

-
- [Third Parties Resources Supplement](#)
 - [Office of Employment Equity Formal Complaint Form](#)
 - [University Policy 10.2.11: Code of Student Conduct](#)
 - [Rutgers Biomedical and Health Sciences \(RBHS\) Students Rights, Responsibilities and Disciplinary Procedures](#)
 - [University Policy 60.1.1: Employment of Relatives](#)
 - [University Policy 60.1.8: Equal Employment Opportunity and Affirmative Action Policy](#)
 - [University Policy 60.5.1: Academic Freedom Policy](#)
 - [Staff and Faculty Guidelines for Disability Accommodations](#)
 - [University Student Life Policy Against Verbal Assault, Harassment, Intimidation, Bullying and Defamation](#)
 - [Staff and Faculty Guidelines for Religious Accommodations](#)
 - [University Human Resources](#): 848-932-3020
 - [Office of Employment Equity](#): 848-932-3973; employmentequity@hr.rutgers.edu
 - [Office of Student Conduct](#)
 - New Brunswick: 848-932-9414, conduct@echo.rutgers.edu
 - Newark: 973-353-5063, communitystandards@newark.rutgers.edu
 - Camden: 856-225-6050, deanofstudents@camden.rutgers.edu
 - [RBHS Office of Academic & Student Affairs](#): 973-972-5374
 - [Rutgers University Police Departments](#):
 - New Brunswick: 732-932-7211
 - Newark: 973-353-5111
 - Camden: 856-225-6111
 - Health Sciences-Newark: 973-972-4491

5. Definitions

A. Discrimination is defined as an intentional or unintentional act which adversely affects employment or educational opportunities on the basis of membership in one or more protected classes. Rutgers provides equal employment opportunity to all its employees and applicants for employment regardless of their race, religion, color, national origin, ancestry, age, sex, sexual orientation, pregnancy, gender identity and expression, disability, genetic information, atypical hereditary cellular or blood trait, marital status, civil union status, d org M

Title IX prohibits discrimination on the basis of sex in education programs and activities. This includes certain forms of sexual harassment and sexual violence that interfere with a person's equal access to the University's educational programs and activities. Related federal regulations mandate a specific grievance process that the University must follow in cases in which sexual harassment prohibited by Title IX is alleged.

The [Title IX Policy and Grievance Procedures, Policy 60.1.33](#) the forms of sexual harassment that are prohibited by Title IX ("Covered Sexual Harassment") and describes the ways in which Rutgers will respond to reported instances of Covered Sexual Harassment, as required by law. As discussed in further detail in the Title IX Policy, Covered Sexual Harassment includes:

- 1. An employee cond@ . ~ Y Y M M

Employees in romantic, dating, intimate and/or sexual relationships must recuse themselves from decisions that may have a direct or indirect impact on the employee with whom they are in a relationship. Those who fail to do so and/or 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, promising an employee a promotion, or providing preferential academic or employment opportunities to an individual based on a romantic, dating, intimate and/or sexual relationship.

Any individual who engages in a romantic, dating, intimate and/or sexual relationship with someone over whom he or she has supervisory responsibility must inform his or her immediate supervisor of the relationship, so that the University can take action to make changes that eliminate the conflict of interest. If the University determines it is unable to eliminate the conflict of interest in a relationship between employees, the employees will be provided with the opportunity to decide which of the two will resign their employment. Failure to give proper notice to the appropriate supervisor may result in disciplinary action and/or the denial of legal representation and indemnification in the event that a lawsuit based on the relationship is filed.

V. ACADEMIC FREEDOM

The classroom and other instructional settings (e.g., studio, laboratory) present special problems because academic freedom protects the expression of ideas, even when the idea or its expression may be perceived to be offensive, if conduct or statements which are the subject of a complaint are germane to the subject matter taught. The educational process is predicated upon the free exchange of ideas, and this Policy shall not be interpreted to prohibit free expression protected by the First Amendment. The National American Association of University Professors' (AAUP) Statement on Professional Ethics provides that professors should avoid any exploitation, harassment, or discriminatory treatment of students. The 1940 Statement of Principles on Academic Freedom and Tenure provides that Professors should not introduce into their teaching controversial matter which has no relation to their subject. Accordingly, if conduct or statements which are the subject of a complaint occur in an instructional context and are germane to the subject matter being taught, wide latitude is required for professional judgment in determining the appropriate content and presentation of the academic material being taught. Therefore, harassment in violation of this Policy will not be found to exist in an instructional setting unless the conduct or statements which are the subject of a complaint are not germane to the subject matter taught and:

- are directed toward an individual or group based on one or more of the protected classes listed in Section I above;
- are sufficiently severe or pervasive to alter an individual's educational environment;
- create an objectively hostile learning environment; and
- are, in fact, perceived as hostile by the complainant.

VI. REPORTING DISCRIMINATION AND HARASSMENT

Any member of the University community alleging discrimination or harassment on the basis of membership in any of the protected classes is encouraged to report it immediately to the Office of Employment Equity.^[4]

University supervisors and managers are required to inform the Office of Employment Equity of any reported conduct prohibited by this Policy involving other employees. This means that these individuals are required to report all relevant details, including the names of the individual who made the report, the alleged victim, the alleged Respondent, any witnesses, and other known relevant facts. One does not have to be the direct target of the discrimination or harassment to report it. Complaints against students, arising out of their conduct as students, are addressed by [University Policy 10.2.11: Code of Student Conduct](#) and the [RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy](#).^[5]

Any individual who believes that he or she has been the victim of a crime (including but not limited to forced physical contact and/or sexual violence) also has a right, and is encouraged, to report the incident to the appropriate law enforcement agency. Questions about law enforcement assistance and involvement may be directed to the Chief of Police at Rutgers University–New Brunswick, Rutgers University–Newark, and Rutgers University–Camden.

The University is committed to responding to reports and complaints of discrimination and harassment promptly, fairly, and with sensitivity, as outlined in the [Discrimination, Harassment, Workplace Violence, Sexual Misconduct, and Retaliation Complaint Process: Complaints Against University Employees and Third Parties \("Complaint Process"\)](#).^[6] Upon completion of the Complaint Process, the University will take appropriate corrective action consistent with the results of the investigation. Sanctions may include discipline up to and including termination of employment, consistent with the terms of all University Policies concerning personnel actions and the terms of all applicable collective negotiations agreements. In addition to any sanction, the University may also recommend training, counseling or other support services to the Respondent.^[7]

The University will maintain confidentiality as to discrimination and harassment complaints, and the investigation of those complaints, to the extent possible. Only those who have a need to know will be told the identity of the parties to a complaint.

In some instances, a complainant may choose to take no action (including filing a formal complaint) or to defer action until a later date in order to maintain anonymity. In these instances, the University reserves the right to determine whether it is necessary to initiate a University Action and investigate the reported conduct in order to protect the University community. The Director of the Office of Employment Equity will consider various factors in this assessment, such as the availability of independent evidence of the allegations, the nature of the allegations and/or whether there have been similar complaints about the same Respondent. If the Director initiates a University Action, the Director will notify the Complainant, but the Complainant will not be required to participate in the process.

VII. RETALIATION

The University prohibits retaliation against individuals who, in good faith, assert their rights to bring a complaint of discrimination or harassment as

defined in this Policy, participate in a discrimination or harassment investigation, or protest the alleged discrimination, harassment, or retaliation. No person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege under this Policy.

Retaliation is an offense separate from the original complaint of discrimination, and will be considered independently from the merits of the underlying complaint. Individuals who believe they have been subjected to retaliation should report the conduct to the Office of Employment Equity.

VIII. FALSE STATEMENTS

All parties and witnesses to a complaint and/or investigation are prohibited from knowingly making false statements and from knowingly submitting false information during the complaint and investigation process. Knowingly making a false statement or knowingly submitting false information may subject the party or witness to discipline.

Anyone who believes that he or she has been the subject of a false complaint may meet with the Director of the Office of Employment Equity to discuss the allegations. The filing of a complaint that does not result in a finding of prohibited conduct is not alone evidence of the intent to file a false complaint.

[1] A student's educational opportunities refer to his or her learning environment (academic performance and/or academic opportunities), living environment (campus housing accommodations), and ability to participate in activities made available by Rutgers.

[2] Depending on the nature of the alleged misconduct, claims of sexual harassment made against University employees or third parties may be covered by this Policy or the Title IX Policy.

[3] Note that if the Complaint is initially filed under the Title IX Policy, but is determined by the Title IX Coordinator not to meet any of the elements set forth above, the dismissal procedures set forth in the Title IX Policy will apply, and the matter may be referred for review under this Policy.

[4] The Director of the Office of Employment Equity supervises the operation of the [Discrimination, Harassment, Workplace Violence, Sexual Misconduct, and Retaliation Complaint Process: Complaints Against University Employees and Third Parties](#). The Office is also a resource for all members of the University community, and is responsible for arranging education and training for the community regarding the Policy and the Complaint Process. Contact information for the Director is 848-932-3973 or employmentequity@hr.rutgers.edu.

[5] Additional information about complaints against students can be found at <http://studentconduct.rutgers.edu/> or by contacting the Office of Student Conduct, which responds to such complaints, and can be reached at 732-932-9414 or conduct@echo.rutgers.edu.

[6] Available at <https://uhr.rutgers.edu/sites/default/files/userfiles/DiscriminationHarassmentComplaintProcess.pdf>. Information is also available at <http://uhr.rutgers.edu/policies-resources/policies-procedures/policy-and-compliance-guidelines/discrimination-and>.

[7] Complaints of discrimination or harassment against vendors, contractors, subcontractors, and others who do business with the University will be handled by the Director of the Office of Employment Equity.