Student Policy Prohibiting Discrimination in the Academic / Educational Environment

Policy Administrator: Assistant to the President, Affirmative Action & Ethical Standards
Authority:
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Approved By: Dr. Herman J. Saatkamp, Jr., President

POLICY

A. Protected Categories

The Richard Stockton College of New Jersey is committed to providing every student with an environment free from discrimination or harassment. Under this policy, discrimination/harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

APPLICABILITY

Prohibited discrimination/harassment undermines the integrity of the student relationship, compromises equal opportunity, debilitates morale and interferes with educational productivity. This policy applies to all students of Richard Stockton College of New Jersey. The College will not tolerate behavior and conduct that violates this policy by anyone in the community. This policy applies to conduct which occurs in the workplace/educational environment and also extends to conduct which occurs at any location that can be reasonably regarded as an extension of the college, such as any field location, any off-site campus-related social function, or any facility where Richard Stockton College of New Jersey business is being conducted and discussed.

This policy also applies to third party harassment. Third party harassment is unwelcome severe, pervasive or persistent conduct involving any of the protected categories referred to in (a) above that is not directed at an individual but is a part of that individual’s academic environment. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.
Outside groups contracted by the College to perform on campus services come under the purview of this statement.

**PROHIBITED CONDUCT**

**A. Defined**

It is a violation of this policy to engage in conduct that is sufficiently severe, pervasive, or persistent and is objectively offensive as to substantially disrupt or undermine a person’s ability to participate in or receive the benefits, services, or opportunities of the College based upon any of the protected categories referred to in I(a) above.

It is also a violation of this policy to use derogatory or demeaning references regarding a person’s race, gender, age, religion, disability, affectional or sexual orientation, ethnic background, or any other protected category set forth in I(a) above: A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another, but which had the effect of affecting the educational environment of another.

Examples of behaviors that may, when severe, pervasive, or persistent, constitute a violation of this policy include, but are not limited to:

- Discriminating against an individual with regard to terms and conditions of academic standing because of being in one or more of the protected categories referred to in I(a) above;

- Treating an individual differently because of the individual’s affiliation with the protected categories noted above in section A;

- Treating an individual differently because of marriage to, civil union to, domestic partnership with, or association with persons of a racial, religious or other protected category; or due to the individual’s membership in or association with an organization identified with the interests of a certain racial, religious or other protected category; or because an individual’s name, domestic partner’s name, or spouse’s name is associated with a certain racial, religious or other protected category;

- Outside of classroom discourse calling an individual by an unwanted nickname that refers to one or more of the above protected categories, or telling jokes pertaining to one or more protected categories;

- Outside of classroom discourse using derogatory references with regard to any of the protected categories in any communication;

- Engaging in threatening, intimidating, or hostile acts toward another individual in the academic setting because that individual belongs to, or is associated with, any of the protected categories; or
Outside of classroom discourse displaying or distributing material (including electronic communications) in the academic setting that contains derogatory or demeaning language or images pertaining to any of the protected categories.

**SEXUAL HARASSMENT**

It is a violation of this policy to engage in sexual (or gender-based) harassment of any kind, including hostile environment harassment, quid pro quo harassment, or same-sex harassment. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic standing;
- Submission to or rejection of such conduct by an individual is used as the basis for employment and/or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s academic/work performance or creating an intimidating, hostile or offensive academic/work environment.

Examples of conduct that may, when severe, pervasive or persistent, constitute sexual harassment and are therefore a violation of this policy include, but are not limited to:

- Generalized gender-based remarks and comments;
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another’s body or impeding or blocking movement;
- Verbal, written or electronic lewd, vulgar or obscene comments, jokes or unwanted propositions including letters, notes, e-mail, text messages, invitations, gestures or inappropriate comments about a person’s clothing;
- Visual contact, such as leering or staring at another’s body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall, or on a screen saver in areas where individuals besides the poster can view these materials;
- Explicit or implicit suggestions of sex by a faculty/staff/administrator in return for a favorable educational or employment action such as hiring, compensation, promotion, retention, grades, recommendations, etc.;
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse educational/employment consequence with respect to any academic/employment practice such as evaluation or promotional opportunity; or
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.
CONSENSUAL RELATIONSHIPS

Because the relationship between teacher and student is central to the academic mission of the college, it is essential to establish that a standard of expected conduct in that relationship goes beyond the proscription against sexual harassment. Non-academic or personal ties should NOT be allowed to interfere with the academic integrity and ethics of the teacher/student relationship. With respect to sexual relations in particular, what might appear to be consensual, even to the parties involved, may in fact not be so. On this basis, any sexual relations between teacher and a student of that teacher are inappropriate and unethical. Any person in a supervisory capacity or a position of authority enters at peril into sexual relations with a student and/or subordinate.

STUDENT RESPONSIBILITIES

Any student who believes that she/he has been subjected to any form of prohibited discrimination/harassment, including sexual harassment, or who witnesses others being subjected to such harassment or discrimination is encouraged to promptly report the incident(s) to either a supervisor, manager or Affirmative Action Officer. All students are expected to cooperate with investigations. Failure to cooperate in any investigation may result in disciplinary action.

FACULTY/STAFF RESPONSIBILITIES

Faculty/Staff should make every effort to maintain an environment that is free from any form of prohibited discrimination/harassment and are expected to take all allegations of discrimination/harassment, including sexual harassment, seriously, and to immediately refer the matter to the Affirmative Action Officer. All complaints will be reviewed and prompt and appropriate remedial action will be taken to address any substantiated claim. All supervisors receiving complaints of unlawful discrimination/harassment must immediately advise the Affirmative Action Officer of the complaint.

COMPLAINT PROCESS

A student can make a complaint of unlawful discrimination/harassment, including sexual harassment against a student, college employee or official, by filing a charge with the Affirmative Action Officer. A complaint may be filed against a third party, who is not an employee or student of the college (e.g. visiting speaker, contractor). Complaints may be filed with the Campus Hearing Board; however, the Executive Committee of the Campus Hearing Board may refer the case to the Office of Affirmative Action and Ethical Standards for disposition.

A complainant may be accompanied by a support person of their choice at all meetings with the Affirmative Action Officer.

The complaint may be pursued on an informal or formal basis. Once reported, the Affirmative Action Officer must proceed pursuant to judicial precedent.
A. A formal complaint by the student shall consist of a signed statement detailing the sequence and nature of events.

B. Informal complaints shall follow the same procedures; however, there will be discussions with the Affirmative Action Officer, and there will be no written reports unless the issues involved are of a nature that would require a written report.

C. Once a complaint has been filed with the Affirmative Action Officer, that Officer shall initiate an investigation. The purpose of such investigation is to determine whether there is a reasonable basis for believing that the alleged violation of this policy has occurred. In conducting the investigation, the Affirmative Action Officer may interview the complainant, the accused, and other people believed to have pertinent factual knowledge.

Information gathered in the course of the investigation will remain confidential within constraints of conducting an investigation.

The steps of the procedure to be followed will be:

- Review of complaint.
- Notification to the accused. The accused will be provided with a copy of the complaint and will be afforded a full opportunity to respond to the allegations.
- Request for additional information as necessary.
- Inform complainant and the accused of the finding.
- Report to the President, if necessary.

If the Affirmative Action Officer determines that the allegation is not warranted, the Officer shall so advise the complainant, who can appeal that finding by a written statement indicating his/her disagreement with the finding addressed to the President.

If the Affirmative Action Officer concludes that there is a reasonable basis for believing that the alleged violation occurred, the Officer can attempt to negotiate or mediate a settlement. If there is no resolution to the dispute, the Affirmative Action Officer must refer the dispute to the President for appropriate action.

If the Affirmative Action Officer determines that violations of other campus codes have occurred, the Affirmative Action Officer shall refer those violations to the appropriate vice president for review and action.

**PROHIBITION AGAINST RETALIATION**

Retaliation against any student who alleges that she/he was a victim of discrimination/harassment, or against any student who provides information in the course of an investigation into claims of prohibited discrimination/harassment in the educational environment is prohibited by the policy. Any student bringing a complaint providing
information for an investigation, or testifying in any proceeding under this policy will not be subjected to adverse academic consequences based upon such involvement or be the subject of retaliation.

FALSE ACCUSATIONS OR INFORMATION

If any 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.

CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout the investigatory process. In the course of an investigation it may be necessary to discuss the claims with the alleged harasser and other persons who may have relevant knowledge. It therefore may be necessary to disclose information to persons with a legitimate need to know about the matter. All persons interviewed will be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in disciplinary action.

DISCIPLINARY ACTION

Students found to have violated this policy may be subject to appropriate disciplinary action, up to and including expulsion. Referral to another appropriate authority for review for possible violation of State and Federal statues may also be appropriate.

EDUCATIONAL PROGRAMS

Richard Stockton College of New Jersey will provide students and employees with information regarding the prevention of prohibited discrimination/harassment and the procedure to be followed in filing complaints.

OUTSIDE AGENCIES

Students have the right to file a complaint with the following agency:

Office for Civil Rights/New York
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: (646) 428-3900
Facsimile: (646) 428-3843
TDD: (877) 521-2172
Email: OCR.NewYork@ed.gov
REFERENCED DOCUMENTS
In Black and White – Student Handbook
NJ State Policy Prohibiting Discrimination in the Workplace
*See Policy applicable to employees.