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Sexual Harassment Policy

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Recommended Citation

"Sexual Harassment Policy" (2021). *Evidence Inventory*. 368.
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Sexual Harassment Policy

INTRODUCTION

Sexual harassment in any form shall not be tolerated at Kean University. Sexual harassment violates the dignity and rights of individuals and the moral conscience of the University community. In addition, it is a form of sexual discrimination prohibited by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq, Title IX of the Education Amendment of 1972 and Title VII of the Civil Rights Act of 1964 (as amended in 1991). The Board of Trustees of Kean University recognizes its responsibility to ensure a working and learning environment free from discrimination, including sexual harassment. The University prohibits sexual harassment in accordance with campus policies and state and federal law. Response to complaints of sexual harassment will be prompt and fair.

The University has adopted the following Policy on Sexual Harassment to help the University fulfill its educational mission, meet its ethical and legal obligations to members of the University community, and foster a productive environment for learning and working. Effective implementation of the University policy will require the cooperation and active support of all members of the University community, and such cooperation and support is expected. On June 19, 1989, the Board of Trustees approved a Resolution Prohibiting Sexual Harassment.

Any student or employee who believes that he or she has been sexually harassed should follow the University's reporting procedures. Complaints should be filed as soon as possible after the alleged harassment. Late reporting will impede the University's ability to investigate.

Fundamental to the University's purpose is the free and open exchange of ideas. It is not, therefore, the University's purpose, in promulgating this policy, to inhibit free speech or the free communication of ideas by members of the academic community.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION STATEMENT

Kean University is committed to providing equal opportunity in employment and education, as well as equity of conditions for employment and education, to all employees, students and applicants without regard to 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. Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

The University follows the New Jersey State Policy Prohibiting Discrimination in the Workplace.

PROCEDURES FOR REPORTING AND INVESTIGATION OF DISCRIMINATION COMPLAINTS

All complaints of discrimination should be brought to the attention of the Affirmative Action Officer immediately. Early resolution of complaints can benefit the complainant, the respondent and the University as a whole. Late reporting may impede a satisfactory resolution or hamper a proper investigation.

The director of the Affirmative Action Programs Office will keep a record of all informal and formal complaints, with an indication of the disposition of the complaint for the purpose of maintaining safety and confidentiality. The information will be used to monitor repeated

complaints within the same unit or against the same individual. This information will also be used to document the incidence of discrimination within the University community.

All supervisory and teaching personnel who are informed of any discrimination complaints brought to their attention by a student, faculty or staff member shall direct the complaint to the Affirmative Action Programs Office.

STUDENT COMPLAINT PROCEDURES

I. Depending on the complaint, violations of the policy prohibiting discrimination and sexual harassment may be adjudicated through the University's student conduct process.

II. Internal Complaint Process

A. Reporting

1. All discrimination complaints must be reported to the Affirmative Action Officer. Anyone who believes that they have been subjected to discrimination, including sexual harassment, is encouraged to report the matter promptly. Early resolution of complaints can benefit the complainant, the respondent, and the University as a whole. Late reporting may impede a satisfactory resolution or hamper a proper investigation.
2. Any individual (except one who has a legally protected privilege) who has knowledge of conduct involving harassment or who receives a complaint of harassment should immediately inform the Affirmative Action Officer. Such information will commence these procedures.
3. Complaints will be handled with sensitivity throughout the process. Confidentiality will be maintained to the extent possible.
4. Reporting a complaint to the Affirmative Action Officer does not preclude a student from filing a complaint with outside agencies.

B. Resolution Process

1. Intervention

- a. The initial effort in the internal procedure is to informally resolve the matter between the individuals directly involved with the intervention of the Affirmative Action Officer. This requires voluntary agreement of the parties, and focuses on resolution of the complaint rather than assignment of motive or blame. The complainant may, at any time, end the informal process and proceed with a formal written complaint.

- b. All parties have the right to be accompanied by an advisor of their choice at every stage of the internal process. An adviser's role is to support and advise the complainant or respondent. Any further participation in the process is at the discretion of the Affirmative Action Officer.
- c. Actions taken by the Affirmative Action Officer to informally resolve a complaint may include, but are not limited to:
 - listening to the complainant to determine desired action;
 - advising the parties about the University's discrimination policy and procedures;
 - having the complainant meet with the respondent and the Affirmative Action Officer to discuss the complaint; and
 - meeting with administrators or other appropriate individuals to resolve the matter.

2. Investigation

1. If the complaint cannot be resolved by the intervention of the Affirmative Action Officer or the complainant does not wish to engage in intervention, a formal written complaint must be filed with the Affirmative Action Officer.
2. A formal written complaint must specify the nature of the charge and should include the complainant's name and address, dates of particular events, names of possible witnesses, the remedy requested, and any other information relevant to the charge. The complaint must be signed and dated.
3. The Affirmative Action Officer will provide a copy of the written complaint to the respondent and the respondent will be given the opportunity to respond to the complaint.
4. The Affirmative Action Officer will conduct a prompt investigation and submit an investigative report to the President. The President will issue a final determination letter on the complaint to the complainant and respondent.

III. External Agencies

VIOLATIONS OF TITLE IX:

Office for Civil Rights, New York Office

United States Department of Education

75 Park Place, 14th Floor

New York, NY 10007-2146

(212) 637-6466; TTY: (870) 521-2172

VIOLATIONS OF THE NEW JERSEY LAW AGAINST DISCRIMINATION (NJLAD):

DIVISION ON CIVIL RIGHTS, N. J. DEPARTMENT OF LAW AND PUBLIC SAFETY
(Filing period - 180 days)

Newark Regional Office

31 Clinton Street

P.O. Box 46001

Newark, NJ 07102

(973) 648-2700

Trenton Regional Office

140 East Front Street, 6th Floor

P.O. Box 089

Trenton, NJ 08625-0089

(609) 292-4605

Atlantic City Satellite Office

26 South Pennsylvania Avenue

Atlantic City, NJ 08401

(609) 441-3100

Paterson Regional Office

100 Hamilton Plaza, Suite 800

Paterson, NJ 07505

(973) 977-4500

Camden Regional Office

One Port Center

2 Riverside Drive, Suite 402

Camden, NJ 08103

(856) 614-2550

SUPPORT SERVICES FOR SEXUAL ASSAULT

Kean Counseling Center

Downs Hall room 127, (908) 737-4850; FAX (908) 737-4855

Health Services

Downs Hall, (908) 737-4880; FAX (908) 737-4888

Office of the Vice President for Student Affairs

Kean Hall room 124, (908) 737-7080; FAX (908) 737-7085

Policies

Division of Student Affairs

Kean University

1000 Morris Avenue

908-737-KEAN (5326)

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