

Procedure for Resolving Student v. Student Discrimination Complaints

Title VI of the Civil Rights Act of 1964 provides that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” As an institution receiving Federal Funding, in accordance with Title VI, Rowan University prohibits discrimination, whether verbal, written, physical or psychological, based upon the following protected categories: race, creed, color, national origin/ethnicity, nationality, ancestry, age, sex/gender, 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, disability or any other protected classification (N.J.A.C. 4A:7-3.1).

Rowan University is committed to creating and maintaining an educational and living environment free from discrimination. If a student feels they have been the victim of discrimination caused by a faculty or staff member, please refer to the Rowan University Policy [Prohibiting Discrimination in the Workplace and Educational Environment](#).

If a student believes they are a victim of discrimination caused by another student, the individual is strongly encouraged to promptly file a complaint by contacting the Office of Student Equity and Compliance and/or by filling out the [Student Complaint Form for Discrimination/Harassment/Retaliation Complaints](#). Individuals may also file complaints directly with the [Office for Civil Rights, United States Department of Education](#):

New Jersey, New York, Puerto Rico, Virgin Islands Office for Civil Rights
New York Office U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3800 Fax: 646-428-3843 E-mail: OCR.NewYork@ed.gov

Once a complaint of alleged discrimination by another student is received, the following resolution procedures will be initiated:

1. When a complaint is filed, prompt action will be taken to review the matter to determine if there is sufficient information to initiate formal resolution measures. The Associate Vice President of Diversity, Equity and Inclusion in the Office of Student Equity and Compliance retains the discretion to determine the most appropriate avenue of response, including but not limited to, coordination with other University resources such as Residential Learning, the Office of Community Standards, or the Dean of Students. Where appropriate, the use of voluntary and informal resolution measures, such as mediation, may be used. Voluntary and informal resolution measures will never be applied in cases where the alleged discrimination involves violence.

Note: If a report is deemed to be a potential violation of the [Student Sexual Misconduct and Harassment Policy](#), the matter will be referred to the Title IX Coordinator in the Office of Student Equity and Compliance.

2. At the Associate Vice President’s discretion, where deemed necessary, a formal resolution procedure will be initiated by the Division of Diversity, Equity and Inclusion (DEI) Investigation Manager, or designee. The DEI Investigation Manager, or designee, will conduct an impartial, reliable and thorough investigation. The investigation may include interviewing the parties involved, including witnesses, review of written statements, and the gathering of other relevant

information. Put in order of occurrence: Confidentiality; Notice; Advisors; Length of Investigation; Standard of Evidence;

- a. **CONFIDENTIALITY:** The University will endeavor to maintain the confidentiality of reported matters and of individuals involved, except to the extent necessary to carry out the purposes of this policy, including conducting investigations, and where required by law.
 - b. **NOTICE:** Once a formal resolution procedure has been started, the Complainant(s) and Respondent(s) will be notified in writing.
 - c. **ADVISORS:** The Complainant(s) and Respondent(s) have the right to an advisor of their choice during this investigation process. An advisor may be a family member, attorney or other third party. Advisors may be present to support the parties; however, advisors are not permitted to speak on behalf of any party during this process.
 - d. **LENGTH OF INVESTIGATION:** While the length of the process may vary based on the facts, circumstances, and witness availability in each case, every effort will be made to conclude the investigation within sixty (60) days provided doing so does not compromise the University's ability to conduct a fair, impartial, and thorough investigation and adjudicative process.
 - e. **STANDARD OF EVIDENCE:** A finding under this policy will be based on the preponderance of the evidence standard, in other words, a finding will be made if the evidence as a whole shows that is more likely than not that a violation of this policy occurred.
3. Upon completion of an investigation, the investigator will prepare a written investigation report. This report will include a comprehensive description of the evidence gathered during the investigation, the investigator's findings of fact, credibility determinations and whether a policy violation has occurred.
 4. The investigation report will then be forwarded to the Associate Vice President for review.
 5. The Associate Vice President, or designee, will issue a determination letter to the Complainant(s) and Respondent(s) stating whether the allegations of discrimination are substantiated or not substantiated.
 - a. If the allegations are substantiated, i.e. upheld or proven to be true, the matter will be sent to the Office of Community Standards for the imposition of sanctions and/or disciplinary action, in accordance with the [Student Code of Conduct](#).
 - b. If a party wish(es) to appeal the determination, they may request an appeal under the following circumstances:
 - i. A procedural or substantive error occurred in the process that significantly impacted the outcome of the hearing (e.g. material deviation from university policy; substantial bias; the findings and decision are contrary to the great weight of the evidence);
 - ii. New and significant information has become available which could not have been discovered by a properly diligent person before or during the hearing; or
 - iii. The sanction/disciplinary action imposed is inappropriate in light of the violation.
 - c. Appeal requests should be made to the Senior Vice President of the Division of Diversity, Equity and Inclusion, or designee, in writing, within five (5) business days of receiving the decision letter. All appeal requests will be reviewed within fifteen (15) business days, and the decision of the Senior Vice President of DEI will be final.