



UNIVERSITY POLICY

SUBJECT: AFFIRMATIVE ACTION/EEO **TITLE:** AA/EEO COMPLAINT POLICY

CODING: 00-01-35-55:00 **ADOPTED:** 02/24/81 **AMENDED:** 11/01/97

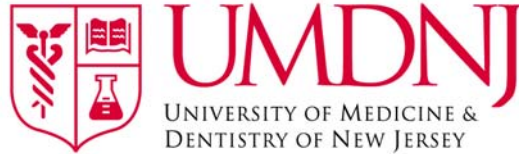
As of December 11, 2007

this policy is under revision.

Complaint Resolution Procedures:

To report discrimination and harassment complaints contact the Ethics and Compliance Helpline at 800-215-9664. Your complaint will be investigated. You may reach the compliance website at <http://www.umdj.edu/complweb/>

To obtain counseling on diversity related issues you may contact the Office of Workplace Diversity at 973-972-4855.



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I. PURPOSE

To establish procedures to review, investigate and resolve allegations of unlawful discrimination on the basis of race, color, national origin, religion, age, gender (including sexual harassment), sexual orientation, disability, disabled veteran, Vietnam-Era veteran, marital status, or any other basis as defined by University policy or established by federal or state laws.

II. ACCOUNTABILITY

Under the direction of the President, the Associate Vice President for Affirmative Action and Equal Employment Opportunity (AA/EEO) shall ensure compliance with this policy. The Associate Vice President for Affirmative Action and Equal Employment Opportunity in concert with the Deans and Vice Presidents shall implement this policy.

III. APPLICABILITY

This policy shall apply to all employees (staff, housestaff, and faculty), applicants for employment, and to students in their capacity as full or part-time employees.

IV. REFERENCES

A. Student Handbooks published by each school

V. DEFINITIONS

A. Consultation - a conference or meeting, at which advice is given or views are exchanged, to resolve AA/EEO issues without an investigation.

B. Informal Complaint - a verbal complaint, initiated by an applicant, employee or student with the AA/EEO Office.

C. Formal Complaints - a written complaint filed with the AA/EEO Office.

VI. POLICY

A. Requirements:

1. The University of Medicine and Dentistry of New Jersey (UMDNJ) recognizes and accepts its responsibility to act in accordance with the University's Affirmative Action

Plan, federal laws and regulations, and the State of New Jersey's Law Against Discrimination. Therefore, this internal complaint policy has been established to review, disability, disabled veterans, Vietnam-Era veterans, or marital status, or any other basis as defined by University policy or established by federal or state laws.

2. The University is committed to affirmative action and equal opportunities in all areas of employment and education and believes that this complaint procedure will benefit students, faculty, staff and administrators. Our success in these efforts will contribute to an improved environment in which to work and study. Individuals with discrimination related complaints are urged to utilize this internal AA/EEO complaint policy before filing a complaint with external enforcement agencies.
3. Supervisors and managers shall cooperate with the AA/EEO Office to facilitate resolution of the complaint. They shall be committed to affirmative action and equal employment opportunities as they relate to the complaint procedure.
4. All employees may utilize the services of the AA/EEO Office. An employee must notify his/her supervisor that he/she will be leaving his/her work area for a definite period of time so that his/her supervisor can plan for his/her absence.

If an employee does not wish to let his/her supervisor know that he/she is consulting with the AA/EEO Office, he/she may arrange for an appointment on his/her lunch break, or prior to, or following his/her work day.

5. No University employee shall take reprisal actions against anyone who files a complaint, assists or participates in any manner during the complaint process.
6. Complaint Process

UMDNJ's complaint process consists of consultations, and an informal and formal investigation process for alleged acts of discrimination as described below:

- a. Consultations may occur with faculty/staff and members of management.
- b. In the informal complaint process, the office may (1) mediate; (2) conduct an informal investigation at the discretion of the AA/EEO Office.
 - i. The AA/EEO Office may attempt to negotiate a resolution to the informal complaint of alleged discrimination or issue a written determination when attempts at mediation are unsuccessful.
 - ii. If a complaint is not resolved during the informal process, the complainant may file a formal complaint.
- c. Formal complaints will be promptly and thoroughly investigated.
 - i. An internal complaint form (EXHIBIT B) shall be completed and specific allegations should be listed along with an indication of the action the complainant is seeking.
 - ii. The complaint should be submitted within (30) working days of the date of the adverse action or date person became aware of the adverse action, and in the case of an informal complaint, having failed attempts at informal resolution, not more than (30) days after termination of an unsatisfactory informal resolution process.

- iii. In general, all such internal investigations, will be concluded within thirty (30) days. Complaint investigations handled by the AA/EEO Office will include notification to all appropriate parties of the findings and recommendations for corrective action, if warranted.
- iv. Employees have an obligation to cooperate in the investigation of any such complaint. Management at every level has an affirmative responsibility to ensure that recommendations for corrective action are promptly implemented.

7. Requirement for Filing Complaints

- a. Any applicant for employment, current or former employee (hereafter referred to as complainant) at UMDNJ may file an informal or formal discrimination complaint with the AA/EEO Office.
- b. A complaint should be filed within (30) days following the alleged discriminatory act, or the date on which the complainant knew or reasonably should have known of said act.
- c. The complaint must be filed with the AA/EEO Office (see EXHIBIT A for AA/EEO Office locations at each campus).

8. Further Provisions on Time Limits

All of the time limits contained within this complaint procedure may be extended by mutual agreement of the complainant and the appropriate Affirmative Action Officer or his/her designee.

9. Student Employee Complaints

University students who are also full-time or part-time employees of the UMDNJ are, in their employee capacity, subject and entitled to the preceding complaint procedures. If a UMDNJ student, who is an employee of the University, files a discrimination complaint with the AA/EEO Office relating to his/her employment, the AA/EEO Office shall follow the procedures for processing AA/EEO complaints. If the student employee initiates his/her discrimination complaint with the academic Dean or Department Chairperson, the Dean or Department Chairperson will transfer the case to the AA/EEO Office for resolution.

10. Discrimination Complaints Filed with Other UMDNJ Entities

Any complaint relating to discrimination on the basis of the race, color, national origin, religion, age, gender (including sexual harassment), sexual orientation, disability, disabled veterans, Vietnam-Era Veterans, or marital status which is filed with another UMDNJ entity (i.e., Human Resources Department), shall be referred to the AA/EEO Office, except for those matters described in the section of this policy entitled "Student Complaints in Academic and Non-Employment Matters" or when an employee files a grievance through his/her union.

11. Student Complaints in Academic and Non-Employment Matters

- a. The procedures for processing AA/EEO complaints, including review, investigation and resolution of allegations with regard to unlawful discrimination on the basis of race, color, national origin, religion, age, gender,

(including sexual harassment), sexual orientation, disability, disabled veterans, Vietnam-Era veterans, or marital status do not apply to student complaints in strictly academic areas, nor do these procedures apply to students in other nonemployment relationships.

- b. Special procedures have been established by all of the University's schools to resolve academic concerns, including discrimination complaints. These matters should first be discussed with the Department Chairperson and/or Dean of the School. When the complaint is related to affirmative action and/or equal educational opportunity, a copy of the complaint should be sent to the Associate Vice President for AA/EEO.
- c. The procedures for student discrimination complaints are outlined in the student handbook of each school.

12. Withdrawal of Complaints

The complainant may, at any time, request to have his/her complaint withdrawn. In the case of an informal complaint, the request can be made verbally. Requests to withdraw formal complaints must be made in writing to the AA/EEO Office. At its discretion, the AA/EEO Office may pursue the investigation and seek remedy if the issues brought forth during the investigation have an adverse impact against other employees or the university.

B. Responsibilities:

- 1. The employee, job applicant or student is responsible for:
 - a. attempting to resolve his/her complaint initially through his/her immediate supervisor or next highest level of supervision, if appropriate. If such discussions fail to resolve the complaint, the complainant may seek a review of his/her complaint in accordance with the steps outlined below;
 - b. contacting the AA/EEO Office for advice, counseling or both, if there is a concern about possible discrimination;
 - c. deciding whether to have the complaint investigated by the AA/EEO Office through an informal or formal complaint procedure;
 - d. filing a formal discrimination complaint with the AA/EEO Office immediately, or after an investigation through the informal process, if the situation remains unresolved; and
 - e. notifying the AA/EEO Office verbally or in writing to have complaint withdrawn.
- 2. The AA/EEO Office is responsible for:
 - a. contacting the individual involved in the complaint in order to resolve the situation on an informal basis when an informal complaint has been filed. If the complaint is substantiated, the AA/EEO Office may issue a written determination with recommendations for resolution of the complaint;
 - b. assisting the complainant in defining the charge and completing the complaint form, in the case of a formal complaint;

- c. apprising the person named in the complaint (herein referred to as the respondent) and his/her administrative office of the charge;
 - d. assisting the respondent named in the formal/or informal complaint in interpreting the charge;
 - e. obtaining a written response from the respondent to the formal charge within approximately ten (10) working days after receipt of the charge;
 - f. if necessary, investigating the formal complaint upon receipt of the response from the respondent. The AA/EEO Office shall have access to all necessary documents, the right to interview witnesses, and the ability to bring together the complainant and respondent, if desirable;
 - g. issuing a written determination of the case within approximately twenty (20) working days after receipt of response from the respondent. If the evidence supports a finding that there is no basis for a charge of illegal discrimination, the AA/EEO Office shall indicate the conclusion to the complainant and the respondent, and advise him/her that the case is closed;
 - h. making recommendations for the resolution of the complaint if the complainant's charges are substantiated; and
 - i. ensuring that the recommendations are implemented in an effective and timely manner, and that no retaliatory actions are taken against the complainant or respondent or anyone who assisted or participated in any manner on behalf of a complainant in an investigation conducted under this policy.
3. The respondent within the department is responsible for:
- a. providing a written response to the formal charge within ten (10) working days after receipt of notification of the charge; and
 - b. taking no retaliatory actions or reprisals against the complainant or persons cooperating in the complaint investigation.
4. The supervisor of the respondent or appropriate department official is responsible for:
- a. providing a written response to the AA/EEO Office within approximately seven (7) working days of the action taken by him/her with reference to the AA/EEO recommendations; and
 - b. implementing the AA/EEO recommendations.

VIII. EXHIBITS

- A AA/EEO Campus Offices
- B Internal Complaint Form (form available at Campus AA/EEO office)

President

EXHIBIT A
AA/EEO CAMPUS OFFICES

Newark

65 Bergen Street, Suite 1314
University Heights
Newark, N.J. 07107-3001
(973) 972-4855

Piscataway/New Brunswick

Brookwood Corporate Plaza II
45 Knightsbridge Road, Room 1-037
Piscataway, N.J. 08854
(732) 235-4252

Camden/Stratford

Primary Care Center
40 East Laurel Road, Suite 220
Stratford, N.J. 08084
(609) 566-7119

EXHIBIT B

UMDNJ AA/EEO Internal Complaint Form
(form available at Campus AA/EEO office)