

EEO Complaint Process

This flowchart is subject to change pursuant to guidance provided by the New Jersey Civil Service Commission, Division of EEO/AA.

Step 1

Complainant reports a complaint to the Office of Equal Opportunity & Institutional Compliance (OEOIC) or to any supervisor/ manager, or OEOIC becomes aware due to an external filing. Supervisor/manager must immediately forward complaint to OEOIC.

Step 2

OEOIC reviews complaint and will contact Complainant to schedule a meeting if the allegations implicate the University Policy, send communication to the Complainant seeking additional information, or request for interview, if necessary.

Step 3

OEOIC conducts intake interview with Complainant; Complainant completes complaint processing form
or
OEOIC sends letter advising Complainant that complaint does not implicate the University Policy (may be referred to Management or University Ombuds Officer as appropriate or as required to address operational needs)

Step 4

Complainant and Respondent receive letters summarizing complaint/allegations. Complainant is not named in Respondent's letter. If allegations do not implicate the University Policy, Complainant receives letter stating why; no letter is issued to Respondent in this case. If multiple allegations, OEOIC may also send letters indicating those allegations that will be investigated and those that will not. In this case, Respondent would receive a letter with those allegations that will be investigated.

Step 5

EEO Investigator conducts a fact-finding investigation into Complainant's allegations including interviews of Respondent (if entitled, union rep. optional) and witnesses for Complainant and Respondent. Investigator gathers relevant documentation and supporting evidence.

Step 6

EEO Investigator drafts confidential investigative report and submits to OEOIC Director for review. Director sends final report and draft determination letters to President or designee for review.

Step 7

President or designee sends determination letters to both parties; OEOIC sends copies of determination letters to NJ Civil Service Commission, Division of EEO/AA

Step 8

Determination letters received; appeals 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 matter via 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 recommended.
- If the matter is sent to OHR 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 applicable collective bargaining agreement.
 - AFT members subject to discipline may pursue their rights under the AFT Master Agreement, Article VII, Section K.1.

Other Considerations:

- All parties and witnesses are asked to refrain from discussing the matter with individuals who do not have a legitimate and substantial business justification to know about it.
- Statements taken by the EEO Investigator, Director for Equal Opportunity & Institutional Compliance (OEOIC), or anyone acting on behalf of the OEOIC as part of a State EEO Investigation are confidential. Copies are not provided to parties or witnesses.
- EEO Investigative Reports are confidential. Copies are not provided to either party.
- 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.
- Policy VI-28, Section IV (Policy Prohibiting Discrimination in the Workplace) expressly requires employees to cooperate with investigations.
- 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. Subsequent discipline is permitted for just cause but should be well-documented.

Who Can File a Complaint?

- 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.

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