



Procedures for Internal Complaints Alleging Discrimination in the Workplace/Educational Environment

I. **Complaint Reporting:** All employees and students have the right, and are encouraged, to immediately report suspected violations of The College of New Jersey (TCNJ) Policy Prohibiting Discrimination in the Workplace/Educational Environment (the “Policy”). Employees and students should make every effort to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the individual to continued prohibited conduct.

A. Employees are encouraged to report alleged incidents of discrimination/harassment directly to the Director of Equal Employment Opportunity Programs, or authorized designee, at Roscoe West, Room 202E, 609-771-2826, eeo@tcnj.edu, or through the online reporting [link](#). Employees may also report their allegations to the Office of Human Resources or to any supervisor designated by the employee’s department head to receive workplace discrimination complaints at The College of New Jersey.

Students are encouraged to report alleged incidents of discrimination/harassment directly to the Director of Equal Employment Opportunity Programs, or authorized designee, at Roscoe West, Room 202E, 609-771-2826, eeo@tcnj.edu, or through the online reporting [link](#). Students may also report their allegations to the Dean of their school, and/or the Provost of the College.

B. Supervisory employees should immediately report all allegations of discrimination/harassment, whether reported by an employee or observed directly, to the Director of Equal Employment Opportunity Programs, or authorized designee, at Roscoe West, Room 202E, 609-771-2826, eeo@tcnj.edu.

C. If reporting a complaint to any of the persons set forth above presents a conflict of interest, the complaint may be filed directly with the New Jersey Division of EEO/AA, P.O. Box 315, Trenton, NJ 08625. An example of such a conflict would be where the individual against whom the complaint is made is involved in the intake, investigative or decision-making process.

D. While not mandatory, in order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to fill out a [Discrimination Complaint Processing Form \(DPF-481\)](#).

II. Investigation Process

- A. During initial intake, the Director of Equal Employment Opportunity Programs, or authorized designee, will obtain information regarding the complaint, and determine if interim protective measures are necessary to prevent continued violations of the Policy. Interim protective measures include, but are not limited to:
 - 1. Separation of parties;
 - 2. Removal of parties from the workplace; and
 - 3. Involvement of law enforcement, when appropriate, for instances involving bodily harm.
- B. At the Director of Equal Employment Opportunity Programs (or authorized designee's) discretion, when necessary, a prompt, thorough, and impartial investigation into the alleged discrimination/harassment will take place. All investigations of discrimination/harassment claims shall be conducted in a way that respects the privacy of all persons involved, to the extent possible.
- C. An investigative report will be prepared by the Director of Equal Employment Opportunity Programs, or authorized designee, when the investigation is completed. The report will include: (a) a summary of the complaint; (b) a summary of the parties' positions; (c) a summary of the facts developed through the investigation; and (d) an analysis of the allegations and the facts. The investigative report will be submitted to the President or the President's authorized designee, who will issue a letter of determination to the parties.

III. Complaint Resolution

- A. As stated above, the President or the President's designee will review the investigative report and determine whether the alleged Policy violation has been substantiated. If a Policy violation is determined to have occurred, the President, or authorized designee, will further determine the appropriate action necessary to address the violation and deter its reoccurrence. This may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action, up to and including termination of employment, or expulsion.
- B. The President, or authorized designee, will issue a letter of determination to all parties, containing the results of the investigation and setting forth the parties' right to request reconsideration based on specific grounds and the right to appeal, as set forth in Section IV. The NJ State Division of EEO/AA, Department of Personnel, shall be furnished with a copy of the final letter of determination.

- C. The investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint referred to in Section II.1 above.
- D. The time for completing the investigation and issuance of a final letter of determination may be extended by the President, or authorized designee, for up to 60 additional days in cases involving exceptional circumstances. The President, or authorized designee, shall provide the Division of EEO/AA and all parties with written notice of any extension and shall include in the notice an explanation of the exceptional circumstances supporting the extension.

IV. Use of Recording or Transcription Devices During Investigations

To ensure accuracy in the statements collected during the investigation, the Director of Equal Employment Opportunity Programs (or authorized designee) may, at their discretion, use audio recording devices or transcription tools to capture interviews with involved parties and witnesses. Any recording or transcription will be used solely for the purpose of fact-finding and maintaining an accurate record of the investigative process. All recordings, transcripts, and related documentation are the sole property of the College and will be securely stored as part of the official investigative file.

After the investigation meeting, the Director of Equal Employment Opportunity Programs (or authorized designee) will use the transcription of the meeting to create a statement for the participant to review for accuracy. The participant may suggest corrections or clarifications, which will be documented as part of the final record.

V. Additional Process

Reconsideration: Parties may internally request that a determination be reconsidered based on the following three grounds:

- 1) new information, previously unavailable at the time of determination, that could materially affect the outcome of the matter;
- 2) procedural irregularity that materially affected the outcome of the matter; and/or
- 3) conflict of interest or bias by the investigator(s) and/or decision-makers that materially affect the outcome of the matter.

Additional details regarding reconsideration will be shared with the parties by the Director of Equal Employment Opportunity Programs. The President or authorized designee shall assess requests for possible reconsideration and the decision of the President or authorized designee, if reconsidered, shall be the final and conclusive decision of the College. If reconsideration is not requested in 5 business days, the decision will be final.

Appeal: If certain complainants, depending on the complainant's status as a career, unclassified, or senior executive service employee, or applicant for employment, disagree with the final letter of determination of The College of New Jersey, they may have the right to submit a written appeal, within twenty (20) days of the receipt of the final letter of determination from the College, to the:

NJ Civil Service Commission
Director of the Division of Appeals and Regulatory Affairs
P.O. Box 312
Trenton, NJ 08625-0312

The appeal should be in writing and include all materials presented at the State Agency-level, a copy of the final letter of determination, the reason for appeal, and the specific relief requested. Provide a clear and concise explanation of the disagreement.

Pursuant to N.J.S.A. 11A:4-1.1, there shall be a \$20 fee for appeals. Payment should be included in the appeal via check or money order, payable to the "NJ CSC." Persons receiving public assistance pursuant to P.L. 1997, c.38 (C.44:10-55 et seq.) and individuals with established veterans' preference as defined by N.J.S.A. 11A:5-1 et seq. are exempt from these fees.

VI. Filing with External Agencies

Any employee can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. 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. The deadlines run from the last date of alleged discrimination/harassment, not from the date that the internal workplace discrimination/harassment complaint to the employer is resolved.

Employees may file complaints with the following agencies:

Division on Civil Rights

N.J. Department of Law and Public Safety

180 days for violation of State Law

Trenton Regional Office
140 East Front Street
6th Floor – P.O. Box 089
Trenton, NJ 08625-0089
(609) 292-4605

Newark Regional Office ¹
31 Clinton Street
P.O. Box 46001
Newark, NJ 07102
(973) 648-2700

Camden Regional Office
One Port Center
2 Riverside Drive, Suite 402
Camden, NJ 08103
(856) 614-2550

Atlantic City Satellite Office
26 Pennsylvania Avenue
Atlantic City, NJ 08401
(609) 441-3100

United States Equal Employment Opportunity Commission (EEOC)

300 days

Philadelphia District Office ²
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
(215) 449-2600

Newark District Office
1 Newark Center, 21st Floor
Newark, NJ 07102-5233
(973) 645-6385

¹ Newark Regional 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.

² Philadelphia District Office has jurisdiction over the State of New Jersey counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

Version	Date	Notes
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