

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 reporting harassment or discrimination by an employee of Stockton or by a 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, or as soon as possible, 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 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.
- 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.
- 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.



Office of Equal Opportunity and Institutional Compliance

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 and draft determination letters for review by the OEOIC Director.
- The OEOIC Director sends the investigative report and determination letters (with any revisions) 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.
- State law permits applicants for employment, as well as career, unclassified and senior executive service employees to appeal the determination to the NJ Division of Appeals and Regulatory Affairs (NJ DARA).
 - Complainants can appeal only if any of the allegations **are not substantiated**.
 - Respondents can appeal only if any **allegations are substantiated**.
 - If discipline is recommended for substantiated allegations, Respondents can appeal only via the disciplinary appeal process rather than through NJ DARA.
- Employees in titles not eligible for NJ DARA appeal may be able to pursue their case with the US EEOC or NJ Division on Civil Rights (DCR).



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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 of 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.
- 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.
- 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(I) 2-3*.

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