

Brookdale Community College

Internal Procedures for Complaints Alleging Discrimination, Harassment or Hostile Environment in the Workplace or Education Programs Revised 2020

I. GENERAL STATEMENT

This internal complaint procedure provides for the prompt and equitable resolution of discrimination and harassment complaints. This procedure is established in order to review, investigate and resolve allegations of unlawful discrimination or harassment based upon race, creed, color, national origin, ancestry, age, sex, marital status, familial status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, disability, or protected activity (i.e. opposition to prohibited discrimination or participation in the complaint process). Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

Although employees and students are encouraged to use this internal procedure, exhaustion of this procedure is not a prerequisite for filing complaints with appropriate federal or State agencies, or for employees, under collective bargaining agreements. (See Section 11 of these procedures.)

Information on your rights and responsibilities under these procedures and applicable laws may be obtained through:
Human Resources Office
Brookdale Administration Center, Room 132,
(732) 224 -2695 TDD 1-800-852-7899

II. DISCRIMINATION COMPLAINT PROCESS

A. General Provisions

1. Application

The employee or student should attempt informal resolution of an alleged complaint. If this is not possible, a formal complaint of alleged discrimination may be filed. The employee or student should make every effort to file a complaint as soon as possible. Discrimination / harassment complaints should be filed within one hundred eighty (180) calendar days after the incident(s) occurred to ensure nothing would hinder the investigation of a complaint and that the individual bringing the complaint is not subjected to continuing prohibited behavior.

This procedure applies to all formal complaints or discrimination or harassment filed against employees, including student employees, and students. Any person who alleges discrimination or harassment by an employee or student may use this procedure. Complaints other than discrimination or harassment against students arising from their conduct as students will be handled under the Student Conduct or Academic Integrity Codes. Student conduct violations are reported to the Manager, Student Conduct and Compliance in the office of Student Affairs, MAC 106. Academic Integrity allegations are referred to the faculty member, the Institute Dean, or the Vice President for Learning. (See Academic Integrity code procedures.) The Manager – Diversity, Inclusion and Compliance shall handle all discrimination / harassment complaints.

2. Reporting Violations

(a) All persons have the right and are encouraged to report suspected violations of the College's Non-Discrimination Policy to the Manager – Diversity, Inclusion and Compliance / Equal Employment Opportunity Officer / Title IX Coordinator in the Human Resources Office, Brookdale Administrative Center, (732)224-2695 immediately.

(b) Additionally, complaints may be reported to the Associate Vice President, Student Affairs, Main Academic Complex (732) 224 - 2215, who has been designated the Section 504/ADA Coordinator and Title IX Coordinator for student matters, and Associate Vice President, Human Resources & Organizational Safety, Human Resources Office Brookdale Administration Center, (732) 224-2234, who has been designated the Section 504/ADA Coordinator and Title IX Coordinator for employment matters. All reported complaints will be referred to Manager – Diversity, Inclusion and Compliance for the investigatory phase of the process.

B. EMPLOYEE/STUDENT DISCRIMINATION COMPLAINT PROCEDURE

The following procedures apply to all complaints of discrimination / harassment instituted by or against employees or students.

1. Referral to Manager – Diversity, Inclusion and Compliance

(a) Complainants

All complaints and/or incidents of discrimination, including sexual harassment, shall be referred to the Manager – Diversity, Inclusion and Compliance for investigation and resolution. If complaints or incidents arise which appear to involve employee misconduct and/or incompetence, the Manager – Diversity, Inclusion and Compliance and the Associate Vice President, Human Resources & Organizational Safety shall collaborate to conduct a joint investigation. The Manager – Diversity, Inclusion and Compliance shall at all times remain principally responsible for determining the validity of complaints of discrimination.

(b) Disqualification

If reporting a complaint to the Manager – Diversity, Inclusion and Compliance presents a conflict of interest, the Manager – Diversity, Inclusion and Compliance shall not participate or otherwise be involved with the investigation of the complaint, except as a witness in order to defend a claim made against him or her by the complainant. An example of such a conflict would be when the individual against whom the complaint is made is involved in the intake, investigation, or decision-making process. In such a case, the Associate Vice President, Human Resources & Organizational Safety shall process the complaint.

2. Filing of Complaints

(a) Discrimination complaints should be reported as soon as possible but within one hundred eighty (180) calendar days of the incident(s) violating the College's Non- Discrimination Policy.

(b) Supervisory employees should immediately report all alleged violations of the College's Non-Discrimination Policy, whether reported to or observed directly by the supervisor, to the Manager – Diversity, Inclusion and Compliance.

(c) All complainants should fill out a Discrimination Complaint Form or provide in writing the information necessary to complete a thorough investigation of the complaint.

3. Investigation of Complaints

(a) The Manager – Diversity, Inclusion and Compliance will conduct an impartial investigation into the alleged harassment or discrimination submitted by a complainant against any employee of the College.

(b) Within five (5) working days after a formal or informal complaint of discrimination / harassment has been filed, the individual alleged to have committed the discrimination, his/her immediate supervisor and the area associate vice president/vice president will be notified in writing that a complaint has been filed and the timeline for processing the complaint.

(c) At each opportunity during the investigation, the Manager – Diversity, Inclusion and Compliance will seek conciliation or an informal settlement that is satisfactory to the parties concerned.

(d) College employees and students are required to cooperate with the Manager – Diversity, Inclusion and Compliance in the investigation of complaints and any recommendations or final directives issued as a result. Absent extraordinary circumstances, failure to respond to an investigation within forty-eight (48) hours may result in disciplinary action up to and including termination.

4. Completion of Investigation

The Manager – Diversity, Inclusion and Compliance will conduct initial intake of the complaint to obtain information regarding the complaint. A thorough and impartial investigation into the alleged harassment or discrimination will take place to include interviews with the alleged discriminator and any witnesses identified by the complainant and others who have relevant information, a determination whether any interim corrective measures are necessary to prevent continued policy violation(s), and completion of a report. Absent extraordinary circumstances, the investigative report will be completed within sixty (60) days of receipt of complaint notice. The time for completion of an investigation may be extended for up to thirty (30) additional working days in cases involving exceptional circumstances. A written report will be prepared and will include at minimum:

- (a) A summary of the complaint;
- (b) A summary of the parties' positions
- (c) A summary of facts developed during the investigation; and
- (d) An analysis of the allegations and facts.

The investigatory report will be submitted to the Associate Vice President, Human Resources & Organizational Safety unless the Associate Vice President has been actively involved in the investigation. In that case, the report will be submitted to the President.

5. Final Decisions

The Associate Vice President will review the investigatory report and make a determination as to whether the allegations of a violation of the College's policy prohibiting discrimination, harassment, and hostile environments have been substantiated. If a violation occurred, the Associate Vice President will determine the appropriate corrective measures necessary to remedy the situation, including disciplinary action.

Within ten (10) working days of receiving the investigatory report, the Associate Vice President will issue a written notice sent concurrently to the complainant and the alleged perpetrator of the outcome of the complaint; including if there were substantiated findings and providing appeal procedures. The time for issuance of a final letter of determination may be extended for up to ten (10) additional working days in cases involving exceptional circumstances. All parties would be notified of the extension in writing by the investigator.

The final letter of determination shall include at minimum:

- (a) A brief summary of the parties' positions;
- (b) A brief summary of the facts developed during the investigation; and
- (c) An explanation of the determination, which shall include whether:
 - (1) The allegations were either substantiated or not substantiated; and
 - (2) A violation of the Non-discrimination Policy did or did not occur.

If discipline is appealed and changed, notification will be sent to both parties.

6. Confidentiality

Confidentiality, to the extent practical and appropriate under the circumstances, will be maintained throughout all phases of the intake, investigation, and remediation process. In the course of the investigation, it may be necessary

to discuss the claim with other persons who may have relevant knowledge. It may be necessary, therefore, to disclose information to persons with a legitimate need to know or to otherwise conduct the investigation. All persons interviewed will be directed to maintain the confidentiality of the investigation. Any breach of confidentiality by anyone involved in this procedure may be considered an act of obstruction, and may subject that person to disciplinary action.

7. Retaliation Prohibited

Any person who participates in the procedure, either as a party, witness, or otherwise, may do so without fear of retaliation. Retaliation by any College employee or student shall be grounds for disciplinary action, up to and including discharge or expulsion from the College.

8. False Accusations and Information

If any employee or student knowingly makes a false accusation of unlawful discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. Complaints made in good faith, however, even if found to be unsubstantiated, will not be considered a false accusation.

9. Record of Complaint and Decision

The record of complaint, informal resolution, or final decision shall be retained in a file in the Human Resources Office. Disciplinary action will be documented in the individual's personnel file.

10. Appeal Process

If the complainant disagrees with the determination of the Associate Vice President, he/she may submit a written appeal within ten (10) working days to the President. After reviewing the documentation, the President may elect to reverse, modify, or let stand the decision and written notification should be submitted within fifteen (15) working days of receipt of the appeal. Any appeal by the accused regarding disciplinary action would follow College procedures and the appropriate collective bargaining agreement.

11. External Complaint Process

A complainant may file directly with federal and State agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. An external complaint must be filed directly with the agency. The time frames for filing complaints with external agencies indicated below are provided for informational purposes only. You should contact the specific agency to obtain exact time frames.

Division on Civil Rights

NJ Department of Law & Public Safety

(Within 180 days from the violation of the Non-Discrimination Policy)

Newark Regional Office
31 Clinton Street
P.O. Box 46001
Newark NJ 07102
973-648-2700

Atlantic City Office
1325 Boardwalk, 1st Fl
Tennessee Ave & Boardwalk
Atlantic City, NJ 08401
609-441-3578

Trenton Regional Office
140 East Front Street
6th Floor, PO Box 090
Trenton NJ 08625- 0900
609-292-4605

Camden Regional Office
5 Executive Campus 107
Cherry Hill, NJ 08034
856-486-4080

**United States Equal Employment Opportunity Commission (EEOC)
(Within 300 days from a violation of the Non-Discrimination Policy)**

National Call Center 1-800-669-4000

*Philadelphia District Office
801 Market Street
Suite 1300
Philadelphia, PA 19107-3127
267-589-9700

**Newark District Office
2 Gateway Center
Newark NJ 07102
973-645-6383

*The Philadelphia District Office has jurisdiction over the State of New Jersey Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

**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.

Rev. 2/20

Rev. 8/19

Rev. 7/14

Rev. 6/01

See Brookdale Community College Policy 3.9002 Non-Discrimination

See N.J.A.C. 4A:7-3.2