

PROCEDURE FOR ADDRESSING ALLEGATIONS OF STUDENT DISCRIMINATION AND RETALIATION

Rowan University is committed to creating and maintaining an educational and living environment free from discrimination. Rowan follows both Federal and State laws, including Title VI of the Civil Rights Act of 1964, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973, that prohibit discrimination based on certain protected characteristics. Rowan prohibits discrimination based upon actual or perceived 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. Students who engage in discrimination, as defined below, are subject to Rowan's disciplinary process.

Reporting Options

Students who may have been subject to discrimination based on a protected characteristic are strongly encouraged to promptly report their concerns to the Office of Student Equity and Compliance:

Brandy Bennett
Title IX Coordinator and Director of Student Equity and Compliance
Office of Student Equity and Compliance
Hawthorn Hall, Third Floor
856-256-5440
bennettb@rowan.edu

The Student Complaint Form is also available at <https://sites.rowan.edu/osec/titles/vi/vi-reporting.html>.

Individuals may also file complaints of discrimination 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

Applicability of this Procedure and Other University Policies

Complaints alleging that a student has engaged in Discrimination, as defined below, are handled in accordance with this procedure.

Please note that this procedure does not apply to all complaints of discriminatory conduct.

- Complaints alleging that an employee engaged in discriminatory conduct may be governed by the [Rowan University Policy Prohibiting Discrimination in the Workplace and Educational Environment](#).
- Allegations of discrimination based on sex in violation of Title IX, or other sexual misconduct, may be handled pursuant to Rowan's [Title IX Sexual Harassment/Sexual Assault Policy](#), [Student Sexual Misconduct and Harassment Policy](#) or the [Rowan University Policy Prohibiting Discrimination in the Workplace and Educational Environment](#), as appropriate.

Terminology as Used in this Procedure

The following terms are used in this procedure:

Discrimination includes written, verbal, physical, electronic acts or gestures, whether single incidents or a series of incidents, that can be reasonably perceived as being motivated by actual or perceived characteristics protected by law, that (i) take place on Rowan property or at any function affiliated/sponsored by Rowan, (ii) substantially disrupt or interfere with the orderly operation of the University or the rights of other students, (iii) and are not otherwise protected by the Constitutions of the United States and the State of New Jersey, and that:

- (a) A reasonable person knows or should know, under the circumstances, will have the effect of physically or emotionally harming a student, or damaging a student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; or
- (b) Has the effect of insulting or demeaning any student or group of students in such a way as to cause disruption in, or interference with, the orderly operation of the University; or
- (c) Creates a hostile educational environment for another student at the University. A hostile environment exists where there is harassing conduct that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the University.

Retaliation means an adverse action taken against an individual for the purpose of interfering with their rights under this procedure, or because of that individual's participation in a complaint or investigation of alleged Discrimination. At the discretion of the Director, allegations of Retaliation may be consolidated with the underlying complaint of Discrimination or addressed through a separate process.

Complainant means a Rowan student, student organization or employee alleged to have been subjected to discrimination by a Rowan student based upon a protected category.

Respondent means a Rowan student or Rowan student organization alleged to have engaged in discriminatory conduct based on a protected category.

Reporting Party means an individual who initiates a report of alleged discrimination.

Director means the Director of Student Equity and Compliance or their designee.

Response to Report of Discrimination

Once a report of alleged discrimination is received, the following resolution process will be initiated:

1. The Director will review the report and initiate outreach to the Complainant and/or Reporting Party as appropriate within seven (7) business days.
2. The Director will offer supportive measures to the parties and others impacted by the alleged Discrimination as reasonably appropriate.
3. Following an initial meeting with the Complainant (and/or reporting party), the Director will determine whether the alleged conduct, if true, would constitute Discrimination, considering: (i) the information presented at the initial meeting, (ii) whether there is a sufficient nexus between the alleged conduct and a protected category as identified above, and (iii) any other available information.
4. If the Director determines that the conduct, even if true, would not constitute Discrimination, the Director will determine the most appropriate avenue of response, including whether the matter may be referred to other University resources as appropriate and/or addressed informally by OSEC. The Director will inform the Complainant of this determination in writing.
5. If the Director determines that the conduct, if true, could constitute Discrimination, the Director will notify the Complainant, and provide written notice to the Respondent of the allegations.
6. Where the alleged Complainant is not identified or there is insufficient information to identify the Respondent(s), the Director in his/her discretion, may address the matter through investigation to the extent feasible and/or by other institutional response such as targeted programming, implementation of supportive measures, or other actions in consultation with University resources that are reasonably calculated to address the alleged Discrimination to the extent reasonably feasible.

Informal Resolution

1. In lieu of a formal investigation and adjudication, as described below, an informal resolution of an incident of alleged Discrimination, such as mediation, may be used with the consent of both parties and at the discretion of the Director. Informal resolution may not be used in cases where the allegations involve physical violence.

Investigation Procedure

1. An investigation under this procedure will be prompt, thorough and impartial. The investigation may include, but is not limited to, interviews of parties and witnesses, review of statements, materials, and other evidence, and the gathering of other relevant information. Investigations will adhere to the following tenets:
 - 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/or to comply with law.

- b. **ADVISORS:** Parties may have an advisor of their choice during the investigation or informal resolution 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.
 - c. **TIMEFRAMES:** 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 and hearing, where applicable, within ninety (90) days provided doing so does not compromise the University's ability to conduct a fair, impartial, and thorough investigation and adjudication. The Director may extend these timeframes for good cause and shall inform the parties in writing of any extension.
- 2. Upon completion of an investigation, the investigator will prepare a written investigation report. This report will include a summary of the parties' positions and a detailed description of the evidence gathered during the investigation. Documentary evidence may be attached as exhibits to the report. The investigator will forward the report and exhibits, if any, to the Director.
 - 3. Upon receipt and review of the investigation report, the Director will issue a letter to the parties stating whether the matter will be referred for a disciplinary hearing and providing the parties with access to the report.
 - a. A matter will be referred for a disciplinary hearing when the Director determines that the investigation revealed evidence of conduct that, if proven to be true by a preponderance of the evidence, could constitute Discrimination. If the Director determines that the investigation did not reveal evidence sufficient to refer the matter to a hearing (e.g., that the conduct is protected speech or otherwise would not constitute Discrimination as defined herein, or that no Respondent could be identified), the Director will determine the most appropriate avenue of response, including whether the matter may be referred to other University resources as appropriate and/or addressed informally by OSEC.
 - b. Either party may submit a Request for Reconsideration of the Director's decision to refer or not refer the matter for a disciplinary hearing. Such Requests for Reconsideration must articulate one or both of the following bases:
 - i. A procedural or substantive error occurred in the process that significantly impacted the Director's decision; or
 - ii. New and significant information has become available which could not have reasonably been discovered prior to the Director's decision.
 - c. Requests for Reconsideration should be made to the Director in writing, within five (5) business days of receiving the letter. All requests for reconsideration will be

reviewed within fifteen (15) business days, and the decision of the Director will be final.

Adjudication

1. Matters involving Respondents enrolled at the Cooper Medical School at Rowan University (“CMSRU”), Rowan-Virtua School of Osteopathic Medicine (“Rowan-Virtua SOM”), the Rowan-Virtua Physician Assistant Program (“PA Program”) and the Schrieber School of Veterinary Medicine (“SSVM”) will be referred to the disciplinary hearing body for that school and will be adjudicated according to applicable hearing board procedures and appeals processes. All other matters will be referred to the Office of Community Standards for a disciplinary hearing and will be adjudicated in accord with the Student Code of Conduct.
2. In all cases, findings of fact and responsibility will be based on the preponderance of the evidence standard, i.e., whether the evidence as a whole shows that it is more likely than not that the alleged conduct occurred.
3. The designated hearing board will share the outcome, including findings with respect to responsibility and sanctions imposed, if any, with the Director.

Recordkeeping and Institutional Response

The University will keep a written record of reports of Discrimination in accord with applicable laws. The Director, in conjunction with other University resources, will periodically assess the Discrimination reports received to identify potential trends, areas of programming, and other prevention and remediation efforts to promote a welcoming environment for all.