



Office of Equal Opportunity and Institutional Compliance

Summary of Steps in the Stockton EEO Investigation Process¹

Who can file a complaint under Stockton's Policy Prohibiting Discrimination in the Workplace?

- Any employee, including student workers, interns, temps, and volunteers.
- Any student filing a complaint against an employee of Stockton or against any other student worker.
- Any applicant for employment, or other individual doing business with the University.

Complaint filing process under the Policy Prohibiting Discrimination in the Workplace.

- Complainant can report a complaint to the Office of Equal Opportunity and Institutional Compliance (OEOIC) or to any supervisor or manager.
 - Supervisor/manager must immediately report the complaint to OEOIC. A supervisor/manager may be subject to discipline for failure to report to OEOIC conduct they personally observed or conduct that was reported to them.
 - OEOIC may also become aware of a complaint through an external filing.
- OEOIC reviews the complaint and contacts the Complainant to schedule a meeting if the allegations implicate the University Policy. OEOIC requests additional information, if necessary.
- OEOIC conducts an intake interview with Complainant. Complainant completes a complaint processing form. **Or**,
 - OEOIC sends a letter advising Complainant that the complaint does not implicate the University Policy (the matter may be referred to Management or University Ombuds Officer as appropriate or as required to address operational needs).
- If necessary, appropriate interim remedial measures are taken.
- Complainant and Respondent receive letters summarizing the complaint/allegations, the requirements for confidentiality, the prohibition against retaliation, and next steps by OEOIC. The Complainant is not named in the letter to the Respondent.
 - If the allegations do not implicate the University Policy, Complainant receives a letter stating why; no letter is issued to Respondent in this case.
 - If the complaint contains multiple allegations, OEOIC may also send letters indicating those allegations that will be investigated and those that will not. In this case, the Respondent would receive a letter with only those allegations that will be investigated.
- Copies of the complaint and the acknowledgements letters are sent to the NJ Civil Service Commission (CSC), Division of EEO/AA.
- Conflict-of-interest cases may be referred to the CSC Division of EEO/AA or other competent authority. (An example of such a conflict would be where the individual against whom the complaint is made is involved with the intake, investigative or decision-making process.)

¹ Stockton University Policy VI-28 (Policy Prohibiting Discrimination in the Workplace) is patterned on the New Jersey State Policy Prohibiting Discrimination in the Workplace. The corresponding Procedure 6360 (Procedures for Internal Complaints Alleging Discrimination in the Workplace) is patterned on the State Model Procedures developed by the NJ Civil Service Commission, Division of EEO/AA.



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What's next?

The EEO Investigator conducts a fact-finding investigation into the Complainant's allegations.

- Respondent is interviewed. Respondent may bring a union representative to the interview if the Respondent is a union member.
- Respondents are not entitled to legal representation in administrative EEO policy investigations. However, at the discretion of the OEOIC Director, the University may permit the Respondent's attorney to attend the interview. In such cases, the Respondent's attorney may not answer questions, introduce questions, or disrupt the interview in any way. If the Respondent is permitted to bring Counsel, University Counsel may also attend.
- Relevant witnesses identified by Complainant and Respondent are interviewed. Witnesses are not entitled to any representation by union or counsel.
- Other necessary/relevant witnesses identified by the Investigator are interviewed.
- During interviews, any supporting evidence is gathered from Complainant, Respondent, and witnesses.
- Any other relevant documentary evidence is gathered.

What does the EEO Investigator do next?

- Reviews all evidence gathered and writes a confidential draft investigative report for review by the OEOIC Director.
- The OEOIC Director sends the final investigative report and draft determination letters to the President or designee for review.

What happens after the investigation?

- After review, the President's Office (President or designee) sends determination letters to the parties, and OEOIC sends copies of the determination letters to the NJ CSC, Division of EEO/AA.
- Appeals of the determination are available as follows:
 - *Complainants* subject to Civil Service Commission (CSC) jurisdiction, and applicants for employment, may appeal to NJ CSC, Div. of Appeals and Regulatory Affairs (NJ CSC DARA).
 - Complainants not subject to CSC jurisdiction may be able to pursue the matter via the US EEOC or NJ Division on Civil Rights.
 - *Respondents* subject to CSC jurisdiction may appeal to NJ CSC DARA in a case where a violation has been substantiated and no disciplinary action is recommended.
 - If the matter is sent to the Office of Human Resources for review and disciplinary action is imposed, any party charged who is in the career service may challenge findings and discipline through a departmental hearing or pursuant to the applicable collective bargaining agreement.
 - AFT members subject to discipline may pursue their rights under the AFT Master Agreement, Article VII, Section K.1.



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Other Considerations

- To protect the privacy interests of the parties and witnesses, the integrity of the investigation, and to maintain a harmonious work environment, all parties and witnesses are asked to refrain from discussing the matter with others who do not have a legitimate and substantial business justification to know about it.
- Statements taken by the EEO Investigator, OEOIC Director, or anyone acting on behalf of the OEOIC as part of a State EEO Investigation are confidential; copies are not provided to any party or witness.
- EEO Investigative Reports are confidential; copies are not provided to any party or witness.
- Policy VI-28, Section IV (Policy Prohibiting Discrimination in the Workplace) expressly requires employees to cooperate with investigations.
- Generally, witnesses are interviewed after the Respondent has been interviewed. However, if the Respondent is unavailable for a significant period of time, the investigation will proceed, including proceeding with interviews of other witnesses and gathering relevant documentation until the Respondent is available to be interviewed.
- Interviews may take place during work hours, so employees do not have to utilize personal time.
- An investigation is generally concluded within 120 days but may be extended for an additional 60 days as provided for by *N.J.A.C. 4A:7-3.2(l) 2-3*.
- Supervisors and Respondents should be careful not to take any adverse action against Complainants and witnesses that could be deemed retaliatory for filing a complaint or participating in an EEO Investigation.
 - Subsequent discipline of Complainants and witnesses is permitted for just cause but should be well-documented.

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