at the address indicated in Paragraph 13 above, within 20 days of receipt of the final letter of determination by the University President or designee.
- a. The burden of proof shall be on the appellant.
 - b. The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.
 - c. If disciplinary action has been recommended in the final letter of determination, the party(ies) charged may appeal using the procedures set forth in N.J.A.C. 4A:2-2 and 3.
15. The Director of the Division of EEO/AA shall be placed on notice of, and given the opportunity to submit comment on, appeals filed with the Merit System Board of decisions on discrimination complaints, regardless of whether or not the complaint was initially filed directly with the Director of EEO/AA.
16. 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 time frames for filing complaints with external agencies indicated below are provided for informational purposes only. An individual should contact the specific agency to obtain exact time frames 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 University President or designee.

Complaints may be filed with the following external agencies:

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

Trenton Regional Office
140 East Front Street
6th Floor, P.O. Box 090
Trenton, NJ 08625-0090
(609) 292-4605

Newark Regional Office
31 Clinton Street, 3rd Floor
P.O. Box 46001
Newark, NJ 07102
(973) 648-2700

Atlantic City Office
26 Pennsylvania Avenue
3rd Floor
Atlantic City, NJ 08401
(609) 441-3100

Camden Regional Office
One Port Center, 4th Floor
2 Riverside Drive, Suite 402
Camden, NJ 08103
(856) 614-2550

Paterson Regional Office
100 Hamilton Plaza, Suite 800
Paterson, NJ 07505-2109
(973) 977-4500

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

*Newark Area Office
One Newark Center, 21st Floor
Raymond Blvd. at McCarter Highway (Rt. 21)
Newark, NJ 07102-5233
(973) 645-6383

****Philadelphia District Office**
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
(215) 440-2600

*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.

**The Philadelphia District Office has jurisdiction over the state of New Jersey Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

Approval History:

	Date
Legal Counsel	11/24/15
President	11/24/15