

Raritan Valley Community College

Internal Procedures for Complaints Alleging Discrimination, Harassment or Hostile Environment in the Workplace or Education Programs

I. GENERAL STATEMENT

This internal complaint procedure provides for the prompt and equitable resolution of discrimination and harassment complaints. This procedure is established in order to review, investigate and resolve allegations of unlawful discrimination or harassment based upon race, creed, color, national origin, ancestry, age, sex, marital status, familial status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, disability, or protected activity (i.e. opposition to prohibited discrimination or participation in complaint process). Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

Although employees and students are encouraged to use this internal procedure, exhaustion of this procedure is not a prerequisite for filing complaints with appropriate federal or State agencies, or for employees, under collective bargaining agreements. (See Section 11 of these procedures.)

II. DISCRIMINATION COMPLAINT PROCESS

A. General Provisions

1. Application

The employee or student should make every effort to file a complaint as soon as possible. Discrimination/harassment complaints should be filed within one hundred eighty (180) calendar days after the incident(s) occurred to ensure nothing would hinder the investigation of a complaint or that the individual bringing the complaint is not subjected to continuing prohibited behavior.

This procedure applies to all formal complaints of discrimination or harassment and/or a first account witness to the incident filed against employees, including student employees, and students. Any person who alleges discrimination or harassment by an employee or student may use this procedure. Complaints other than discrimination or harassment against students arising from their conduct as students will be handled under the Student Conduct of Academic Integrity Codes. Student conduct violations are reported to the Assistant Dean of Students/Judicial Affairs in the office of Student Service Office. Academic Integrity allegations are referred to the Dean of Academic Affairs. (See Academic Integrity code procedures.) The VP of Human Resources or the Director of Human Resources shall handle all discrimination/harassment complaints.

2. Reporting Violations

(a) All persons have the right and are encouraged to report suspected violations of the College's Non-Discrimination Policy to the VP of Human Resources, who is Title IX Coordinator Human Resources Office Raritan Valley Administration Center, (908) 526-1200 immediately.

(b) Additionally, complaints may be reported to Dean Student Services, College Center (908) 526-1200, who has been designated the Section 504/ADA Coordinator and Deputy Title IX Coordinator for student matters.

B. EMPLOYEE/STUDENT DISCRIMINATION COMPLAINT PROCEDURE

The following procedures apply to all complaints of discrimination / harassment instituted by or against employees or students.

1. Referral to VP of Human Resources

(a) Complainants

All complaints and/or incidents of discrimination, including sexual harassment, shall be referred to the VP of Human Resources for investigation and resolution. If complaints or incidents arise which appear to involve employee misconduct and/or incompetence shall be reported to the VP of Human Resources and or the designated representative shall at all times remain principally responsible for determining the validity of complaints of discrimination.

(b) Disqualification

If reporting a complaint to the VP of Human Resources presents a conflict of interest, the VP shall not participate or otherwise be involved with the investigation of the complaint, except as a witness in order to defend a claim made against him or her by the complaint. An example of such a conflict would be when the individual against whom the complaint is made is involved in the intake, investigation, or decision-making process. In such a case, the outside counsel will be asked to investigate the complaint and or a designated representative.

2. Filing of Complaints

(a) Discrimination complaints should be reported as soon as possible but within one hundred eighty (180) calendar days of the incident(s) violating the College's Non-Discrimination Policy.

(b) Supervisory employees should immediately report all alleged violations of the College's Non-Discrimination Policy, whether reported to or observed directly by the supervisor, to the VP of Human Resources.

(c) All complainants should provide in writing the information necessary to complete a thorough investigation of the complaint.

3. Investigation of Complaints

(a) VP of Human Resources will conduct an impartial investigation into the alleged harassment or discrimination submitted by a complainant against any employee of the College.

(b) Within five (5) working days after a formal complaint of discrimination / harassment has been filed. The individual alleged to have committed the discrimination, his/her immediate supervisor and the area dean/vice president will be notified in writing that a complaint has been filed and the timeline for processing the complaint.

(c) At each opportunity during the investigation, the VP of Human Resources will seek conciliation or an informal settlement that is satisfactory to the parties concerned.

(d) College employees and student are required to cooperate with the VP of Human Resources in the investigation of complaints and any recommendations or final directives issued as a result.

4. Completion of Investigation

The VP of Human Resources will conduct initial intake of the complaint to obtain information regarding the complaint. A thorough and impartial investigation into the alleged harassment or discrimination will take place to include interviews with the alleged discriminator and any witnesses identified by complaint and other who have relevant information, determination whether any interim corrective measures are necessary to prevent continued policy violation(s), and completion of report. Absent extraordinary circumstances, the investigative report will be completed within sixty (60) days of receipt of complaint notice. The time for completion of an investigation may be extended for up to thirty (30) additional working days in cases involving exceptional circumstances. A written report will be prepared and will include at minimum:

- (a) A summary of the complaint;
- (b) A summary of the parties' positions
- (c) A summary of facts developed during the investigation; and
- (d) An analysis of the allegations and facts

The investigatory report will be submitted to the Vice President of Human Resources if conducted by designated representative. If the investigation is completed by the VP of Human Resources, the report will be submitted to the President.

5. Final Decisions

The VP will review the investigatory report and make a determination as to whether the allegations of a violation of the College's policy prohibiting discrimination, harassment, and hostile environments have been substantiated. If a violation occurred, the VP will determine the appropriate corrective measures necessary to remedy the situation, including disciplinary action.

Within ten (10) working days of receiving the investigatory report, the VP will issue a final letter of determination to all parties, containing the results of the investigation. The time for issuance of a final letter of determination may be extended for up to ten (10) additional working days in cases involving exceptional circumstances. All parties would be notified of the extension in writing by the investigator.

The final letter of determination shall include at minimum:

- (a) A brief summary of the parties' positions;
- (b) A brief summary of the facts developed during the investigation; and
- (c) An explanation of the determination, which shall include whether:
 - 1. The allegation were either substantiated or not substantiated; and
 - 2. A violation of the Non-discrimination Policy did or did not occur.

If the determination is that the complaint was substantiated and a violation did occur, the alleged discriminator will be notified in writing separately regarding disciplinary action to be taken.

6. Confidentiality

Confidentiality, to the extent practical and appropriate under the circumstances, will be maintained throughout all phases of the intake, investigation, and remediation process. In the course of the

investigation, it may be necessary to discuss the claim with other persons who may have relevant knowledge. It may be necessary, therefore, to disclose information to persons with a legitimate need to know or to otherwise conduct the investigation. All persons interviewed will be directed to maintain the confidentiality of the investigation. Any breach of confidentiality by anyone involved in this procedure may be considered an act of obstruction, and maybe subject that person to disciplinary action.

7. Retaliation Prohibited

Any person who participates in the procedure, either as a party, witness, or otherwise, may do so without fear of retaliation. Retaliation by any College employee or student shall be grounds for disciplinary action, up to and including discharge or expulsion from the College.

8. False Accusations and Information

If any employee or student knowingly makes a false accusation of unlawful discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. Complaints made in good faith, however, even in found to be unsubstantiated, will not be considered a false accusation.

9. Record of Complaint and Decision

The record of complaint, informal resolution, or final decision shall be retained in a file in the Human Resources Office. Disciplinary action will be documented in the individual's personnel file.

10. Appeal Process

If the complainant disagrees with the determination of the VP, he/she may submit a written appeal within ten (10) working days to the President. After reviewing the documentation, the President may elect to reverse, modify, or let stand the decision and written notification should be submitted within fifteen (15) working days of receipt of the appeal. Any appeal by the accused regarding disciplinary action would follow College procedures and the appropriate collective bargaining agreement.

11. External Complaint Process

Although employees and students are encouraged to use this internal procedure, exhaustion of this procedure is not a prerequisite for filing complaints with appropriate federal or State agencies, or for employees, under collective bargaining agreements. (See Section 11 of these procedures.)

Information on your rights and responsibilities under these procedures and applicable laws may be obtained through:

A complainant may file directly with federal and State agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. An external complaint must be filed directly with the agency. The time frames for filing complaints with external agencies indicated below are provided for informational purposes only. You should contact the specific agency to obtain exact time frames.

Division on Civil Rights

NJ Department of Law & Public Safety

(Within 180 days from the violation of the Non-Discrimination Policy)

**Newark Regional Office
31 Clinton Street
P.O. Box 46001
Newark, New jersey 07102**

**United States Equal Employment Opportunity commission (EEOC)
(Within 300 days from a violation of the Non Discriminatory Offense)
National Call Center 1-800 669 4000**

**Philadelphia District Office
Suite 1300
Philadelphia, PA 19107
215 440 2600**

**Newark District Office
One Newark Center, 21 floor
Raymond Blvd.
Newark, New Jersey 07102
973 645 4684**