

**William Paterson University Policy**  
Policy Prohibiting Discrimination in the Workforce and Educational Environment

<b>SUBJECT:</b>	University Policy		<b>TITLE:</b>	Policy Prohibiting Discrimination in the Workforce and Educational Environment (Formerly NJ State Policy Prohibiting Discrimination in the Workplace)	
<b>CATEGORY: Check One</b>	<b>Board of Trustees</b> <input type="checkbox"/>	<b>University</b> <input checked="" type="checkbox"/>	<b>Functional</b> <input type="checkbox"/>	<b>School/Unit</b> <input type="checkbox"/>	
<b>Responsible Executive:</b>	President and Cabinet Members		<b>Responsible Office:</b>	Office of Institutional Equity and Diversity	
<b>CODING:</b>	00-01-00-00-06	<b>ADOPTED:</b>	02/22/23	<b>AMENDED</b> : 08/1/24	

**I. PURPOSE**

William Paterson University (the “University”) is committed to providing every University employee, prospective employee, and student with a work and educational environment free from prohibited discrimination and/or harassment.

**II. ACCOUNTABILITY**

The Office of Institutional Equity and Diversity (“OIED”) is responsible for the implementation of this policy and will respond to any and all complaints alleging a violation of this policy.

**III. APPLICABILITY**

As a New Jersey state institution, William Paterson University is subject to state legislation prohibiting discrimination, described more fully at N.J.A.C. 4A:7-3.1 This Policy, modeled after the New Jersey State Policy Prohibiting Discrimination in the Workplace, is applicable to all William Paterson University employees, prospective employees and students bringing forth complaints against university employees for alleged discrimination.

As a recipient of Federal financial assistance, William Paterson University is also subject to Title IX of the Education Amendments of 1972. This law protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

“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.”

Certain complaints of sexual harassment against University employees may therefore be governed by the University's Title IX Grievance Policy for Sexual Harassment Complaints ("Title IX Grievance Policy"). Additionally, certain student complaints of sexual harassment against other students may be governed by the University's Student Sexual Misconduct and Non-Discrimination Policy. All complaints of sexual harassment involving any student or employee should be reported to OIED.

To facilitate the reporting of a complaint under this policy against an employee, please submit the [Discrimination Complaint Form](#) online. In addition, the [Discrimination Complaint Processing Form \(DPF-481\)](#) can be found on the William Paterson intranet and the New Jersey Civil Service Commission's ("NJCS") website.

### **Student Discrimination Complaints Against Other Students:**

Complaints by students against other students for any form of discrimination based on protected categories as outlined in this policy, may be addressed by the Bias Prevention and Education Team (BPET), which retains discretion to determine the most appropriate avenue of response, including but not limited to, coordination with other University resources such as the Dean of Students and Director of Student Conduct. 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 articulated.

To facilitate the reporting of a discrimination complaint by a student against other students, please submit the [Bias Related Incident Report](#) online. The BPET is a group of University staff and faculty who support and guide students seeking assistance in determining how to handle an alleged bias and/or discrimination incident. Members of the BPET will respond to reported incidents in the following ways:

- Meet with impacted students and connect them to campus resources for support and guidance.
- Refer reported incident to relevant campus administrative bodies for review. If the reported incident appears to rise to the level of a policy violation, the case is referred to the appropriate campus units that govern and oversee applicable policies in the Student Code of Conduct and Nondiscrimination policy.
- Convene to discuss possible solutions and develop effective educational and outreach programs aimed to address underlying issues or systems that impact campus climate.

## **IV. DEFINITION(S)**

- 1. Discrimination/Harassment under this policy** 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** for purposes of this policy, 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 decisions affecting such individual; or
  - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
3. **Sexual Misconduct in the Workplace or Educational Environment** means the forms of sexual misconduct set forth in the Sexual Misconduct and Non-Discrimination Policy for Students All definitions set forth in that policy apply to such complaints. Prohibited conduct includes Sexual Assault, Non-Consensual Sexual Contact (Fondling), 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 or educational environment and interferes with an individual's ability to do their job.
5. **Retaliation** means adverse employment or educational consequences based upon that employee or student bringing forth a complaint, providing information for an investigation, or otherwise participating in an investigation relating to this policy.

## 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

William Paterson 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, 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 environment and educational environment free from discrimination and harassment, the State of New Jersey strictly prohibits the conduct that is described in this policy. This is a zero-tolerance policy. This means that the State and its agencies reserve 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 William Paterson 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.

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 (i.e., any field location, any off-site business-related social function, or any facility where William Paterson University business is being conducted and discussed).

This policy also applies to third party harassment. Third party harassment is unwelcome behavior involving any of the protected categories referred to in section 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 their 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 that contains derogatory or demeaning language or images pertaining to any of the protected categories.

#### 4. Sexual Harassment in the Workplace

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 decisions affecting such individual; or
  - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance 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:
- iv. Generalized gender-based remarks and comments;
  - v. Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement;
  - vi. 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
  - vii. 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;
  - viii. 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;
  - ix. 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
  - x. Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

##### 5. Consensual Relations

The University's educational mission is promoted by professionalism in employee/student relationships. Consensual, amorous relationships between supervisors and their subordinates, or faculty and students undermine the ethical integrity of the University community. Such relationships are problematic for the people involved as well as having a negative impact on others in the work environment.

Moreover, other students and employees may be affected by such unprofessional behavior because it places, or may be perceived to place, the staff/faculty member in a position to favor or advance one person's interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors.

Therefore, no staff member shall have an amorous relationship (consensual or otherwise) with a student who is enrolled in their course and/or whose academic work is being evaluated by the faculty member. No staff member shall have an amorous relationship with a student whom the staff member has the power to penalize or reward.

A staff/faculty member who fails to withdraw from participation in activities or decisions that may reward or penalize a student with whom the staff/faculty member has or has had

an amorous relationship will be deemed to have violated their ethical obligation to the student, other students, colleagues, and the University.

Supervisory staff/faculty who engage in consensual relationships with individuals they supervise, or their students should be aware that they are violating University policy and are subject to formal disciplinary action, up to, and including, removal.

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) OIED. ([Complaint Form](#))

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 OIED. ([Complaint Form](#))

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, is encouraged to promptly report the incident(s) to the OIED. ([Complaint Form](#))

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 and students to OIED.

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 William Paterson University website <https://www.wpunj.edu/Institutional-Equity-and-Diversity/index.html>.

The University will distribute the policy to vendors/contractors with whom it has a direct relationship.

10. Complaint Process

William Paterson 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).

OIED is responsible for receiving complaints of discrimination/harassment made by students and/or employees against employees and third parties. OIED is also responsible for investigating complaints of discrimination/harassment made by employees and/or students against employees.

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 University's Chief Diversity Officer to make a final decision as to whether a violation of the policy has been substantiated and then submitted to the University's Vice President of Human Resource, or their designee, to implement sanctions.

Where a violation of this policy is found to have occurred, William Paterson 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.

William Paterson University shall maintain a record of the discrimination/harassment complaints received in accordance with the State Policy.

#### 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: 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. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. 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: William Paterson 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. William Paterson University will follow the procedures below in the receipt and investigation of discrimination complaints.

1. All employees, applicants for employment, and students should promptly report suspected violations of the William Paterson University Policy Prohibiting Discrimination in the Workplace and Educational Environment (as adapted from N.J.A.C. 4A:7-3.1).
2. Complaints of prohibited discrimination/harassment can be reported to the University's EEO/AA Officer, Director of Institutional Equity and Compliance, located in College Hall – Room 120, (973) 720-2389 or to any supervisory employee. Complaints may also be reported to:

- Director of Human Resources, College Hall, Room 150  
(973) 720-2723
- Vice President for Student Development, University Commons, Room 117  
(973) 720-2179
- Director Counseling, Health & Wellness, Overlook South, Room D144  
(973) 720-2360
- College of Arts, Humanities, and Social Sciences Dean, Atrium 262  
(973) 720-2731
- Cotsakos College of Business Dean, 1600 Valley Road Building, 4<sup>th</sup> Floor  
(973) 720-2964
- College of Education Dean, 1600 Valley Road Building, 4<sup>th</sup> Floor  
(973) 720-2137
- College of Science and Health Dean, Science East, Room 3019  
(973) 720-2194
- Continuing Education and Distance Learning, 1800 Valley Road, 2<sup>nd</sup> Floor  
(973) 720-2354
- Department Chairs – See Campus Directory
- Unit Directors (i.e., Director of Campus Activities or Director of Residence Life – See Campus Directory)
- Center for Diversity & Inclusion Director, Student Center, Room 214  
(973) 720-3264

3. Complaints and allegations of discrimination/harassment should be reported 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 William Paterson University Policy Prohibiting Discrimination in the Workplace and Educational Environment to the EEO/AA Officer. 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 and 4 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.
6. In order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a Division of EEO/AA Discrimination Complaint Processing Form. An investigation may be conducted whether or not the form is completed.
7. William Paterson University will 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) may be submitted to the Department of the Treasury, Division of EEO/AA, by the University's EEO/AA Officer, 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 EEO/AA Officer may 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 may be submitted to the Division of EEO/AA.
8. During the initial intake of a complaint, the EEO/AA officer or an authorized designee, will obtain information regarding the complaint, and determine if interim corrective measures are necessary to prevent continued violations of the William Paterson University Policy Prohibiting Discrimination in the Workplace and Educational Environment. Interim corrective actions include, but are not limited to:
  - a. Separation of parties;
  - b. Removal of parties from the workplace; and
  - c. Involvement of law enforcement, when appropriate, for instances involving serious bodily harm or criminal conduct.
9. At the EEO/AA Officer's discretion, 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 the Policy.

In determining whether or not a thorough and impartial investigation is warranted, the EEO/AA Officer when reviewing complaints shall consider, but is not limited to considering, the following factors: the facts presented, whether the complainant articulated a sufficient nexus between the alleged conduct to a protected category as set forth in

N.J.A.C. 4A:7-3.1(a), the time the incident(s) occurred, the time the incident was reported, and whether the complainant and/or respondent is a current State employee (regardless of when the incident occurred).

10. An investigatory report will be prepared by the EEO/AA Officer or their 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's Chief Diversity Officer, or their designee.

11. The University's Chief Diversity Officer, or their designee, will review the investigatory report issued by the EEO/AA Officer, or their designee, and make a determination as to whether the allegation of a violation of the William Paterson University Policy Prohibiting Discrimination in the Workplace and Educational Environment has been substantiated. If a violation has occurred, the Vice President of Human Resources, or their designee, will determine the appropriate corrective measures necessary to immediately remedy the violation.
12. The EEO/AA Officer, or their 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 to the New Jersey Civil Service Commission ("NJCS"), 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.
  - 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 William Paterson University Policy Prohibiting Discrimination in the Workplace and Educational Environment 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 business days after the complaint is filed.
  - c. The time for completion of the investigation and issuance of the final letter of determination may be extended by William Paterson University for up to 60 additional business days in cases involving exceptional circumstances. When applicable, OEID 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 Chief Diversity Officer, or their 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 EEO/AA Officer, or their 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.
  - a. Employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The NJCSC 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 Chair deems appropriate. See N.J.A.C. 4A:2-1.7.
  - b. If an appeal under this chapter raises issues concerning the employee not receiving an advancement appointment, the NJCSC shall decide those issues in the course of its determination.
  - c. The NJCSC 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).
  - d. The appellant shall have the burden of proof in all discrimination appeals brought before the Civil Service Commission.
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 NJCSC at the address indicated in Paragraph 13 above, within 20 days of receipt of the final letter of determination by the EEO/AA Officer, or their 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.
2. The Division of EEO/AA shall be placed on notice of and given the opportunity to submit comment on appeals filed with the NJCSC of decisions on discrimination complaints, regardless of whether or not the complaint was initially filed directly with the 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 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 EEO/AA Officer, or their designee. Complaints may be filed with the following external agencies:

### **Division on Civil Rights**

#### **N. J. Department of Law & Public Safety (Within 180 days 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  
3<sup>rd</sup> Floor  
Atlantic City, NJ 08401  
(609) 441-3100

Camden Regional Office  
One Port Center, 4<sup>th</sup> 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  
Two Gateway Center  
Suite 1703  
283-299 Market Street  
Newark, NJ 07102  
1-800-669-4000

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 1300  
Philadelphia, PA 19107-3127  
1-800-669-4000 / 267-589-9700 / or email [PDOContact@eeoc.gov](mailto: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 State Policy Prohibiting Discrimination in the Workplace](#)
3. [University Discrimination Complaint Form](#)
4. [Student Complaint Form](#)
5. [Civil Service Employee Discrimination Complaint Processing Form](#)
6. [Title IX Grievance Policy for Sexual Harassment Complaints](#)
7. [Student Sexual Misconduct and Non-Discrimination Policy](#)

By Direction of the President and Cabinet.