

# NONDISCRIMINATION/ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURES<sup>1</sup>

(November 2011)

**Princeton University is committed to creating and maintaining an educational, working, and living environment free from discrimination and harassment as described in this policy.** Princeton University's policy prohibits such discrimination and harassment and applies to everyone in the University community.

All members of the University community should know:

- (i) what type of conduct constitutes prohibited discrimination and/or harassment;
- (ii) the resources and processes available for addressing and resolving discrimination and harassment complaints;
- (iii) the mechanisms for determining whether this Policy has been violated; and
- (iv) if a violation has occurred, the mechanisms for determining an appropriate resolution.

## I. DEFINITIONS

### A. **Discrimination based on protected characteristics in the educational setting/working environment:**

Discrimination against a person on the basis of his/her race, creed, color, sex, gender identity, age, national origin, ancestry, religion, physical or mental disability, veteran's status, marital or domestic partnership status, affectional or sexual orientation, or any other characteristic protected under applicable law is unlawful and in violation of this Policy. The University expects all members of the University community, as well as its visitors, to be treated equally based on merit in all aspects related to its educational programs and activities, and in all aspects related to employment.

Listed below are examples of conduct that can constitute discrimination if based on an individual's protected characteristic. This list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if discrimination has occurred.

- Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increase) because of his or her protected characteristic
- Failing or refusing to hire or admit an individual because of his/her protected characteristic
- Terminating an individual from employment or an educational program based on his/her protected characteristic

### B. **Sexual harassment in the educational setting/working environment:**

Under this Policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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<sup>1</sup> The Nondiscrimination/Anti-Harassment Policy and Complaint Procedures are separate from the University's [Procedures for Filing a Title IX Grievance](#) with the Vice Provost for Institutional Equity and Diversity.

1. Submission to or rejection of these behaviors is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit; or
2. Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or
3. These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions or living conditions by creating an intimidating, hostile, or offensive environment.

Listed below are examples of behavior that can constitute sexual harassment. The list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if sexual harassment has occurred.

- Pressure for sexual activity or sexual favors;
- Unwelcome touching of a person's body, hair or clothing;
- Unwelcome sexual jokes or comments (including favorable comments about someone's gender, body, clothing, appearance, etc.);
- Disparaging remarks to a person about his/her gender or body;
- Asking about a person's sexual fantasies or sexual activities;
- Repeatedly asking for a date after the person has said "no";
- Nonverbal behavior, such as making sexual gestures with hands or through body movements;
- Displaying sexually explicit posters or pictures; and
- Electronic communications, such as e-mail, text messaging and internet use, that violate this Policy.

Sexual harassment can occur in a variety of circumstances, including between individuals of the same sex, regardless of their sexual orientation. The victim can be anyone affected by the offensive conduct, even if not harassed directly. The harasser can be a non-University individual, such as an outside vendor or other third party.

**Note:** Sexual harassment is also prohibited under the University's [Sexual Misconduct Policy](#), which can be found in *Rights, Rules, Responsibilities*, section 1.2.3.

**Note:** Sexual or romantic relationships involving individuals in a teacher-student relationship (e.g., being directly or indirectly taught, supervised or evaluated) can create a conflict of interest, raise perceptions of favoritism or unequal treatment, and violate the University's [Consensual Relations with Students Policy](#).

**Note:** Consensual sexual or romantic relationships involving individuals in a supervisor-subordinate employment relationship (e.g., being directly or indirectly supervised or evaluated) can create a conflict of interest that violates the University's [Nepotism and Personal Relationships in the Workplace Policy](#).

### **C. Harassment based on other protected characteristics in the educational setting/working environment:**

At Princeton University, harassment is defined as unwelcome verbal or physical behavior which is directed at a person because of his/her race, creed, color, sex, gender identity, age, national origin, ancestry, religion, physical or mental disability, veteran's status, marital or domestic partnership status, affectional or sexual orientation or other characteristic protected by applicable law, when these behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions or living conditions by creating an intimidating, hostile, or offensive environment.

Listed below are examples of behavior that can constitute such harassment. The list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if harassment has occurred.

- Unwelcome jokes or comments about a legally protected characteristic (e.g., racial or ethnic jokes);
- Disparaging remarks to a person about a legally protected characteristic (e.g., negative or offensive remarks or jokes about a person's religion or religious garments);
- Displaying negative or offensive posters or pictures about a legally protected characteristic;
- Electronic communications, such as e-mail, text messaging and internet use, that violate this Policy; and
- Stereotyping.

#### **D. Anti-Harassment Policies and Freedom of Speech/Expression**

The University's policies and procedures relating to harassment are not intended to inhibit or restrict free speech or the expression of ideas. The University's policy on Respect for Others, which can be found in *Rights, Rules, Responsibilities*, section 1.2.1, states: "Princeton University strives to be an intellectual and residential community in which all members can participate fully and equally, in an atmosphere free from all manifestations of bias and from all forms of discrimination, harassment, exploitation, or intimidation. As an intellectual community, it attaches great value to freedom of expression and vigorous debate, but it also attaches great importance to mutual respect, and it deplores expressions of hatred directed against any individual or group. The University seeks to promote the full inclusion of all members and groups in every aspect of University life."

## **II. ROLES AND RESPONSIBILITIES**

A. It is the responsibility of the **Provost's Office** to coordinate the dissemination of information and educational and training programs to: (1) assist members of the University community in understanding what behavior is prohibited; (2) make clear that discrimination and harassment are prohibited under University policy, (3) ensure investigators are trained to respond to and investigate complaints of discrimination and harassment; and (4) ensure faculty, staff and students are aware of the procedures for addressing complaints of discrimination and harassment.

B. It is the responsibility of **deans, department chairs, department heads** and program/center directors and **managers** (i.e., those who formally supervise other employees), to:

- inform employees under their direction or supervision of the Nondiscrimination/Anti-Harassment Policy;
- notify the appropriate Harassment/Discrimination Resolution Facilitator listed in Point III.D. below (i.e., the Offices of the Dean of Faculty or Human Resources, or student deans) promptly when they receive reports, witness or otherwise learn of complaints of discrimination and/or harassment; and
- implement any corrective actions that are imposed as a result of findings of discrimination and/or harassment.

C. It is the responsibility of **all employees** to review the Nondiscrimination/Anti-Harassment Policy and comply with it.

D. It is the responsibility of **all students** to review the Nondiscrimination/Anti-Harassment Policy and comply with it.

E. When the University is aware that a member of the University community may have been subjected to or affected by discriminatory and/or harassing behavior, the University will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate action to stop the discrimination and/or harassment. The course of action taken by the University, including any disciplinary penalty, will depend on the particular facts and circumstances involved.

### III. OPTIONS FOR ADDRESSING HARASSMENT AND/OR DISCRIMINATION

The University encourages everyone to report all incidents of harassment and discrimination.

When you feel you are being harassed and/or discriminated against you can:

A. Tell the person who is harassing you or treating you unfairly to stop, in writing or in person. (The University recognizes that in certain instances such action may not be appropriate or advisable. In these instances you may seek assistance from the individuals designated below, or contact Cheri Lawson, Director for Equal Opportunity Programs, or Michele Minter, Vice Provost for Institutional Equity and Diversity and Title IX Coordinator.)

B. Seek a confidential consultation from SHARE, the University Health Services Counseling Center, the Ombuds Office, Carebridge (the employee assistance program provider), or chaplains in the Office of Religious Life. These confidential resources are not authorized to engage in fact-finding or take action on behalf of the University; nor will they maintain formal or detailed records of confidential consultations. If after speaking with a confidential resource you do not wish to initiate an internal complaint, the confidential resource will take no action. If you do wish to make a complaint, these individuals are knowledgeable about the University's Nondiscrimination/Anti-Harassment Policy and will put you in touch with an appropriate University administrator.

C. Tell someone. You can speak with your manager, a higher manager in your reporting line, department chair, department head, appointed mentor, directors of student life, an assistant or associate dean, the directors of the LGBT, Women's, International or Carl A. Fields Centers, or human resources personnel. These individuals are knowledgeable about the University's Nondiscrimination/Anti-Harassment Policy and will put you in touch with an appropriate University administrator.

D. Meet with a Harassment/Discrimination Resolution Facilitator. In our diverse community, disagreements and conflicts of varying degrees of seriousness are inevitable. Many issues are best resolved informally by direct communication between the individuals involved or with the assistance of a resolution facilitator. These resolution facilitators will assess the matter, engage in fact-finding, and seek to resolve the matter at the lowest possible level.

The following members of the University community stand ready to discuss available options for addressing and resolving concerns:

**For Undergraduate Students:** Associate Deans of Undergraduate Students or Directors of Student Life (609.258.3054)

**For Graduate Students:** Associate Deans of the Graduate School (609.258.3030)

**For Faculty or Dean of Faculty Staff:** Associate Deans of the Faculty (609.258.3096)

**For Human Resources Staff:** Senior Human Resources Managers, Human Resources Generalists, or the Director of Client Services (609.258.3300)

**For Princeton Plasma Physics Laboratory Staff:** Director of Human Resources (609.243.2224)

E. File a written internal complaint. If the matter cannot be resolved through one of the above approaches or the complainant chooses not to pursue one of the above methods, students, faculty or staff may file a written complaint, as detailed in Point IV below.

**Note:** The University encourages prompt reporting of complaints because late reporting may limit the University's ability to investigate and respond to conduct. However, the University will respond to late reports in accordance with this Policy.

#### **IV. WRITTEN INTERNAL COMPLAINT: COMPLAINT REPORTING, PRELIMINARY REVIEW OF COMPLAINT, INVESTIGATION AND RESOLUTION**

A. *The following applies in those instances when a written complaint is lodged against any member of the University community other than a student. For complaints lodged against a student, see IV.B below.*

##### 1. Complaint Reporting

Any member of the University community who believes she/he has been subjected to harassment or has observed harassment to others, or who feels that she/he has been discriminated against or has observed the discrimination of others, may submit a written complaint to the any of the individuals listed below (or may choose to utilize the attached [complaint form](#)):

*Senior Human Resources Managers or Pierre Joanis in the **Office of Human Resources**  
Residential College Deans or Directors of Student Life in the **Office of the Dean of the College**  
Cole Crittenden or Victoria Jueds in the **Office of the Dean of Undergraduate Students**  
Joy Montero or David Redman in the **Office of the Dean of the Graduate School**  
Toni Turano or Mary Baum in the **Office of the Dean of the Faculty**  
Sue Murphy-LaMarche in the **Princeton Plasma Physics Laboratory**  
Cheri Lawson or Michele Minter in the **Office of the Provost***

The written complaint should identify the parties involved; describe the harassing or discriminatory behavior, including when and where it occurred; and identify by name or description any witnesses. Written complaints should be treated as confidential and should be provided directly and only to the appropriate designated individual as listed above.

##### 2. Interim Steps

When appropriate, prior to or during the investigation, the Provost's Office may recommend to the appropriate University official that interim steps be taken to protect the safety and well-being of members of the University community.

##### 3. Investigation Process

The purpose of the investigation is to gather facts relating to the incident(s) outlined in the written complaint and to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes discrimination and/or harassment. The formal complaint process allows individuals to *submit* their complaint to one of many offices, although the requisite fact finding will typically be conducted by the office that has responsibility for the accused. The investigator (or co-investigators, as necessary) will conduct a fact-finding inquiry that may include written statements, interviews and any other sources the investigator deems appropriate. During the course of the investigation, the investigator may receive counsel from the Provost's Office, the Office of the General Counsel, or other parties as needed.

While the length of an investigation will depend on a variety of factors, including the nature and scope of the allegations, the number of parties and witnesses, and the availability of parties and witnesses, the investigator will seek to conclude the investigation within 45 working days of receipt of the complaint.

**Note:** Princeton University expects faculty, staff and other members of the University community to cooperate fully in the investigation process. Any faculty or staff member who is the subject of, or potential witness regarding, a discrimination or harassment complaint and refuses to cooperate in an investigation is subject to discipline, up to and including termination of employment.

**Note:** Adversarial hearings, including confrontation, cross-examination by the parties, and active advocacy by attorneys or other outside advocates, are neither appropriate nor permitted during the investigation process.

#### 4. Complaint Resolution

At the conclusion of the investigation, the investigator will prepare a written report. The report will explain the scope of the investigation and whether any allegations in the complaint were substantiated. The written report will be submitted to the appropriate Dean (in most instances the Dean of the Faculty) or Vice President (in most instances the Vice President for Human Resources) and to the Provost's Office.

The Dean/VP to whom the report is submitted may accept the report, request to review additional information, including summaries of party/witness statements or other information, or return the report for further investigation. The Dean/VP or their designee will, for both parties involved (the person who filed the written complaint as well as the person whose behavior is being investigated), summarize the findings (see range of findings below).

#### **Finding of “No Violation” of the University’s Nondiscrimination/Anti-Harassment Policy**

If there is a determination that the behavior investigated did not violate the Nondiscrimination/Anti-Harassment Policy, both parties will be so informed. Neither party may appeal such a finding. If retaliatory behavior occurs after the issuance of this determination, either party may bring a complaint under this Policy.

#### **Finding of “Inappropriate Behavior Not Rising to the Level of a Violation” of the University’s Nondiscrimination/Anti-Harassment Policy**

There may be a determination that the behavior was inappropriate and unprofessional but did not rise to the level of violating the Nondiscrimination/Anti-Harassment Policy. Such inappropriate behavior may merit discipline, ongoing monitoring, coaching, or other appropriate action. Neither party may appeal such a finding. If retaliatory behavior occurs after the issuance of this determination, either party may bring a complaint under this Policy.

#### **Finding of “Violation” of the University’s Nondiscrimination/Anti-Harassment Policy**

If there is a determination that the behavior did violate the Nondiscrimination/Anti-Harassment Policy, the Dean/VP, in consultation with the appropriate manager or department head, will determine the appropriate corrective actions to be taken. In addition, where appropriate, the Dean/VP/Provost may implement measures to ensure that the person who filed the complaint is not subjected to further discrimination or harassment, and to remedy the effects of any discrimination or harassment that may have occurred. Remedial steps, at the discretion of the University, may include, but are not limited to, counseling or training, separation of the parties, and/or discipline of the accused, including a written warning, financial penalty, suspension, demotion or termination in accordance with University policy. The process for appealing such a finding is set forth in Section VI below.

The University's ability to discipline an individual who is not an employee or student (such as a vendor or contractor) is limited by the degree of control, if any, the University has over such individual. Nonetheless, the University will seek to take appropriate action in response to violations of this Policy.

**B. *The following applies in those instances when a complaint is lodged **against an undergraduate or graduate student.*****

When an individual seeks the University to take disciplinary action against an undergraduate student or a graduate student for violating University harassment or discrimination policies (including the sexual misconduct policy), the individual may make a complaint at the Office of the Dean of the Undergraduate Students (if the respondent is an undergraduate student) or at the Office of the Dean of the Graduate School (if the accused is a graduate student). The student disciplinary process is separate from the University's [Title IX Grievance](#) process.

If the complaint is one for which separation from the University is not a likely outcome, the Associate Dean or, in the case of a student living in a residential college, the Director of Student Life will investigate, issue findings, and take remedial action as necessary.

If the complaint is of a more serious nature, and one for which separation from the University is a possible outcome, all parties and witnesses will be asked to prepare written accounts of the event(s) in question and, if appropriate, the matter will be referred to the Faculty-Student Committee on Discipline (or a designated subcommittee, if the charge includes an allegation of sexual misconduct). The Committee or subcommittee will: (i) conduct a hearing in accordance with University policies; (ii) decide if University regulations have been violated; (iii) issue written findings; and (iv) determine the penalty (if appropriate).

For further information regarding the student discipline process, including Committee and subcommittee membership, investigation and hearing procedures, and the rights of individuals involved in the student discipline process, see *Rights, Rules, Responsibilities* sections [2.5](#), [2.6](#), and [2.7](#). Individuals should inquire at 308 West College (if the respondent is an undergraduate student) or Clio Hall (if the respondent is a graduate student) for more detailed information regarding the student disciplinary process. Information specific to sexual misconduct cases, including the rights of complainants and respondents in such cases, can be accessed at: <http://www.princeton.edu/odus/standards/sexual-misconduct/> (for undergraduate students) and [http://www.princeton.edu/gradschool/studentlife/complaint\\_resolution/sexual\\_misconduct/](http://www.princeton.edu/gradschool/studentlife/complaint_resolution/sexual_misconduct/) (for graduate students).

While the length of the process will depend on a variety of factors, including the nature and scope of the allegations, the number of parties and witnesses, and the availability of parties and witnesses, an effort will be made to conclude the process within 45 working days of receipt of the complaint.

**V. CONFIDENTIALITY**

Any allegation of discrimination or harassment brought to the attention of the University will be discreetly addressed in some manner. Investigations will be conducted in a confidential manner to the greatest extent possible. However, the investigation of complaints may also require disclosure to the accused individual and to other witnesses for the purpose of gathering pertinent information. In such case, disclosures will be limited to the extent possible.

All participants in the process, including the person who filed the complaint, the individual accused and witnesses, will be advised to keep the matter confidential.

## VI. APPEALS

The following are the only appeals available under this Policy:

**Faculty members** found to have violated the Nondiscrimination/Anti-Harassment Policy may, consistent with the [Rules and Procedures of the Faculty](#), file a written appeal with the Committee on Conference and Faculty Appeal, provided the appeal involves the “dismissal or the suspension . . . or any question of unfair treatment in relation to the appointment, reappointment, or academic duties or privileges.”

**Academic professionals** found to have violated the Nondiscrimination/Anti-Harassment Policy may, consistent with the [Rules and Procedures of the Professional Researchers and Specialists](#) and [Rules and Procedures of the Professional Library Staff](#), submit a written request for reconsideration to the Dean of the Faculty on the grounds that: (i) there exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation, or (ii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct. Appeals concerning dismissal or suspension or procedural unfairness should be submitted to the Committee on Appointments and Advancements for the Professional Researchers and Professional Specialists or the Promotions, Continuing Appointment and Review Committee for Professional Librarians, as appropriate.

**HR staff** found to have violated the Nondiscrimination/Anti-Harassment Policy may file a written request for reconsideration to the Executive Vice President on the grounds that: (i) there exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation, or (ii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct. Appeals concerning procedural unfairness should be submitted to the Judicial Committee of the Council of the Princeton University Community (CPUC).

**Unionized employees** found to have violated the Nondiscrimination/Anti-Harassment Policy may resort to the grievance procedures provided pursuant to the applicable collective bargaining agreement.

**Students** found to have violated the Nondiscrimination/Anti-Harassment Policy may, in accordance with the applicable provisions in *Rights, Rules, Responsibilities*, file an appeal of the decision. If the infraction was adjudicated by an associate dean or by the Residential College Disciplinary Board, the student found in violation of University policy may file an appeal to the Dean of Undergraduate Students or to the Dean of the Graduate School on the grounds that (i) there exists substantial relevant information that was not presented, and reasonably could not have been presented; or (ii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct; or (iii) a procedural irregularity occurred in the adjudication of the incident in question.

If the infraction was adjudicated by the Committee on Discipline or its Subcommittee on Sexual Misconduct, the student found in violation of University Policy may appeal the decision to a three-person appellate body comprised of the Dean of the College, the Dean of the Graduate School, and the chairman of the Judicial Committee of the Council of the Princeton University Community (CPUC) on the grounds that: (i) the procedures have not been fair and reasonable; or (ii) there exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation or to the Committee or Subcommittee; or (iii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct. If modifications are made to the decision, the appellate body will consult with the Vice President for Campus Life before issuing its final decision.

## **VII. PROTECTION FROM RETALIATION**

Federal and state law and University policy prohibit any form of retaliation against a person who files in good faith a complaint of discrimination or harassment or in good faith participates in the reporting or investigation process.

Prior to the conclusion of an investigation and findings, a complaint of discrimination or harassment does not constitute proof of prohibited conduct. As such, the complaint shall not be taken into account during reappointment, tenure, promotion, merit or other evaluation or review until a determination has been made that the University's Policy has been violated.

Complaints of retaliation should be reported as violations of this Policy. Retaliatory conduct may result in serious disciplinary sanctions.

## **VIII. PROTECTION FROM BAD FAITH COMPLAINTS**

It is the responsibility of the University to balance the rights of all parties. Therefore, if the University's investigation reveals that the complaint is malicious or knowingly false, such charges will be dismissed and the person who filed the complaint may be subject to discipline.

## **IX. FILING A DISCRIMINATION OR HARASSMENT COMPLAINT EXTERNALLY**

In addition to or in the alternative of filing an internal complaint as described above, members of the University community may elect to file a discrimination or harassment complaint with an external body, including a federal or state agency authorized to investigate such claims. The appropriate agency will depend on the status of the complainant and the nature of the complaint, and examples of agencies include: the United States Equal Employment Opportunity Commission; the United States Department of Education, Office for Civil Rights; and the New Jersey Division on Civil Rights.

## **X. EDUCATION**

In conjunction with the implementation and dissemination of this Policy, the University supports a program for the education of the University community regarding maintaining a campus environment that is free from discrimination and harassment. To learn more about the training resources and assistance available, please contact Cheri Lawson, Director for Equal Opportunity Programs, at 609.258.8504.