



***INTERIM
NEWJERSEY CITY UNIVERSITY PROCEDURES FOR PROCESSING INTERNAL
COMPLAINTS ALLEGING DISCRIMINATION, HARASSMENT OR HOSTILE
ENVIRONMENTS IN THE WORKPLACE***

In compliance with the mandates of the New Jersey Department of Personnel, New Jersey City University is responsible for following the procedure for handling complaints alleging discrimination, harassment, or hostile environments within the University. A copy of this procedure is also filed with the Department of Personnel, Trenton, New Jersey. Any New Jersey City University employee, or other participant in the University's work related programs or activities who believes that they have been inappropriately harassed or discriminated against may file a complaint in accordance with the procedure described below.

1. All employees and applicants for employment have the right, and are encouraged, to immediately report suspected violations of the *State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace* (N.J.A.C. 4A:7-3.1).
2. Incidents of discrimination or harassment can be reported to the Affirmative Action Officer located in H306, or to any other supervisory employee within New Jersey City University. Incidents may also be reported to the Assistant to the Affirmative Action Officer.
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 inappropriate conduct.
4. Supervisory employees must immediately report all alleged violations of the *State of New Jersey Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace* to the Affirmative Action Officer. This includes 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 2-4 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. For example, a complaint could be filed directly with the Division of EEO/AA where the individual against whom the complaint is made is involved in the intake, investigative, or decision-making process.
6. While not mandatory, in order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a Discrimination Complaint Processing Form (DPF-481). An investigation may be conducted whether or not the form is completed.

7. New Jersey City University shall maintain a written record of the discrimination/harassment complaints received. Written records will 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 Affirmative Action Officer, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed a complaint and, if applicable, the complaint notification letter sent to the person(s) against whom a complaint has been filed. If a written complaint has not been filed, the Affirmative Action Officer must submit a brief summary of the allegations that have been made to the Division of EEO/AA. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court must also be submitted to the Division of EEO/AA.
8. During the initial intake of a complaint, the Affirmative Action Officer, or authorized designee, will obtain information regarding the discrimination/harassment complaint, and determine if interim corrective measures are necessary.
9. At the Affirmative Action Officer's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place when necessary.
10. An investigatory report will be prepared by the Affirmative Action Officer, or his or her designee, when the investigation is completed. The report will include, at a minimum: (a) a summary of both parties' positions; (b) summary of the facts developed through the investigation and (c) an analysis of the allegations and the facts. The investigatory report will be submitted to the President who will issue final determination letters to the parties.
11. The President will review the investigatory report issued by the Affirmative Action Officer or authorized designee, and make a determination as to whether a violation of the *State of New Jersey's Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace* has been substantiated. If a violation has occurred, the President will determine the appropriate corrective measures necessary to immediately remedy the violation.
12. The President will issue final letters of determination to both the complainant and the party charged, setting forth the results of the investigation and the appropriate right of appeal to the Merit System Board set forth in items 13 and 14 below. A copy of the final letters of determination must be provided to the Department of Personnel, Division of EEO/AA.

- a. The investigation of a complaint shall be completed, and final letters of determination shall be issued no later than 120 days after the initial intake of the complaint referred to in paragraph 8 herein.
 - b. The time for completion of the investigation and issuance of final letters of determination may be extended by the appointing authority head for up to sixty (60) additional days in cases involving exceptional circumstances. The appointing authority head 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. Complainant's Appeal Rights - 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 President, may submit a written appeal, within twenty days (20) of the receipt of the final determination letter 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 department level, the final letter of determination, the reason for the appeal and the specific relief requested. Regulations governing the appeal process are set forth at *N.J.A.C. 4A:7-3.3* and *N.J.A.C. 4A:7:2-1.1*.
14. Respondent's Appeal Rights - In a case where a violation has been substantiated, and no disciplinary action recommended, the party charged may appeal the determination to the Merit System Board at the above address, within twenty (20) days of receipt of the letter of determination from the President. The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.

If disciplinary action has been recommended in the final determination letter, the party charged may appeal using procedures for appealing a disciplinary action.
15. A complaint may be filed directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with the external agencies indicated below are provided for informational purposes only. 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 harassment/discrimination, not from the date that the determination letter is issued.

Complaint may be filed with the following external agencies:

**Division on Civil Rights
N. J. Department of Law & Public Safety
(180 days for violation of State law)**

Trenton Regional Office
140 East Front Street
6th Floor, P.O. Box 089 Trenton NJ 08625-0089
Tel: (609) 292-4605

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

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

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

**United States Equal Employment Opportunity
Commission (EEOC)
(300 days)**

Newark District Office
1 Newark Center
21st Floor
Newark, NJ 07102-5233
(973) 645-6383

Philadelphia District Office
The Bourse Building, Suite 400
21 S. Fifth Street
Philadelphia, PA 19106-2515
(215) 440-2600

Issued: December 16, 1999
Revised: June 3, 2005
See *N.J.A.C.* 4A:7-3.2