



# New Employee Orientation

## Adjunct Faculty

Office of Human Resources

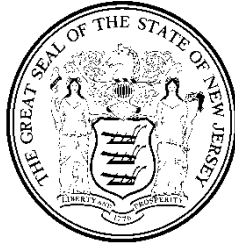
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## **I. PREVENTION OF HOSTILE WORKPLACE ENVIRONMENTS**

### **Policy:**



### ***NEW JERSEY STATE POLICY PROHIBITING DISCRIMINATION IN THE WORKPLACE***

#### **I. POLICY**

##### **a. Protected Categories**

The State of New Jersey is committed to providing every State employee and prospective State employee with a work environment free from prohibited discrimination or harassment. Under this policy, forms of employment discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: 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.

To achieve the goal of maintaining a work environment free from discrimination and harassment, the State of New Jersey strictly prohibits the conduct that is described in this policy. This is a zero tolerance policy. This means that the state and its agencies reserve the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.

##### **b. Applicability**

Prohibited discrimination/harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. Thus, this policy applies to all employees and applicants for employment in State departments, commissions, State colleges or universities, agencies, and authorities (hereafter referred to in this section as "State agencies" or "State agency"). The State of New Jersey will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers, or persons doing business with the State. This policy also applies to both conduct that occurs in the workplace and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace (any field location, any off-site business-related social function, or any facility where State business is being conducted and discussed).

This policy also applies to third party harassment. Third party harassment is unwelcome behavior involving any of the protected categories referred to in (a) above that is not directed at an individual

but exists in the workplace and interferes with an individual's ability to do his or her job. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

## II. PROHIBITED CONDUCT

### a. Defined

It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the protected categories referred to in I4(a) above. This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, compensation, fringe benefits, working conditions and career development.

It is also a violation of this policy to use derogatory or demeaning references regarding a person's race, gender, age, religion, disability, affectional or sexual orientation, ethnic background, or any other protected category set forth in I(a) above. A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of behaviors that may constitute a violation of this policy include, but are not limited to:

- Discriminating against an individual with regard to terms and conditions of employment because of being in one or more of the protected categories referred to in I(a) above;
- Treating an individual differently because of the individual's race, color, national origin or other protected category, or because an individual has the physical, cultural or linguistic characteristics of a racial, religious, or other protected category;
- Treating an individual differently because of marriage to, civil union to, domestic partnership with, or association with persons of a racial, religious or other protected category; or due to the individual's membership in or association with an organization identified with the interests of a certain racial, religious or other protected category; or because an individual's name, domestic partner's name, or spouse's name is associated with a certain racial, religious or other protected category;
- Calling an individual by an unwanted nickname that refers to one or more of the above protected categories, or telling jokes pertaining to one or more protected categories;
- Using derogatory references with regard to any of the protected categories in any communication;
- Engaging in threatening, intimidating, or hostile acts toward another individual in the workplace because that individual belongs to, or is associated with, any of the protected categories; or

- Displaying or distributing material (including electronic communications) in the workplace that contains derogatory or demeaning language or images pertaining to any of the protected categories.

b. Sexual Harassment

It is a violation of this policy to engage in sexual (or gender-based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of prohibited behaviors that may constitute sexual harassment and are therefore a violation of this policy include, but are not limited to:

- Generalized gender-based remarks and comments;
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement;
- Verbal, written or electronic sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, text messages, invitations, gestures or inappropriate comments about a person's clothing;
- Visual contact, such as leering or staring at another's body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall, or on a screen saver;
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluation or promotional opportunity; or
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

### III. EMPLOYEE RESPONSIBILITIES

Any employee who believes that she or he has been subjected to any form of prohibited discrimination/harassment, or who witnesses others being subjected to such discrimination/harassment is encouraged to promptly report the incident(s) to a supervisor or directly to the State agency's Equal Employment Opportunity/Affirmative Action Officer or to any other persons designated by the State agency to receive workplace discrimination complaints.

All employees are expected to cooperate with investigations undertaken pursuant to VI below. Failure to cooperate in an investigation may result in administrative and/or disciplinary action, up to and including termination of employment.

### IV. SUPERVISOR RESPONSIBILITIES

Supervisors shall make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors shall immediately refer allegations of prohibited discrimination/harassment to the State agency's Equal Employment Opportunity/Affirmative Action Officer, or any other individual designated by the State agency to receive complaints of workplace discrimination/harassment. A supervisor's failure to comply with these requirements may result in administrative and/or disciplinary action, up to and including termination of employment. For purposes of this section and in the State of New Jersey Model Procedures for Processing Internal Complaints Alleging Discrimination in the Workplace (Model Procedures), a supervisor is defined broadly to include any manager or other individual who has authority to control the work environment of any other staff member (for example, a project leader).

### V. DISSEMINATION

Each State agency shall annually distribute the policy described in this section, or a summarized notice of it, to all of its employees, including part-time and seasonal employees. The policy, or summarized notice of it, shall also be posted in conspicuous locations throughout the buildings and grounds of each State agency (that is, on bulletin boards or on the State agency's intranet site). The Department of the Treasury shall distribute the policy to State-wide vendors/contractors, whereas each State agency shall distribute the policy to vendors/contractors with whom the State agency has a direct relationship.

### VI. COMPLAINT PROCESS

Each State agency shall follow the Model Procedures with regard to reporting, investigating, and where appropriate, remediating claims of discrimination/harassment. See N.J.A.C. 4A:7-3.2. Each State agency is responsible for designating an individual or individuals to receive complaints of discrimination/harassment, investigating such complaints, and recommending appropriate remediation of such complaints. In addition to the Equal Employment Opportunity/Affirmative Action Officer, each State agency shall designate an alternate person to receive claims of discrimination/harassment.

All investigations of discrimination/harassment claims shall be conducted in a way that respects, to the extent possible, the privacy of all the persons involved. The investigations shall be conducted in

a prompt, thorough and impartial manner. The results of the investigation shall be forwarded to the respective State agency head to make a final decision as to whether a violation of the policy has been substantiated.

Where a violation of this policy is found to have occurred, the State agency shall take prompt and appropriate remedial action to stop the behavior and deter its reoccurrence. The State agency shall also have the authority to take prompt and appropriate remedial action, such as moving two employees apart, before a final determination has been made regarding whether a violation of this policy has occurred.

The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including termination of employment.

Each State agency shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate.

## VII. PROHIBITION AGAINST RETALIATION

Retaliation against any employee who alleges that she or he was the victim of discrimination/harassment, provides information in the course of an investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited by this policy. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation.

Following are examples of prohibited actions taken against an employee because the employee has engaged in activity protected by this subsection:

- Termination of an employee;
- Failing to promote an employee;
- Altering an employee's work assignment for reasons other than legitimate business reasons;
- Imposing or threatening to impose disciplinary action on an employee for reasons other than legitimate business reasons; or

Ostracizing an employee (for example, excluding an employee from an activity or privilege offered or provided to all other employees).

## VIII. FALSE ACCUSATIONS AND INFORMATION

An employee, who knowingly makes a false accusation of prohibited discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, may be subjected to administrative and/or disciplinary action, up to and including termination of employment. Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered a false accusation.



## IX. CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed and other persons who may have relevant knowledge or who have a legitimate need to know about the matter. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment.

## X. ADMINISTRATIVE AND/OR DISCIPLINARY ACTION

Any employee found to have violated any portion or portions of this policy may be subject to appropriate administrative and/or disciplinary action which may include, but which shall not be limited to: referral for training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion or termination of employment. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

## XI. TRAINING

All State agencies shall provide all new employees with training on the policy and procedures set forth in this section within a reasonable period of time after each new employee's appointment date. Refresher training shall be provided to all employees, including supervisors, within a reasonable period of time. All State agencies shall also provide supervisors with training on a regular basis regarding their obligations and duties under the policy and regarding procedures set forth in this section.

Issued: December 16, 1999

Revised: June 3, 2005

Revised: August 20, 2007

See N.J.A.C. 4A:7-3.1

**Provision:**

**Pay Transparency Nondiscrimination Provision**

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

## **Discussion:**

### **Harassment and Discrimination**

Federal, state and local laws prohibit **harassment and discrimination** in the workplace or classroom on the basis of the nineteen protected classes (these protected classes are listed on page 9 of this document). All of these are actionable forms of discrimination, meaning the victim of harassment or discrimination can file a lawsuit against the perpetrator of the harassment or discrimination.

**Sexual Harassment** involves instances in which a person in a relationship perceives the other person to be making sexual advances. This does not have to involve direct requests for sexual favors; harassment can include subtle innuendo, inappropriate (demeaning) comments, touching, jokes, references to sex or sexuality, etc. Rowan University adheres to the policies and procedures set forth in The State of New Jersey Policy Prohibiting Discrimination in the Workplace (**Issued: December 16, 1999 Revised: 2007, See N.J.A.C.4A:7-3.**)

**Sexual Harassment**, as currently defined under the laws, refers to two types of sexual harassment that can occur in the workplace or classroom.

- A. Quid pro Quo occurs when an employee's or student's advancement, job assignment, continued employment, and/or academic standing are conditional upon sexual favors.
- B. Hostile work/classroom environment in general consists of conduct that is sufficiently pervasive to alter the conditions of employment/ enrollment and creates an abusive working/classroom environment. It occurs when workplace/ classroom conduct of a sexual nature interferes with an employee's/student's work/academic performance. Conditions and criteria constitute a hostile work/classroom environment are:
  1. The discrimination is intentional because of an individual's sex,
  2. The discrimination is severe or pervasive and regular,
  3. The discrimination detrimentally affects the complainant,
  4. The discrimination would detrimentally affect a reasonable person of the same sex in that position; and,
  5. THE EMPLOYER KNEW OR SHOULD HAVE KNOWN OF THE HARASSMENT AND FAILED TO take PROMPT AND EFFECTIVE REMEDIAL ACTION.

An employee/student who is not the target of the harassment, but works in an atmosphere that is made offensive by the pervasive sexual conduct in the workplace/classroom, may also be the victim of hostile work/classroom environment.

**Discriminatory Harassment** is another form of harassment in which a hostile workplace or classroom environment can exist even if it is not based on one's gender. It can include the protected classes mentioned previously because the courts look at discriminatory harassment on a case by case basis.

**Sexual and Discriminatory Harassment** include any unwelcome or unwanted attention, and other verbal, visual or physical conduct or other form of offensive behavior directed toward a person

because of or on account of his or her sex, race, color, religion, pregnancy, national origin, mental or physical disability, citizenship status, familial or veteran status, age, sexual or affectional orientation, gender identity or expression (transgender individuals, transsexuals, transvestites, or androgynous individuals), or such conduct that may be offensive based on these protected classes and including indirect exposure to:

- submission to or rejection of such conduct by an individual is used as a basis or factor in decisions affecting the terms or conditions of employment/academic standing of any individual; or
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment/academic standing; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work/academic performance; or
- such conduct creates an intimidating, hostile or offensive work/classroom environment.

### **Examples**

Any form of discrimination based on sex, race, color, religion, pregnancy, national origin, mental or physical disability, citizenship status, familial or veteran status, age, sexual or affectional orientation, gender identity or expression (transgender individuals, transsexuals, transvestites, or androgynous individuals) to include all the protected classes:

- communication or display of offensive material capable of a stereotypical or discriminatory meaning;
- offensive remarks containing stereotypical or discriminatory references, including unwelcome comments about an individual's body, appearance, manner, speech or dress capable of stereotypical or discriminatory meaning;
- racial, religious, ethnic, or other stereotypical or discriminatory jokes or inappropriate use of racial, religious, ethnic or discriminatory language capable of stereotypical or discriminatory meaning;
- the display in the workplace of objects, drawings, screensavers, or pictures which create an intimidating or hostile work environment;
- other unwelcome and unwanted conduct of a stereotypical or discriminatory nature, such as name calling, and racial religious or ethnic innuendoes; and,
- removing accommodations or corrective devices provided to or used by an individual with a disability.

### **Employee Obligation to Report**

If you witness, or learn of by other means, these types of behavior you are obliged to notify the Associate VP of Employee & Labor Relations (Ext. 4139) or the Office of Equity & Diversity (Ext. 5440). Both are located in Linden Hall. This notification is necessary to protect the victim as well as the University and University employees/students. When an offense is reported, a confidential investigation will be conducted by the Associate VP of Employee and Labor Relations and the Office of Equity & Diversity.

While this policy falls under State and Federal guidelines and applies to protected classes as listed in the laws, Rowan wishes to foster an atmosphere of civility in the workplace.

## **Procedures:**



### **NEW JERSEY STATE PROCEDURES FOR INTERNAL COMPLAINTS ALLEGING DISCRIMINATION IN THE WORKPLACE**

1. All employees and applicants for employment have the right and are encouraged to immediately report suspected violations of the State Policy Prohibiting Discrimination in the Workplace, N.J.A.C. 4A:7-3.1.
2. Complaints of prohibited discrimination/harassment can be reported to either Dr. Johanna Velez-Yelin, the EEO/AA Officer, or to any supervisory employee of Rowan University. Complaints may also be reported to Mr. Robert Zazzali, Vice President of Employee and Labor Relations.
3. Every effort should be made to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.
4. Supervisory employees shall immediately report all alleged violations of the State of New Jersey Policy Prohibiting Discrimination in the Workplace to Dr. Johanna Velez-Yelin, EEO/AA Officer. Such a report shall include both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.
5. If reporting a complaint to any of the persons set forth in paragraphs 2 through 4 above presents a conflict of interest, the complaint may be filed directly with the Department of Personnel, 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.
6. In order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a New Jersey Department of Personnel Discrimination Complaint Processing Form (DPF-481). An investigation may be conducted whether or not the form is completed.
7. Rowan University shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate. A copy of all complaints (regardless of the format in

which submitted) must be submitted to the Department of Personnel, Division of EEO/AA, by the University's EEO/AA Officer, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed the complaint and, if applicable, the complaint notification letter sent to the person(s) against whom the complaint has been filed. If a written complaint has not been filed, the EEO/AA Officer must submit to the Division of EEO/AA a brief summary of the allegations that have been made. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court also must be submitted to the Division of EEO/AA.

8. During the initial intake of a complaint, the EEO/AA Officer or authorized designee will obtain information regarding the complaint, and determine if interim corrective measures are necessary to prevent continued violations of the State's Policy Prohibiting Discrimination in the Workplace.
9. At the EEO/AA Officer's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place.
10. An investigatory report will be prepared by the EEO/AA Officer or his or her designee when the investigation is completed. The report will include, at a minimum:
  - 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 investigatory report will be submitted to Dr. Ali Houshmand, who will issue a final letter of determination to the parties.

11. The President will review the investigatory report issued by the EEO/AA Officer or authorized designee, and make a determination as to whether the allegation of a violation of the State's Policy Prohibiting Discrimination in the Workplace has been substantiated. If a violation has occurred, the President will determine the appropriate corrective measures necessary to immediately remedy the violation.
12. The President will issue a final letter of determination to both the complainant(s) and the person, against whom the complaint was filed, setting forth the results of the investigation and the right of appeal to the Merit System Board as set forth in Paragraphs 13 and 14, below. To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Division of EEO/AA, Department of Personnel shall be furnished with a copy of the final letter of determination.
  - a. The letter shall include, at a minimum:
    1. A brief summary of the parties' positions;
    2. A brief summary of the facts developed during the investigation; and
    3. An explanation of the determination, which shall include whether:
      - i. The allegations were either substantiated or not substantiated; and

- ii. A violation of the State's Policy Prohibiting Discrimination in the Workplace did or did not occur.
    - b. 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 Paragraph 8, above, is completed.
    - c. The time for completion of the investigation and issuance of the final letter of determination may be extended by Rowan University's President for up to 60 additional days in cases involving exceptional circumstances. The President 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.
13. A complainant who is in the career, unclassified or senior executive service, or who is an applicant for employment, who disagrees with the determination of President Houshmand, may submit a written appeal, within twenty days of the receipt of the final letter of determination from the President, to the Merit System Board, PO Box 312, Trenton, NJ 08625. The appeal shall be in writing and include all materials presented by the complainant at the University level, the final letter of determination, the reason for the appeal and the specific relief requested.
- a. Employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The Commissioner may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in this section or a combination of procedures as the Commissioner deems appropriate. See N.J.A.C. 4A:2-1.7.
  - b. The Merit System Board shall decide the appeal on a review of the written record or such other proceeding as it deems appropriate. See N.J.A.C. 4A:2-1.1(d).
  - c. The appellant shall have the burden of proof in all discrimination appeals brought before the Merit System Board.
14. In a case where a violation has been substantiated, and no disciplinary action recommended, the party(ies) against whom the complaint was filed may appeal the determination to the Merit System Board at the address indicated in Paragraph 13 above, within 20 days of receipt of the final letter of determination by Rowan University.
- a. The burden of proof shall be on the appellant.
  - b. The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.
  - c. If disciplinary action has been recommended in the final letter of determination, the party(ies) charged may appeal using the procedures set forth in N.J.A.C. 4A:2-2 & 3.

15. The Director of the Division of EEO/AA shall be placed on notice of, and given the opportunity to submit comment on, appeals filed with the Merit System Board of decisions on discrimination complaints, regardless of whether or not the complaint was initially filed directly with the Director of EEO/AA.
16. Any employee or applicant for employment 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. An individual should contact the specific agency to obtain exact time frames for filing a complaint. The deadlines run from the date of the last incident of alleged discrimination/harassment, not from the date that the final letter of determination is issued by the University.

Complaints may be filed with the following external agencies:

Division on Civil Rights

N. J. Department of Law & Public Safety

(Within 180 days for violation of the discriminatory act)

Trenton Regional Office 140 East Front Street 6th Floor, P.O. Box 090 Trenton NJ 08625-0090 (609) 292-4605	Paterson Regional Office 100 Hamilton Plaza, Suite 800 Paterson, NJ 07505-2109 (973) 977-4500
Newark Regional Office 31 Clinton Street, 3rd floor P.O. Box 46001 Newark, NJ 07102 (973) 648-2700	United States Equal Employment Opportunity Commission (EEOC) (Within 300 days of the discriminatory act) National Call Center – 1 800-669-4000
Atlantic City Office 26 Pennsylvania Avenue 3 <sup>rd</sup> Floor Atlantic City, NJ 08401 (609) 441-3100	*Newark Area Office One Newark Center, 21 <sup>st</sup> Floor Raymond Blvd at McCarter Highway (Rt.21) Newark, New Jersey 07102-5233 (973) 645-6383
Camden Regional Office One Port Center, 4 <sup>th</sup> Floor 2 Riverside Drive, Suite 402 Camden, NJ 08103 (856) 614-2550	**Philadelphia District Office 801 Market Street, Suite 1300 Philadelphia, PA 19107-3127 (215) 440-2600

\* Newark Area 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.

\*\* The Philadelphia District Office has jurisdiction over the State of New Jersey, Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

Issued: December 16, 1999

Revised: June 3, 2005

Revised: August 20, 2007

See N.J.A.C. 4A:7-3.2

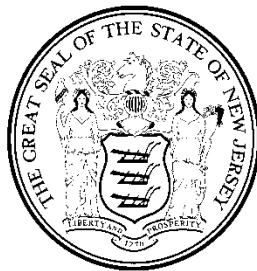


**State of New Jersey**  
**Division of Equal Employment Opportunity and Affirmative Action**  
**Discrimination Complaint Processing Form**

**INSTRUCTIONS:** This complaint form should be filed with the Equal Employment Opportunity/Affirmative Action Officer or the alternate designee for the State department, agency, commission, or State college/university where you work or applied for employment.

For detailed information on the complaint process, see the State of New Jersey Model Procedures for Processing Internal Complaints Alleging Discrimination in the Workplace (Model Procedures) on Page 2 of this form.

1. Name:	2. Name of State Dept., Agency, Commission or College:	3. Telephone (Work):			
4. Job Title:	5. Division / Office / Facility:	6. Telephone (Home):			
7. Home Address:	8a. Full name, title, and telephone number of person(s) you believe discriminated against you:				
8. Date(s) of discriminatory action(s):					
8c. Complainant's Status (Check applicable box): <input type="checkbox"/> Employee <input type="checkbox"/> Job Applicant <input type="checkbox"/> Vendor/Contractor <input type="checkbox"/> Other (Please specify) _____					
9. Basis of Discrimination: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Age  <input type="checkbox"/> Affectional/Sexual Orientation  <input type="checkbox"/> Ancestry  <input type="checkbox"/> Atypical Hereditary Cellular or Blood Trait  <input type="checkbox"/> Color  <input type="checkbox"/> Creed  <input type="checkbox"/> Disability  <input type="checkbox"/> Domestic Partnership Status           </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Familial Status  <input type="checkbox"/> Gender Identity or Expression  <input type="checkbox"/> Genetic Information (including refusal to submit to or provide results of a genetic test)  <input type="checkbox"/> Liability for Military Service  <input type="checkbox"/> Marital /Civil Union Status  <input type="checkbox"/> Nationality           </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> National Origin  <input type="checkbox"/> Race  <input type="checkbox"/> Religion  <input type="checkbox"/> Sex/Gender (including pregnancy)  <input type="checkbox"/> Sexual Harassment  <input type="checkbox"/> Retaliation (for having filed a discrimination complaint, participating in a complaint investigation, or for opposing a discriminatory practice)           </td> </tr> </table>			<input type="checkbox"/> Age <input type="checkbox"/> Affectional/Sexual Orientation <input type="checkbox"/> Ancestry <input type="checkbox"/> Atypical Hereditary Cellular or Blood Trait <input type="checkbox"/> Color <input type="checkbox"/> Creed <input type="checkbox"/> Disability <input type="checkbox"/> Domestic Partnership Status	<input type="checkbox"/> Familial Status <input type="checkbox"/> Gender Identity or Expression <input type="checkbox"/> Genetic Information (including refusal to submit to or provide results of a genetic test) <input type="checkbox"/> Liability for Military Service <input type="checkbox"/> Marital /Civil Union Status <input type="checkbox"/> Nationality	<input type="checkbox"/> National Origin <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Sex/Gender (including pregnancy) <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Retaliation (for having filed a discrimination complaint, participating in a complaint investigation, or for opposing a discriminatory practice)
<input type="checkbox"/> Age <input type="checkbox"/> Affectional/Sexual Orientation <input type="checkbox"/> Ancestry <input type="checkbox"/> Atypical Hereditary Cellular or Blood Trait <input type="checkbox"/> Color <input type="checkbox"/> Creed <input type="checkbox"/> Disability <input type="checkbox"/> Domestic Partnership Status	<input type="checkbox"/> Familial Status <input type="checkbox"/> Gender Identity or Expression <input type="checkbox"/> Genetic Information (including refusal to submit to or provide results of a genetic test) <input type="checkbox"/> Liability for Military Service <input type="checkbox"/> Marital /Civil Union Status <input type="checkbox"/> Nationality	<input type="checkbox"/> National Origin <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Sex/Gender (including pregnancy) <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Retaliation (for having filed a discrimination complaint, participating in a complaint investigation, or for opposing a discriminatory practice)			
10a. Explain why you feel you have been discriminated against: _____ <input type="checkbox"/> CHECK IF ADDITIONAL SHEETS ARE ATTACHED					
10b. Were the actions or behavior you are complaining about directed at, or said to, you ____ and/or another party____ (third party harassment)?					
10c. Was the incident reported to anyone? Yes ___ No ___ If yes, who and when? _____					
10d. What remedy or resolution are you seeking? _____					
10e. If appropriate, as determined by the EEO Officer, are you willing to attempt to resolve your complaint through mediation or another alternative dispute resolution (ADR) process? <input type="checkbox"/> YES <input type="checkbox"/> NO					
10f. Complainant's Signature: _____ Date: _____					
11. Have you filed a discrimination complaint with the • N.J. Division on Civil Rights? <input type="checkbox"/> YES <input type="checkbox"/> NO • U.S. Equal Employment Opportunity Commission? <input type="checkbox"/> YES <input type="checkbox"/> NO	12. Have you filed a grievance on the issues / personnel actions described?  <input type="checkbox"/> YES <input type="checkbox"/> NO				
13. Completion of this part is voluntary. The Information is to be used only for State and Federal record keeping and reporting requirements: SEX: <input type="checkbox"/> Male <input type="checkbox"/> Female RACE: <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White ETHNICITY: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino					
<b>Note:</b> In addition to filing an internal complaint, a complainant has a right to use external complaint filing procedures available under State law (with the NJ Division on Civil Rights) and federal law (with the US Equal Employment Opportunity Commission). Detailed information is contained in the Model Procedures found on Page 2 of this form.					
<b>DO NOT WRITE BELOW THIS LINE</b>					
EEO/AA Officer Signature: _____		Date Received: _____			



## NEW JERSEY STATE MODEL PROCEDURES FOR INTERNAL COMPLAINTS ALLEGING DISCRIMINATION IN THE WORKPLACE

Each State department, commission, State college or university, agency and authority (hereafter referred to in this section as “State agency”) is responsible for implementing this model procedure, completing it to reflect the structure of the organization, and filing a copy of the completed procedure with the Department of the Treasury, Division of EEO/AA.

1. All employees and applicants for employment have the right and are encouraged to immediately report suspected violations of the State Policy Prohibiting Discrimination in the Workplace, N.J.A.C. 4A:7-3.1.
2. Complaints of prohibited discrimination/harassment can be reported to either **Dr. Johanna Velez-Yelin**, the EEO/AA Officer, or to any supervisory employee of the State agency. Complaints may also be reported to **Mr. Robert Zazzali, Vice President of Employee and Labor Relations**.
3. Every effort should be made to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.
4. Supervisory employees shall immediately report all alleged violations of the State Policy Prohibiting Discrimination in the Workplace to **Dr. Johanna Velez-Yelin** EEO/AA Officer. Such a report shall include both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.
5. If reporting a complaint to any of the persons set forth in paragraphs 2 through 4 above presents a conflict of interest, the complaint may be filed directly with the 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.
6. In order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a Division of EEO/AA Discrimination Complaint Processing Form. An investigation may be conducted whether or not the form is completed.

7. Each State agency shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate. A copy of all complaints (regardless of the format in which submitted) must be submitted to the Department of the Treasury, Division of EEO/AA, by the State agency's EEO/AA Officer, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed the complaint and, if applicable, the complaint notification letter sent to the person(s) against whom the complaint has been filed. If a written complaint has not been filed, the EEO/AA Officer must submit to the Division of EEO/AA a brief summary of the allegations that have been made. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court also must be submitted to the Division of EEO/AA.
8. During the initial intake of a complaint, the EEO/AA Officer or authorized designee will obtain information regarding the complaint, and determine if interim corrective measures are necessary to prevent continued violations of the State Policy Prohibiting Discrimination in the Workplace.
9. At the EEO/AA Officer's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place.
10. An investigatory report will be prepared by the EEO/AA Officer or his or her designee when the investigation is completed. The report will include, at a minimum:
  - 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 investigatory report will be submitted to **Dr. Ali Houshmand, President**, who will issue a final letter of determination to the parties.
11. The President will review the investigatory report issued by the EEO/AA Officer or authorized designee, and make a determination as to whether the allegation of a violation of the State Policy Prohibiting Discrimination in the Workplace has been substantiated. If a violation has occurred, the President will determine the appropriate corrective measures necessary to immediately remedy the violation.
12. The President will issue a final letter of determination to both the complainant(s) and the person against whom the complaint was filed, setting forth the results of the investigation and the right of appeal to the Civil Service Commission, as set forth in Paragraphs 13 and 14, below. To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Department of the Treasury's Division of EEO/AA shall be furnished with a copy of the final letter of determination.
  - a. The letter shall include, at a minimum:
    1. A brief summary of the parties' positions;

2. A brief summary of the facts developed during the investigation; and
  3. An explanation of the determination, which shall include whether:
    - I. The allegations were either substantiated or not substantiated; and
    - ii. A violation of the State Policy Prohibiting Discrimination in the Workplace did or did not occur.
- b. 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 Paragraph 8, above, is completed.
- c. The time for completion of the investigation and issuance of the final letter of determination may be extended by the State agency head for up to 60 additional days in cases involving exceptional circumstances. The State agency head 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.
13. A complainant who is in the career, unclassified or senior executive service, or who is an applicant for employment, who disagrees with the determination of the President, may submit a written appeal to the, New Jersey Civil Service Commission (“NJCSC”), Division of Merit System Practices and Labor Relations, Written Record Appeals Unit, P.O. Box 312, Trenton, NJ 08625-0312, postmarked or delivered within 20 days of the receipt of the determination from the President. The appeal shall be in writing and include all materials presented by the complainant at the State agency level, the final letter of determination, the reason for the appeal and the specific relief requested. Please be advised that there is a \$20 fee for appeals. Please include a check or money order along with the appeal, payable to NJCSC. Persons receiving public assistance and those qualifying for NJCSC Veterans Preference are exempt from this fee, to the Civil Service Commission PO Box 312, Trenton, N.J. 08625.
- a. Employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The Civil Service Commission Chair may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in this section or a combination of procedures as the Chair deems appropriate. See N.J.A.C. 4A:2-1.7.
  - b. The Civil Service Commission shall decide the appeal on a review of the written record or such other proceeding as it deems appropriate. See N.J.A.C. 4A:2-1.1(d).
  - c. The appellant shall have the burden of proof in all discrimination appeals brought before the Civil Service Commission.
14. In a case where a violation has been substantiated, and no disciplinary action recommended, the party (ies) against whom the complaint was filed may appeal the determination to the Civil Service Commission at the address indicated in Paragraph 13 above, within 20 days of receipt of the final letter of determination by the State agency head or designee.

- a. The burden of proof shall be on the appellant.
  - b. The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.
  - c. If disciplinary action has been recommended in the final letter of determination, the party(ies) charged may appeal using the procedures set forth in N.J.A.C. 4A:2-2 and 3.
15. The Division of EEO/AA shall be placed on notice of, and given the opportunity to submit comments on, appeals filed with the Civil Service Commission of decisions on discrimination complaints, regardless of whether or not the complaint was initially filed directly with the Division of EEO/AA.
16. Any employee or applicant for employment 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. An individual should contact the specific agency to obtain exact time frames for filing a complaint. The deadlines run from the date of the last incident of alleged discrimination/harassment, not from the date that the final letter of determination is issued by the State agency head or designee.

Complaints may be filed with the following external agencies:

**Division on Civil Rights  
N. J. Department of Law & Public Safety  
(Within 180 days for violation of the discriminatory act)**

Trenton Regional Office  
140 East Front Street  
6th Floor, P.O. Box 090  
Trenton NJ 08625-0090  
(609) 292-4605

Newark Regional Office  
31 Clinton Street, 3rd floor  
P.O. Box 46001  
Newark, NJ 07102  
(973) 648-2700

Atlantic City Office  
26 Pennsylvania Avenue  
3<sup>rd</sup> Floor  
Atlantic City, NJ 08401  
(609) 441-3100

Camden Regional Office  
One Port Center, 4<sup>th</sup> Floor  
2 Riverside Drive, Suite 402  
Camden, NJ 08103  
(856) 614-2550

**United States Equal Employment Opportunity  
Commission (EEOC)  
(Within 300 days of the discriminatory act)  
National Call Center – 1 800-669-4000**

**\*Newark Area Office**  
One Newark Center, 21<sup>st</sup> Floor  
Raymond Blvd at McCarter Highway (Rt.21)  
Newark, New Jersey 07102-5233  
(973) 645-4684

**\*\*Philadelphia District Office**  
801 Market Street, Suite 1300  
Philadelphia, PA 19107-3127  
(215) 440-2600

\* Newark Area 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.

\*\* The Philadelphia District Office has jurisdiction over the State of New Jersey, Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

Issued: December 16, 1999  
Revised: June 3, 2005  
Revised: August 20, 2007  
Revised: March 24, 2010  
Revised: February 8, 2011  
Revised: November 15, 2011 See N.J.A.C. 4A:7-3.2

## **Laws and Orders:**

### **Major Laws and Orders Regulating Nondiscrimination in Employment:**

Title VII of the Civil Rights Act of 1964, as amended

Prohibits discrimination by employers against any individual with respect to hiring, discharge, compensation, and all terms, conditions, and privileges of employment because of race, color, religion, sex, or national origin.

Presidential Executive Order No. 11246 (1965), as amended

Prohibits discrimination by federal contractors against any employee or applicant for employment on the basis of race, color, religion, sex, or national origin. Requires the employer to take affirmative action to expand employment opportunities for women and members of minority groups and to eliminate practices which have the effect of excluding or limiting their employment. Also requires a written affirmative action plan, including goals for overcoming the underutilization of minorities and women in the employer's workforce.

Section 503, Rehabilitation Act (1973)

Prohibits discrimination by federal contractors against any employee or applicant for employment because of physical or mental disability regarding any position for which he or she is qualified. Requires the employer to take affirmative action to employ, promote, and otherwise treat qualified individuals with disabilities without discrimination based on their disability. Also requires a written affirmative action plan, but hiring goals need not be established. Affirmative action does require that an employer take steps to accommodate a qualified worker with a disability unless accommodation poses an undue hardship.

Vietnam Era Veterans' Readjustment Act (1974)

Prohibits discrimination by federal contractors against applicants or employees because they are special disabled veterans or veterans of the Vietnam era in regard to any position for which they are qualified. Requires that employers take affirmative action to employ, advance in employment, and otherwise treat special disabled veterans and Vietnam era veterans without discrimination based on their disability or veteran's status. Also requires a written affirmative action plan, but hiring goals need not be established.

Age Discrimination in Employment Act of 1967, as amended

Prohibits employers from failing or refusing to hire, or from discharging, or from otherwise discriminating against any individual aged 40 or over with respect to compensation and all terms, conditions, and privileges of employment because of the individual's age. Exceptions to the prohibition against forced retirement include certain high-level executives and public safety personnel.

New Jersey Law Against Discrimination, as amended (1945)

Prohibits job discrimination on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, sex, atypical hereditary cellular or blood trait, liability for service in the Armed Forces of the United States, or familial status. The law also

applies to physical disability unless the nature and extent of the disability “reasonably precludes the performance of the particular employment.”

Equal Pay Act of 1963, as amended

Prohibits employers from discriminating on the basis of sex in paying salaries for equal work requiring equal skill, effort, and responsibility and performed under similar working conditions.

Title I of the Americans with Disabilities Act (1990)

Prohibits employers from discriminating against any qualified employee or applicant for employment because of a physical or mental disability. In addition, it requires employers to make reasonable accommodations for qualified individuals with disabilities unless doing so would impose an undue hardship.

**The Lilly Ledbetter Fair Pay Act of 2009** is an Act of Congress enacted by the 111<sup>th</sup> United States Congress and signed into law by President Barack Obama on January 29, 2009.

The bill amends the Civil Rights Act of 1964 stating that the 180-day statute of limitations for filing an equal-pay lawsuit regarding pay discrimination resets with each new discriminatory paycheck. The law was a direct answer to the Ledbetter v. Goodyear Tire & Rubber Co. a U.S. Supreme Court decision holding that the statute of limitations for presenting an equal-pay lawsuit begins at the date the pay was agreed upon, not at the date of the most recent paycheck, as a lower court had ruled.

### **Additional Laws and Orders Regulating Nondiscrimination in Employment**

Civil Rights Act of 1866

Prohibits racial discrimination in all aspects of contractual relationships.

Immigration Reform and Control Act of 1986

Prohibits national origin or citizenship status discrimination.

Title VI of the Civil Rights Act of 1964

Prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is the provision of employment or where employment discrimination causes or may cause discrimination in providing services under such programs.

Title IX of the Education Amendments to the Higher Education Act of 1965 (1972)

Prohibits discrimination on the basis of sex in any educational program or activity that receives federal financial assistance. Title IX applies to employees as well as students and, therefore, prohibits employment discrimination on the basis of sex in educational institutions.

Age Discrimination Act of 1975

Prohibits discrimination on the basis of age by recipients of federal financial assistance.

Section 504, Rehabilitation Act, 1973



Prohibits discrimination on the basis of disability in any program or activity receiving federal assistance.

#### Family and Medical Leave Act of 1993

Requires employers to provide to eligible employees unpaid, job-protected leave of up to 12 weeks in a 12-month period for the serious health condition of an employee or a covered family member and for child care upon birth, adoption, or placement of a foster child. Prohibits discrimination against employees who exercise their leave rights.

#### New Jersey Family Leave Act

Requires employers to provide to eligible employees unpaid, job-protected leave of up to 12 weeks in a 24-month period for the serious health condition of a covered family member and for child care upon birth or adoption of a child. Prohibits discrimination against employees who exercise their leave rights.

#### **Employment and Education Law Web Sites :**

<http://www.eeoc.gov>

<http://www.dol.gov>

<http://www.ed.gov/policy/rights/reg/ocr/index.html>

<http://www.ed.gov/policy/rights/reg/edpicks.jhtml?src=ln>

<http://www.state.nj.us/personnel/EEO/laws.htm>

<http://www.state.nj.us/labor/>

## **II. EQUAL ACCESS/EQUAL OPPORTUNITY**

### **Equal Employment Opportunity Policy Statement**

It is the policy of Rowan University to ensure equal employment opportunity in accordance with all applicable local, state and federal regulations and guidelines. Employment discrimination against employees and applicants due to race, color, religion, gender (including sexual harassment), sexual orientation, gender identity, national origin, disability, age, military status, veteran status, and any other category protected by applicable law, is illegal.

Managers and employees will comply with local, state and federal equal employment laws, rules, regulations and guidelines. Any employee that deliberately violates this policy will be subject to disciplinary action up to and including termination of employment.

Employees or applicants who believe that Rowan University has discriminated against them in employment should report it immediately to the Office of Equity and Diversity in Linden Hall. It is important to note that employees and applicants may raise such concerns without fear of reprisal or retaliation.

#### **Discussion:**

Rowan University is an equal access (ADA)/equal opportunity (EEO) employer and committed to recruit, employ, and promote personnel without regard to race, color, sex, creed, age, religion, national origin and all protected classes in compliance with all Federal and State legislation and regulations pertaining to non-discrimination. Further, the University incorporates opportunities for the physically handicapped as a part of equal access/equal opportunity employment.

The employees of the University are expected to teach or work with other employees, and to supervise or be supervised in their work by other employees without regard to any protected classes or physical handicap.

Rowan University is committed to provide equal educational opportunities to all prospective students and enrolled students regardless of protected class. This commitment to equal access/equal opportunity includes the following: recruitment, admission, programs and activities, facilities, counseling and testing, financial assistance, and placement. This concept includes educational opportunities for the physically handicapped.

**Authority:** Title VI and VIII, 1964 Civil Rights Act; Executive Order; Title IX, 1972 Education Amendments; Section 504, 1973 Rehabilitation Act, 1990 Americans With Disabilities Act, PL 1975, C127(NJAC 17:27).

## **EEO Plan**

***Recruitment*** – Rowan University will exercise good faith efforts to recruit a diverse group of employees and provide equal opportunity for all protected class members.

***Selection*** – Rowan University will utilize a hiring process that is fair and does not have an adverse impact on members of the protected classes. Prospective employees will not be excluded from the hiring process due to race, color, religion, gender (including sexual harassment), sexual orientation, gender identity, national origin, disability, age, military status, veteran status, and any other category protected by applicable law.

***Employee Orientation*** – Rowan University will provide newly hired employees with basic employment information, including available fringe benefits and company policies and procedures. Employees will not be denied fringe benefits and/or opportunities for promotion based on race, color, religion, gender (including sexual harassment), sexual orientation, gender identity, national origin, disability, age, military status, veteran status, and any other category protected by applicable law.

***Training*** – Rowan University makes every effort to train its employees about its equal employment opportunity obligations under state law.

***Employee Evaluation*** – Rowan University will conduct performance evaluations without regard to race, color, religion, gender (including sexual harassment), sexual orientation, gender identity, national origin, disability, age, military status, veteran status, and any other category protected by applicable law.

***Employee Discipline*** – Rowan University will not unfairly discipline an employee based on race, color, religion, gender (including sexual harassment), sexual orientation, gender identity, national origin, disability, age, military status, veteran status, and any other category protected by applicable law.

***EEO Monitoring Strategies*** – Rowan University understands this plan and will hold itself accountable for the effective implementation of this plan.

***Minority Business Enterprise Solicitation Strategies*** – where possible, Rowan University will make a good faith effort to solicit business from certified minority and/or women-owned businesses (MWBE).

## **Policy and Procedures:**

### **Rowan University Glassboro, New Jersey 08028 ACCOMODATION POLICY**

The University has developed the following procedures in response to implementing the **Americans with Disabilities Act (ADA)**. Rowan is committed to an interactive process so that all parties involved can freely express ideas and suggestions and so that Rowan may reach a decision on the appropriateness of a reasonable accommodation. Rowan University of New Jersey will provide individually determined reasonable accommodations in order for eligible individuals to obtain equal access to educational or occupational programs and activities.

**For Students:** The Disability Resource Center is the first contact for students requiring assistance. Students requiring accommodations should contact the Disability Resource Center either when an acceptance letter to Rowan University is received or when the disability is identified. Proper documentation is required to be submitted to the Disability Resource Center stating the disability, and how it limits participation in courses, programs, services, jobs, activities, and facilities of the University. Further information for students can be obtained by visiting: <http://www.rowan.edu/studentaffairs/asc/disabilityresources/>

**Employee Accommodation Policy:** ADA/504 – Office of Equity and Diversity, Linden Hall, Rowan University, (856)256-5440

The Americans with Disabilities Act gives civil rights protection to individuals with disabilities and guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance.\*

Rowan University complies with the American Disabilities Act and section 504 of the Rehabilitation Act. In order to do so, Rowan has established a process to ensure equal treatment of all employees and candidates with disabilities. Please contact the Office of Human Resources if you have any questions.

### **Accommodation Policy**

The Office of Human Resources is the first contact for employees and/or potential employees requiring assistance. Within ten days of receiving notification that an employee or candidate may need an accommodation, the Office of Human Resources will contact the individual to begin the verification process. Once all required documentation is received, a representative from the Office of Human Resources will meet with the employee or candidate to review and verify the information and to develop an accommodation plan if eligible. Each accommodation is determined on a case by case basis.

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\* Taken from the US Department of Justice, Civil Rights Division.

Copies of the accommodation plan will be given to the employee and to the appropriate department head, as well as a copy placed in the ADA/504 file. Any changes to the accommodation plan may require additional documentation and must be processed through the Human Resources.

Any accommodation that has a financial impact on the institution will be referred to the Vice President of Finance to determine if the university can provide for the accommodation. Barring extenuating circumstances, this determination should occur within ten days of the receipt of the referral.

### **Appeals Process**

If the employee is found to be ineligible under ADA/504, an appeal may be submitted to the Vice President of Finance. At that time the Vice President will select a committee to review any and all documentation on file in order to make a determination of eligibility. The result of the appeal will be made within 30 days from the date of receipt of the original request. If the employee is dissatisfied with the decision, it can be appealed directly to the President's office.

### **Grievance Process**

Once an accommodation plan has been approved, it should be followed as established. If for any reason this should not happen, the employee may file a grievance with the ADA/504 officer in the Office of Human Resources. An investigation will be done into the matter and a plan will be developed for a resolution between the employee and the head of the appropriate department. The employee will be notified of the results within 30 days of the original receipt of the grievance, barring extenuating circumstances.

### **Documentation Required**

#### **Learning Disabilities:**

Documentation must be dated within three (3) years, must have been conducted by qualified professionals, and must include the following\*:

**Aptitude Assessment:** The Wechsler Adult Intelligence Scale-III is the preferred instrument. Group intelligence tests, the Slosson Intelligence Test and the Kaufman Brief Intelligence Test are NOT appropriate.

**Achievement Assessment:** Current levels of reading, mathematics, written language are required. Preferably, a certified Learning Disabilities Specialist should have administered the tests. Acceptable instruments include the Woodcock-Johnson Psycho-Educational Battery-Revised or the Wechsler Individual Achievement Test for age appropriate students. The Wide Range Achievement Test is NOT a comprehensive measure of achievement.

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\* Taken from the US Department of Justice, Civil Rights Division.

Information Processing: Specific areas of information processing (e.g., short and long-term memory; sequential memory; auditory and visual perception/processing; processing speed, etc.) must be assessed. Information from subtests on the WAIS-III or the Woodcock-Johnson Tests of Cognitive Ability as well as other instruments relevant to the presenting learning problem(s) may be used to assess these areas.

### **Medical Condition:**

Documentation must be dated within three (3) years if the condition is permanent. If the condition is temporary, documentation must be dated within one (1) year. Additional information may be requested after a periodical review.

### **Psychological Condition:**

Documentation must be dated within one (1) year. Additional information may be requested after a periodical review.

Periodical reviews are made on a case by case basis depending on the prognosis submitted in the documentation.

Documentation must be typewritten on official letterhead and must include:

- Diagnosis
- Prognosis – must include length of recovery for temporary conditions
- Recommendations
- Statement certifying that the condition is disabling, to what extent, and that it meets the criteria under ADA/504

### **Definition of a Disability as Per ADA/504**

A person with a disability is someone with a physical or mental impairment that substantially limits one or more major life activities. A person is considered to be a person with a disability if he/she has the disability, has a record of the disability, or is regarded as having the disability. Inherent in this definition is the concept that an impairment itself is not a disability. It is the interaction of the impact of an impairment and the demands of the environment that create a disability.

A “physical impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine.

A “mental impairment” means any psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disorders.

An impairment which “substantially limits” refers to an inability to perform a major life activity, or a significant restriction as to the condition, manner, or duration under which a major life activity can be performed, in comparison to the average person or to most people; the availability of some mitigating factor (such as a hearing aid for a person with hearing loss that brings hearing acuity within normal limits) is not considered when determining if the disability substantially limits the individual.

Major life activities are the basic activities that the average person can perform with little or no difficulty. These activities include, but are not limited to, walking, seeing, learning, working, performing manual tasks, speaking, and hearing.

## **Title IX**

Sex and gender discrimination and harassment can appear in the most unexpected places and scenarios. Rowan University complies with the federal requirements of Title IX by providing an educational environment free from discrimination and harassment that does not deny the ability to participate or benefit from any University program on the basis of sex/gender.

The new Sexual Misconduct Policy for students can be found on the Title IX webpage: [www.rowan.edu/equity/titleix](http://www.rowan.edu/equity/titleix)

The policy can also be found in the Student Handbook: [www.rowan.edu/studentaffairs/communitystandards/handbook.html](http://www.rowan.edu/studentaffairs/communitystandards/handbook.html)

Please refer students to these sites if an incident involving sex/gender is brought to your attention. Once referred, contact a member of the Core Title IX Team to report the issue (see below).

For questions and more information please contact:

Dr. Johanna Velez-Yelin- Assistant Vice President of Equity and Diversity and Title IX Coordinator  
(856-256-5440)

Dr. Penny McPherson-Barnes- Associate Dean for Academic Enrichment/Director of EOF/MAP-Title IX Deputy Coordinator  
(856-256-4086)

Joe Mulligan- Associate Dean for Civic Involvement and Title IX Deputy Coordinator  
(856-256-4242)

Travis Douglas- Director of Residential Learning and University Housing and Title IX Deputy Coordinator (856-256-4266)

For sex/gender concerns involving employees please refer to the NJ Policy Prohibiting Discrimination in the Workplace at [www.rowan.edu/equity](http://www.rowan.edu/equity) or contact the Office of Equity and Diversity at ext. 5440.

For situations dealing with underage children in abusive situations our Title II policy can be found in: [www.rowan.edu/equity](http://www.rowan.edu/equity) in the Employee information link on the left side of the page.



### III. PROTECTION OF STUDENT AND EMPLOYEE PRIVATE INFORMATION

#### Student Policy:

Revised FERPA  
November 21,1996

#### BUCKLEY AMENDMENT POLICY STATEMENT FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law which provides for the confidentiality of student records. The law further requires that annual written notification be made regarding the students' rights. Rowan University shall maintain the confidentiality of student education records in accordance with the provisions of the Act, shall accord all the rights under the Act to students who are declared independent and who are or have been in attendance at Rowan University, and shall make annual notification of the provisions of the Act as required.

#### I. Rights of Inspection

The Act provides students with the right to inspect and review information contained in their educational records, to challenge the contents of those records which students consider to be inaccurate, misleading, or otherwise in violation of their privacy or other rights, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if the decision of the hearing panels are unacceptable. The designated officials (office directors) at Rowan University have been assigned to coordinate the inspection and review procedures for student education records, which include admissions, personal, academic, and financial files, and academic cooperative education and placement records.

#### II. Education Records: Definition

Education records are records directly related to a student which are maintained by Rowan University. Education records do not include the following:

- a. records of instructional, supervisory, and administrative personnel, and ancillary educational personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute who may temporarily perform the duties of the maker;
- b. records of a law enforcement unit of Rowan University which are maintained separate from education records, are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officers of the same jurisdiction, provided that education records of Rowan University may not be disclosed to the law enforcement unit;
- c. records relating to individuals who are employed by Rowan University which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees and are not available for another purpose. Note: Records of persons who are employed solely as a consequence of university attendance, e.g., teaching/graduate assistants, work-study students, are education records.

- d. records created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, such as student health records to be used solely in connection with the provision of treatment to the student and not disclosed to anyone other than for treatment purposes, provided that records may be disclosed to physicians or professionals of student's choice;
- e. Note: Treatment in this context does not include remedial education activities or other activities which are part of the program of instruction at Rowan University.
- f. records of an institution which contain only information relating to a person after that person is no longer a student at the institution, e.g., accomplishments of alumni.

### III. Request for Review

Students wishing to review their education records must make a written request to the university official who has the record in his/her custody, listing the item or items to be reviewed. Only those records covered by the Act will be available for review. The items requested shall be made available no later than 45 calendar days following receipt of the written request. Students have the right to a copy of the education record when failure to provide a copy of the record would prevent the student from inspecting and reviewing the record. A copy of the academic record may be refused if a "hold" for non-payment of financial obligation exists. The copies shall be made at the student's expense. The fee for making copies of the education record is \$1.00 per page and must be paid at the time the copy is requested.

### IV. Limitations on Student Rights

There are some limitations on the rights of students to inspect records. The students shall have no right of inspection or review of:

- a. financial information submitted by their parents;
- b. confidential letter(s) and/or recommendations in the student file prior to January 1, 1975, if such documents were intended to be confidential and were used only for the purpose intended;
- c. confidential letter(s) and/or recommendations in the file subsequent to January 1, 1975, associated with admissions, employment, or job placement or the receipt of an honor or honorary recognition if the student has waived his/her right to inspect confidential letters and/or recommendations;
- d. education records containing information about more than one student, in which case the institution will permit access only to that part of the record pertaining to the inquiring student.

### V. Waiver of Student Rights

Students may waive any or all of their rights under the Act. Rowan University does not require waivers and no institutional service shall be denied students who fail to supply waivers. All waivers must be in writing and signed by the student. Students may waive their rights to inspect and review either individual documents (e.g., a letter of recommendation) or classes of documents (e.g., an admissions file). The items or documents to which students have waived the right of access shall be used only for the purposes for which they are collected. If used for other purposes, the waivers shall be void and the documents may be inspected by the student. The student may revoke the waiver in writing, but by revoking it, they do not regain the right to inspect and review documents collected while the waiver was in force.

## VI. Consent Provisions

No person outside of Rowan University shall have access to nor shall Rowan University disclose any personally identifiable information from students' education records without the written consent of the students (see Section VIII). The consent must specify the records to be released, the purpose of the disclosure, the party or class of parties to whom disclosure may be made and must be signed and dated by the student. There are, however, exceptions to the consent policy. Rowan University reserves the right, as allowed under the Act, to disclose education records or components thereof without written consent to:

- a. personnel within the University who demonstrate a need to know and who act in the student's educational interest including faculty, administration, clerical and professional employees and other persons who manage student records;
- b. officials of other institutions in which students seek to enroll, on the condition that Rowan University makes a reasonable attempt to inform the student of the disclosure at the student's last known address, unless the student initiated the request to transfer;
- c. officials of other schools in which the student is currently enrolled;
- d. persons or organizations providing student financial aid in order to determine the amount, eligibility, conditions of award and to enforce the terms of the award;
- e. accrediting organizations carrying out their accrediting functions;
- f. authorized representatives of the Controller General of the United States, the Secretary of the Department of Education, and state educational authorities only if the information is necessary for audit and evaluation of federal- and state-supported programs;
- g. state and federal officials to whom disclosure is required by state statute adopted prior to November 19, 1974;
- h. organizations conducting studies to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction, so long as there is no further external disclosure of personally identifiable information and the information is destroyed when no longer necessary for the projects;
- i. parents of dependent students who have established that a student's status as a dependent according to Internal Revenue Code of 1954, Section 152 (as amended). This requires a certified copy of the parent's most recent Federal Income Tax Form.
- j. persons in compliance with a judicial order or a lawfully issued subpoena if reasonable effort is made to notify the students;
- k. appropriate persons in a health or safety emergency, so long as (1) there is a serious threat to student or others, (2) the knowledge of the information is necessary to meet the emergency, (3) time is of the essence, and (4) the persons to whom the information is disclosed are in a position to deal with the emergency.

## VII. Instructional Record of Disclosure

Rowan University shall keep a written record of all such exceptional disclosures and the student shall have the right to inspect such record. The record shall include the names of parties or agencies to whom disclosure is made, the legitimate reason for the disclosure, and the date of the disclosure. No record of disclosure shall be required for those requests made by students for

their own use, those disclosures made with the written consent of the students, those made to Rowan University officials or those specified as Directory Information.

#### VIII. Disclosure of Education Record Information

Rowan University shall obtain written consent from students before disclosing any personally identifiable information from their education record (with exceptions as noted in Section V). Such written consent for disclosure must:

- a. specify the records to be released;
- b. state the purpose of the disclosure;
- c. identify the party or class of parties to whom disclosure may be made; and d. be signed and dated by the student. All such consents shall be maintained in the education record of the student.

#### IX. Directory Information

In its discretion, Rowan University may provide Directory Information in accordance with the provisions of the Act to include: student name, address, telephone number, date and place of birth, major field of study, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams. Students may withhold Directory Information by notifying designated official in writing within 10 calendar days from the first scheduled day of class of fall term. All written requests for non-disclosure will be honored by the University for only one (1) academic year; therefore, authorization to withhold Directory Information must be filed annually.

#### X. Challenge of Contents of Education Records

Any student who believes that his/her education records contain information that is inaccurate or misleading or is otherwise in violation of their privacy or other rights may discuss their concerns informally with designated officials (office directors). If the decision of that person is in agreement with the student's request, the appropriate records shall be amended and the student shall be notified in writing of the amendment(s). If the decision is not in agreement, the student shall be notified within fifteen (15) calendar days that the records will not be amended and the student shall be notified by the official of the student's right to a hearing. Student requests for a formal hearing must be made in writing within thirty (30) calendar days from the mailing notice to the designated official who, within thirty (30) days after receipt of the written request, shall inform the student of the date, time and place of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the issue(s) raised. If the student desires, he/she may be assisted or represented at the hearing by one or more persons of his/her choice, including an attorney, at the student's expense. The hearing shall be conducted by any party, including an official of Rowan University so long as the person does not have a direct interest in the outcome of the hearing. The hearing panel which will adjudicate such challenges will be the Campus Hearing Board. The decision of the hearing panel shall be final, shall be based solely on the evidence presented at the hearing and shall be in writing, summarizing the evidence and stating the reasons for the decision. The written report shall be mailed to the student and any concerned party within thirty (30) calendar days of the date of the hearing.

- a. If the hearing panel determines that the information at issue is inaccurate, misleading or a violation of privacy or other rights, the student's record shall be amended in accordance with the decision and the student shall be so informed in writing.
- b. If the hearing panel decision is unsatisfactory to the student, the student may place with the education record a statement(s) commenting on the information in the record, or statement(s) setting forth any reasons for disagreeing with the decision of the hearing panel. The statement(s) shall be placed in the education record and shall be maintained as part of the record and shall be released whenever the records in question are disclosed to an authorized party.
- c. Note: Rights of challenge cannot be used to question substantive educational judgments which are correctly recorded (e.g., course grades with which the student disagrees).

Students who believe that the adjudications of their challenges were unfair or not in keeping with the provisions of the Act may request, in writing, assistance from the President of Rowan University to aid them in filing a complaint with the Family Educational Rights and Privacy Act (FERPA), Family Policy Compliance Office, Department of Education, 400 Maryland Avenue, Washington, DC 20202.


#### XI. Destruction of Records

Once a student has requested access to his/her records, such student's record shall not be destroyed until inspection and review have been provided. The following items shall not be destroyed or removed from the record:

- a. "explanations" placed in the record by the student (see Section X);
- b. records of disclosure and requests for disclosures.

Rowan University reserves the right to destroy the information contained in student records and files when information on file is no longer valid and/or useful, e.g., letters of recommendation once they have been used for their original purpose.

Approved:



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Date: July 7, 1996

Executive Vice President/Provost

## **Employee Policy**

### **NOTICE OF PRIVACY PRACTICES TO ENROLLEES IN THE STATE HEALTH BENEFITS PROGRAM**

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

**EFFECTIVE DATE: APRIL 30, 2015**

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#### **Protected Health Information**

The State Health Benefits Program (SHBP) and School Employees' Health Benefits Program (SEHBP) are required by the federal Health Insurance Portability and Accountability Act (HIPAA) and State laws to maintain the privacy of any information that is created or maintained by the Programs that relates to your past, present, or future physical or mental health. This Protected Health Information (PHI) includes information communicated or maintained in any form. Examples of PHI are your name, address, Social Security number, birth date, telephone number, fax number, dates of health care service, diagnosis codes, and procedure codes. PHI is collected by the Programs through various sources, such as enrollment forms, employers, health care providers, federal and State agencies, or third-party vendors.

The Programs are required by law to abide by the terms of this Notice. The Programs reserve the right to change the terms of this Notice. If the Programs make material change to this Notice, a revised Notice will be sent.

#### **Uses and Disclosures of PHI**

The Programs are permitted to use and to disclose PHI in order for our members to obtain payment for health care services and to conduct the administrative activities needed to run the Programs without specific member authorization. Under limited circumstances, we may be able to provide PHI for the health care operations of providers and health plans. Specific examples of the ways in which PHI may be used and disclosed are provided below. This list is illustrative only and not every use and disclosure in a category is listed.

- The Programs may disclose PHI to a doctor or a hospital to assist them in providing a member with treatment.
- The Programs may use and disclose member PHI so that our Business Associates may pay claims from doctors, hospitals, and other providers.

- The Programs receive PHI from employers, including a member's name, address, Social Security number, and birth date. This enrollment information is provided to our Business Associates so that they may provide coverage for health care benefits to eligible members.
- The Programs and/or our Business Associates may use and disclose PHI to investigate a complaint or process an appeal by a member.
- The Programs may provide PHI to a provider, a health care facility, or a health plan that is not our Business Associate that contacts us with questions regarding the member's health care coverage.
- The Programs may use PHI to bill the member for the appropriate premiums and reconcile billings we receive from our Business Associates.
- The Programs may use and disclose PHI for fraud and abuse detection.
- The Programs may allow use of PHI by our Business Associates to identify and contact our members for activities relating to improving health or reducing health care costs, such as information about disease management programs or about health-related benefits and services or about treatment alternatives that may be of interest to them.
- In the event that a member is involved in a lawsuit or other judicial proceeding, the Programs may use and disclose PHI in response to a court or administrative order as provided by law.
- The Programs may use or disclose PHI to help evaluate the performance of our health plans. Any such disclosure would include restrictions for any other use of the information other than for the intended purpose.
- The Programs may use PHI in order to conduct an analysis of our claims data. This information may be shared with internal departments such as auditing or it may be shared with our Business Associates, such as our actuaries.

Except as described above, unless a member specifically authorizes us to do so, the Programs will provide access to PHI only to the member, the member's authorized representative, and those organizations who need the information to aid the Program in the conduct of its business (our "Business Associates"). An [authorization form](#) may be obtained over the Internet at: [www.state.nj.us/treasury/pensions](http://www.state.nj.us/treasury/pensions) or by sending an e-mail to: [hipaafom@treas.state.nj.us](mailto:hipaafom@treas.state.nj.us) A member may revoke an authorization at any time.

### **Restricted Uses**

- PHI that contains genetic information is prohibited from use or disclosure by the Programs for underwriting purposes.

- The use or disclosure of PHI that includes psychotherapy notes requires authorization from the member.

When using or disclosing PHI, the Programs will make every reasonable effort to limit the use or disclosure of that information to the minimum extent necessary to accomplish the intended purpose. The Programs maintain physical, technical, and procedural safeguards that comply with federal law regarding PHI. In the event of a breach of unsecured PHI the member will be notified.

## **Member Rights**

Members of the Programs have the following rights regarding their PHI:

**Right to Inspect and Copy:** With limited exceptions, members have the right to inspect and/or obtain a copy of their PHI that the Programs maintain in a designated record set which consists of all documentation relating to member enrollment and the Program's use of this PHI for claims resolution. The member must make a request in writing to obtain access to their PHI. The member may use the contact information found at the end of this Notice to obtain a form to request access.

**Right to Amend:** Members have the right to request that the Programs amend the PHI that we have created and that is maintained in our designated record set.

We cannot amend demographic information, treatment records or any other information created by others. If members would like to amend any of their demographic information, please contact your personnel office. To amend treatment records, a member must contact the treating physician, facility, or other provider that created and/or maintains these records.

The Programs may deny the member's request if: 1) we did not create the information requested on the amendment; 2) the information is not part of the designated record set maintained by the Programs; 3) the member does not have access rights to the information; or 4) we believe the information is accurate and complete. If we deny the member's request, we will provide a written explanation for the denial and the member's rights regarding the denial.

**Right to an Accounting of Disclosures:** Members have the right to receive an accounting of the instances in which the Programs or our Business Associates have disclosed member PHI. The accounting will review disclosures made over the past six years. We will provide the member with the date on which we made a disclosure, the name of the person or entity to whom we disclosed the PHI, a description of the information we disclosed, the reason for the disclosure, and certain other information. Certain disclosures are exempted from this requirement (e.g., those made for treatment, payment or health benefits operation purposes or made in accordance with an authorization) and will not appear on the accounting.

**Right to Request Restrictions:** The member has the right to request that the Programs place restrictions on the use or disclosure of their PHI for treatment, payment, or health care operations purposes. The Programs are not required to agree to any restrictions and in some cases will be



prohibited from agreeing to them. However, if we do agree to a restriction, our agreement will always be in writing and signed by the Privacy Officer. The member request for restrictions must be in writing. A form can be obtained by using the contact information found at the end of this Notice.

**Right to Restrict Disclosure:** The member has the right to request that a provider restrict disclosure of PHI to the Programs or Business Associates if the PHI relates to services or a health care item for which the individual has paid the provider in full. If payment involves a flexible spending account or health savings account, the individual cannot restrict disclosure of information necessary to make the payment but may request that disclosure not be made to another program or health plan.

**Right to Receive Notification of a Breach:** The member has the right to receive notification in the event that the Programs or a Business Associate discover unauthorized access or release of PHI through a security breach.

**Right to Request Confidential Communications:** The member has the right to request that the Programs communicate with them in confidence about their PHI by using alternative means or an alternative location if the disclosure of all or part of that information to another person could endanger them. We will accommodate such a request if it is reasonable, if the request specifies the alternative means or locations, and if it continues to permit the Programs to collect premiums and pay claims under the health plan.

To request changes to confidential communications, the member must make their request in writing, and must clearly state that the information could endanger them if it is not communicated in confidence as they requested.

**Right to Receive a Paper Copy of the Notice:** Members are entitled to receive a paper copy of this Notice. Please contact us using the information at the end of this Notice or click this link to [download this Privacy Notice](#).

## Questions and Complaints

If you have questions or concerns, please contact the Programs using the information listed at the end of this Notice.

If members think the Programs may have violated their privacy rights, or they disagree with a decision made about access to their PHI, in response to a request made to amend or restrict the use or disclosure of their information, or to have the Programs communicate with them in confidence by alternative means or at an alternative location, they must submit their complaint in writing. To obtain a form for submitting a complaint, use the contact information found at the end of this Notice.

Members also may submit a written complaint to the U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The Programs support member rights to protect the privacy of PHI. It is your right to file a complaint with the Programs or with the U.S. Department of Health and Human Services.

**Contact Office:** HIPAA Privacy Officer

**Address:** State of New Jersey  
Department of the Treasury  
Division of Pensions and Benefits  
PO Box 295  
Trenton, NJ 08625-0295

**E-mail:** [hipaaform@treas.state.nj.us](mailto:hipaaform@treas.state.nj.us)

## **Discussion:**

Rowan University is required by applicable federal and state law to maintain the privacy of financial, health, employment and academic records of the University's employees and students. The University is also required to give you this notice about the University's privacy practices, its legal duties, and your rights concerning your financial, health, employment and academic records.

In addition to the privacy policies that follow, Rowan University engages in other systematic practices in its various departments developed to protect student and employee privacy. Of particular note is Rowan University's enterprise information system. Rowan's administrative databases use system-produced identifiers to track individuals **NOT** social security numbers.

## **Office of Human Resources Employment Verification Practice :**

Employment verifications that are submitted to the Human Resources department must have the employee's signed permission. Otherwise, the only information that will be given out is whether current or former employee.

## **Employee Access to Personnel Files**

### Scope

The policy and procedures set forth are for the purpose of storage and retrieval of personnel files as well as providing employees supervised access to their personnel file and/or re-contracting file.

Rowan University is committed to providing a personnel file storage and retrieval system that secures the privacy of employee files and maintains the integrity of the data contained in those same files. Personnel file system and maintenance are the responsibility of the Human Resources and access to the personnel file room is limited to personnel designated by the Associate VP of Employee & Labor Relations.

### Purpose

The purpose of this policy is to secure HR files and provide service to those employees and other management/supervisory personnel who need access to the files. Removal of files by authorized personnel, Office of Human Resources, Labor Relations and also the Provost, will be facilitated by the Records Management function of the Office of Human Resources as identified by the Associate VP of Employee & Labor Relations.

### Procedure

Any employee wishing to conduct a supervised review of the information in his/her personnel file or re-contracting file is required to complete a Request for File(s) (RFR) form and submit it to Records Management/Office of Human Resources in person, via interoffice mail or via e-mail.

The Office of Human Resources will notify the employee when and where the file can be reviewed. Only HR is authorized to copy materials contained in the file for an employee. Inquiries can be directed to x4306 or x4134.

#### **IV. DRUG-FREE WORKPLACE**

**Policy:**

### **State of New Jersey**

Executive Department

#### **EXECUTIVE ORDER NO. 204**

WHEREAS, the problem of drug abuse is adversely affecting the lives and safety of our citizens; and

WHEREAS, the abuse of drugs in the workplace, among other things, reduces job efficiency, increases absenteeism and sick leave, and, most importantly, jeopardizes the lives and safety of fellow employees and citizens; and

WHEREAS, the State of New Jersey has a vital interest in promoting a safe and drug-free workplace and in ensuring our citizens that public safety employees do not threaten life and limb due to the abuse of drugs; and

WHEREAS, the Federal Drug-Free Workplace Act of 1988, Public Law 100-690, Title V, Subtitle D, conditions receipt of Federal grant funds upon the grantee's agreement to provide a drug-free workplace; and

WHEREAS, the Federal Drug-Free Workplace Act requires a grantee to prohibit the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, to specify actions that may be taken against employees who violate the prohibition, to establish a drug-free awareness program for employees, and to require employees and employers to give notice of any conviction for a drug-offense committed in the workplace; and

WHEREAS, the citizens of this State greatly benefit from the State government's participation in federally funded programs;

NOW, THEREFORE, I, THOMAS H. KEAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The following "Policy for a Drug-Free Workplace in New Jersey State Government" shall apply to all principal executive departments in New Jersey State Government, the Office of the Governor, and all agencies that are in, but not of, principal executive departments.
2. This Policy establishes minimum standards for the imposition of discipline and for participation in drug abuse treatment programs in the limited context of convictions for drug offenses committed in the workplace. Nothing in this Policy precludes the application of other more comprehensive or more stringent provisions governing drug

offenses committed by State employees. In fact, the Cabinet Task Force on Drug Testing in the Workplace, which was created in Executive Order No. 191, will formulate a more comprehensive State policy regarding drug abuse and the workplace in the near future.

3. The State of New Jersey is committed to maintaining a drug-free workplace for all State employees in order to protect the health and safety of State employees and the public.
4. The unlawful manufacture, distribution, dispensation, possession or use of a drug in the workplace is prohibited.
5. In addition to any other applicable civil or criminal penalty, any employee convicted of illegal manufacture, distribution, dispensation, possession or use of a drug in the workplace shall be subject to the following consequences:
  - a. The State Forfeiture of Public Office Statute (N.J.S.A. 2C:61-2) requires forfeiture of public office or employment upon conviction of a crime of the third degree or higher. All convictions of crimes of the third degree or higher listed in the Comprehensive Drug Enforcement Act of 1987, and all convictions for equivalent Federal and out-of-State drug offenses, require forfeiture of public office or employment.
  - b. The Forfeiture of Public Office Statute also requires forfeiture of public office or employment upon conviction for an offense involving dishonesty or upon conviction for an offense involving or touching upon the convicted person's public employment irrespective of the degree of the offense. Consequently, convictions for any drug offense occurring in the workplace (including fourth degree, disorderly persons and petty disorderly persons offenses) which are determined to involve or touch upon the office or employment of an individual may result in the statutory forfeiture of public office or employment.
  - c. In the case of a drug conviction for an offense occurring in the workplace that does not result in statutory forfeiture of public office or employment, disciplinary action shall be taken. The extent of disciplinary action shall be determined by the appointing authority. In addition, in the case of any disciplinary action other than removal, an employee shall be required to satisfactorily participate in a program for the treatment of drug abuse approved by both the appointing authority and any Federal or State agency responsible for the approval or licensure of such programs.
  - d. Each department head, agency head, or their designee who receives notice of a drug offense conviction shall, within 30 days of receipt of notice, take the administrative action necessary for removal where statutory forfeiture is required, and where statutory forfeiture is not required, take the administrative action necessary to impose discipline and require satisfactory participation in an approved program for drug abuse where appropriate.
6. An employee who is convicted of a drug offense committed in the workplace must, within five days, report the conviction to his or her supervisor.

7. Each supervisor who receives a report of a conviction for a drug offense in the workplace must immediately report the conviction, according to departmental or agency procedures, to the department head, agency head, or their designee.
8. Within 10 days of the supervisor's receipt of notice of a conviction for a drug offense, the department head, agency head, or their designee shall ensure that notification of such conviction is provided to any Federal agency providing funds for a program in which the convicted employee is employed.
9. Each department head, agency head, or their designee must develop and implement procedures to ensure that reports, which are received by supervisors, concerning convictions for drug offenses in the workplace are reported promptly to the department head, agency head, or their designee.
10. Each department head, agency head, or their designee must maintain records that contain the following information on each conviction for a drug offense committed in the workplace by an employee:
  - a. Date of conviction;
  - b. Disciplinary action taken;
  - c. Whether the employee is one whose duties involve the performance of a Federal grant; and
  - d. Date Federal grantor was notified of the conviction, if applicable.
11. Each department head, agency head, or their designee will distribute an Employee Notice and this Executive Order to each current employee. Each department head, agency head, or their designee shall distribute these documents to any employee who joins the work force after the initial distribution. A program entitled "Drug-Free Awareness" is being developed, and upon completion will be provided to all employees.
12. Definitions for purpose of this policy:
  - a. "Conviction" means a finding of guilt, or a plea of guilty, before a court of competent jurisdiction, and, where applicable, a plea of nolo contendere. A conviction is deemed to occur at the time the plea is accepted or verdict returned. It does not include entry into and successful completion of a pre-trial intervention program, pursuant to N.J.S.A. 2C:43-12 et seq., or a conditional discharge, pursuant to N.J.S.A. 2C:36A-1.
  - b. "Drug" means a controlled dangerous substance, analog, or immediate precursor as listed in Schedules I through V in the New Jersey Controlled Dangerous Substances Act, N.J.S.A. 24:21-1, et seq., and as modified in any regulation issued by the Commissioner of the Department of Health. It also includes controlled substances in schedules I through V of Section 202 of the Federal Controlled Substance Act of (21 U.S.C. 812). The term shall not include tobacco or tobacco products or distilled spirits, wine, or malt beverages as they are defined or used in N.J.S.A. 33:1-1 et seq.
  - c. "Employee" means all employees of the Office of the Governor or a department or agency within the scope of this Policy, whether full or part-time, and whether in the career, senior executive or unclassified service.
  - d. "Workplace," for the purposes of this Policy only, means the physical area of operations of a department or agency including buildings, grounds and parking facilities provided by the State. It includes any field location or site at which an

employee is engaged, or authorized to engage, in work activity, and includes any travel between such sites.

13. This Policy is effective March 18, 1989, and shall remain in effect until superseded by statute, regulation or Executive Order.

GIVEN, under my hand and seal, this 14<sup>th</sup> day of March in the Year of Our Lord, one thousand nine hundred and eighty-nine, and of the Independence of the United States, the two hundred and thirteenth.

Thomas H. Kean  
GOVERNOR  
[seal]

Attest:

/s/ Deborah T. Portitz



**Discussion:**

Rowan University is committed to providing a drug-free work environment for all employees in compliance with all Federal and State legislation and regulations pertaining to a “Drug-Free Workplace.”

Pursuant to the Drug-Free Workplace Act of 1988 (PL 100-690), the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by an employee in the workplace or while on University business is prohibited.

**Procedures:**

Rowan University provides a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the University’s policy of maintaining a drug-free workplace; available drug counseling programs, rehabilitation, and employee assistance programs; and the penalties that maybe imposed upon employees for drug abuse violations.

Each new employee is provided with a copy of the Drug-Free Workplace Act and, as a condition of employment, must:

1. Abide by the terms of the Drug-Free Workplace Act,
2. Acknowledge that they have read the Act and agree to abide by it in all respects by signing the Acknowledgement of Receipt.

Employees convicted of a criminal drug statute violation involving the possession and/or use of a controlled substance in the workplace shall receive a 6 month suspension without pay or be required to participate in an approved drug abuse assistance or rehabilitation program. A second conviction of a criminal drug possession and/or use in the workplace shall result in dismissal from employment.

Employees convicted of a criminal drug statute violation involving the unlawful manufacture, distribution, and/or dispensing of controlled substances in the workplace shall result in dismissal from employment.

## **V. PUBLIC EMPLOYEES OCCUPATIONAL SAFETY AND HEALTH ACT (PEOSHA)**

### **Policy:**

#### **The New Jersey Department of Labor**

The New Jersey Public Employees' Occupational Safety and Health Act N.J.S.A. 34:6A-25 et seq. provides job safety and health protection for public workers through the promotion of safe and healthful working condition throughout the State. The N.J. Department of Labor has sole responsibility for the administration of the State PEOSH plan. The N.J. Department of Health and Senior Services is a partner in the program with responsibilities for health related issues. Requirements of the Act include the following:

### **Employers**

Every public employer shall provide each employee with employment and a place of employment free from recognized hazards that may cause serious injury, physical harm, or death to the employees, and shall comply with occupational safety and health standards promulgated under the Act.

### **Employees**

Every public employee shall comply with all occupational safety and health standards and all regulations under the Act that apply to his or her own actions and conduct on the job.

### **Inspections**

The N.J. Departments of Labor and Health and Senior Services conduct job site inspections to ensure compliance with the Act. The Act requires that a representative of the employer and a representative authorized by the employees have the opportunity to accompany the appropriate compliance officer for the purpose of aiding the inspection. The employer must pay normal wages to the employee representative for the time spent on this activity.

Where there is no authorized employee representative, the compliance officer must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

### **Complaints**

Employees or their representatives have the right to file a complaint with or request an inspection by the N.J. Department of Labor or the N.J. Department of Health and Senior Services if they believe unsafe or unhealthful conditions exist in their workplace. Complaints of unsafe and unhealthful conditions can be made 24 hours a day by calling the N.J. Department of Labor PEOSHA at 1-800-624-1644. Complaints regarding health conditions may be communicated to the N.J. Department of Health and Senior Services at 609-984-1863. The complainant's name will be withheld upon request.

The Act provides that employees may not be discharged or discriminated against in any way for filing health and safety complaints or otherwise exercising their rights under the Act.

Any employee who believes he or she has been discriminated against may file a complaint with the New Jersey Department of Labor within 180 days after the employee first had knowledge that such violation was alleged to have occurred.

### **Orders to Comply**

The Commissioner of Labor is authorized to issue an Order to Comply to an employer when it is determined that the employer has violated the Act. Each Order will specify a time period within which the employer must correct the violation. The Order to Comply shall be prominently displayed at or near the place of violation cited in the Order so that it is clearly visible to the affected employees. The Order to Comply must be Posted for 15 working days or until each violation cited has been abated.

### **Penalties**

The Act provides penalties of \$7,000 per day for each violation against employers who fail to comply with an Order issued by the Commissioner of Labor. Willful or repeat violations may result in penalties to a maximum of \$70,000 for each violation.

### **Voluntary Activity**

Employee safety and health should not be dependent upon PEOSHA inspections. Accordingly, the Act encourages labor and management to enter into cooperative arrangements to promote safe and healthful work environments free from hazards. The N.J. Department of Labor arranges on-site training, at no cost, to assist employers in attaining compliance with the occupational safety and health regulations. To request training, contact the N.J. Department of Labor at 609-633-3957.

### **Mandatory Posting Instructions**

This notice shall be posted in a conspicuous place as required by N.J.A.C. 12:110-4.2(a) 1. and 2., where notices are customarily posted.

### **More Information**

You can obtain additional information and copies of the Act, specific PEOSHA safety and health standards, and other applicable regulations from your employer or by contacting the N.J. Department of Labor at 609-292-7036.

Additional copies of this poster or any other required posters may be obtained by contacting the New Jersey Department of Labor, Office of Constituent Relations, PO Box 110, Trenton, New Jersey 08625-0110, 609/777-3200

If you need this document in large print, call the Office of Marketing and Communications at (609) 292-3221. TTY users can contact this office through New Jersey Relay 1-800-852-7899.

NEW JERSEY  
DEPARTMENT of HEALTH and  
SENIOR SERVICES

WPS-3S (R-7-97)

## **Discussion:**

Rowan University is committed to employee safety and works towards compliance. Compliance is a joint effort. Please note the Act does not say “totally risk free.” Although both the Department of Labor and Department of Health and Senior Services have inspection authority, and the authority to develop and implement safety rules, regulations and standards, only the Department of Labor can issue orders or penalties against an employer.

The Act requires all “employees” (anyone who is paid by the university, i.e. faculty/staff or student) to comply with safety standards. In addition, the employer may develop safety rules and procedures in addition to those specified in the Occupational Safety and Health Act (OSHA), and all “employees” are required to comply with both the OSHA standards and the employer’s.

The Act is specific in protecting an employee who files a complaint or otherwise exercising their rights. Employees can have their unit/unit representative file a complaint on their behalf. Regulatory inspectors generally ask a representative from each unit/union to accompany them. The minimum would be one from the unit who filed a complaint.

Whenever an Order to Comply is received by the University, the campus safety director will post a copy at the specific site of the violation(s) and provide a copy to the appropriate supervisor/manager/director so corrective action will be taken as outlined in the order. Penalties set established by the Dept. of Labor based on several contributing factors such as degree of seriousness, length of time the violating condition has existed, etc. In cases where the employer has been cited for a violation previously, it could constitute a repeat violation, even if the second occurrence is in a completely different location or operation.

Rowan University has a campus safety committee which meets twice a year. However, employees may contact any member of the committee at any time regarding a safety issue. The committee members keep in contact by phone and e-mail as necessary between meetings. To find out who are the current members of the safety committee, contact at Jack Glass at [glassj@rowan.edu](mailto:glassj@rowan.edu). All units/unions have representatives on the committee.

The PEOSHA poster, along with the NJ Worker and Community Right-to-Know Poster, are sent to each department for posting. They are normally displayed at time clocks, employee bulletin boards, and locations where employees gather.

## **VI. THE NEW JERSEY WORKER AND COMMUNITY RIGHT TO KNOW ACT**

### **Policy:**

The New Jersey Worker and Community Right to Know Act requires public and private employers to provide information about hazardous substances at their workplaces. The Act:

- informs public employees about chemical hazards at their workplace so they can work safely with these hazardous substances;
- helps firefighters, police, and other emergency responders adequately plan for and respond to incidents such as fires, explosions or spills;
- provides data for monitoring and tracking hazardous substances in the workplace and the environment.

### **How the Act Can Protect You And Your Family**

Harmful substances may be present at your workplace and at other workplaces in your community, or may be released into the environment. They may also be carried home to your family on your work clothes.

Hazardous substances can cause irritation to the eyes, skin, and respiratory tract. Exposure to hazardous substances has been linked to health problems such as cancer, birth defects, and heart, lung and kidney diseases. These diseases may develop many years after exposure. As a public employee, you can obtain information about hazardous substances that may harm you or your family from documents in your workplace's Right to Know (RTK) central file.

Knowing about hazardous substances and how they harm you can help you obtain the proper diagnosis and treatment if you should become sick. More importantly, awareness about hazardous substances and your potential exposure to them can help you make important decisions about your employment.

### **How the Act Works**

Employers covered by the Act must complete surveys listing the names and amounts of hazardous chemicals stored and used at their workplaces.

Right to Know Surveys are completed by public agencies and sent to the New Jersey Department of Health and Senior Services (NJDHSS).

Community Right to Know Surveys are completed by private employers and sent to the New Jersey Department of Environmental Protection (NJDEP).

Copies of these surveys are required to be sent to local fire and police departments, designated Right to Know county agencies (mostly county health departments), and local emergency planning committees.

Public employers are required to label containers according to the New Jersey Right to Know Act and PEOSHA, and maintain a RTK Central File that contains information about hazardous substances at their facilities. Private employers are required to label containers according to OSHA and the New Jersey Right to Know Act.

## **How Public Employers Comply With the Right To Know Act**

Public employers have the responsibility to assist workers in learning about the hazards of the products they work with. The employer must:

- Complete the Right to Know Survey
- Label Containers
- Create and Maintain a Right to Know/Central File
- Post the Right to Know Poster.

Public employees can obtain a copy of the survey by contacting their employer, the NJDHSS, or the designated county agencies at the numbers listed in this brochure.

## **How to Use Your Workplace Rights to Protect Your Health**

The Right to Know Act gives employees certain rights and access to information about hazardous chemicals in their workplace. This information, kept in the RTK central file, informs workers about the health hazards of chemicals and ways to reduce or prevent their exposure to the chemical hazards. Learn to work safely with chemical hazards to protect your health and the health of your family members. To do so:

1. Work only with labeled containers.
2. Check your workplace RTK Survey to find out which products contain hazardous chemicals.
3. Read Material Safety Data Sheets and Hazardous Substance Fact Sheets about the health hazards of the hazardous chemicals in the products. These documents are kept in the RTK central file.

You do not have to work with a product if your employer has not given you the ingredient information you requested in writing within five working days. Call the NJDHSS for more information before you refuse to work with a product.

You can file a complaint against your employer for not complying with the RTK Act. Your name will be kept confidential.

This brochure is being distributed to you as part of your training about hazardous chemicals in the workplace under the PEOSH Hazard Communication Standard. For more information about training, contact the Public Employees Occupational Safety and Health (PEOSH) Program, New Jersey Department of Health and Senior Services, P O Box 360, Trenton, NJ 08625-0360, (609) 984-1863, <http://www.nj.gov/health/eoh/peoshweb/>.

The following three agencies work together to implement the Worker and Community Right to Know Act:

New Jersey Department of Health and Senior Services Right to Know Program, PO Box 368, Trenton, NJ 08625-0368, (609) 984-2202 <http://www.state.nj.us/health/eoh/rtkweb/>, enforces all provisions of the RTK Act in public workplaces and RTK labeling in private workplaces. The

Program prepares Hazardous Substance Fact Sheets, the RTK brochure, and other materials to increase awareness of hazardous chemicals and help employers comply with the RTK Act. Printed materials are available upon request. Many are translated into Spanish.

New Jersey Department of Environmental Protection, Office of Pollution Prevention and Right to Know, PO Box 405 Trenton, NJ 08625-0405, (609) 292-6714, <http://www.nj.gov/dep/opppc/crtk/>, enforces the community provisions of the RTK Act in the private sector (except for labeling).

The Department is also responsible for implementing Title III (Emergency Planning and Community Right to Know) of the federal Superfund Amendments and Reauthorization Act (SARA), which establishes requirements for industry regarding emergency planning and reporting of hazardous chemicals.

New Jersey Department of Labor and Workforce Development  
Office of Public Employees Occupational Safety and Health  
PO Box 386  
Trenton, NJ 08625-0386 (609) 292-7036

<http://www.nj.gov/labor/lse/lspeosh.html>, collects RTK fees from private employers and investigates complaints by public employees who suspect they are being discriminated against for exercising their rights under the RTK Act.

### **How To Obtain Information Locally**

You can obtain copies of the Right to Know Survey, Community Right to Know Survey, and Hazardous Substance Fact Sheets from your designated Right to Know county agency listed below:

Atlantic	(609)645-5971, Ext. 4395
Bergen	(201)634-2786
Burlington	(609) 265-5515
Camden	(856)374-6046
Cape May	(609)465-1208
Cumberland	(856)453-2156
Essex	(973)228-8152
Gloucester	(856)262-4200
Hudson	(201)223-1133
Hunterdon	(908)236-7111
Mercer	(609)989-6497
Middlesex	(732)745-3100
Monmouth	(732)431-7456
Morris	(973)285-6113
Ocean	(732)341-9700, Ext. 7431
Passaic	(973)225-3651
Salem	(856)935 -7410, Ext. 8489
Somerset	(908)231- 7000, Ext. 7506
Sussex	(973)579-0370
Union	(908)654-9890
Warren	(908)689-6693

**You have a right to know about hazardous substances in your Workplace and community.**

NEW JERSEY WORKER AND COMMUNITY RIGHT TO  
KNOW ACT

YOU HAVE THE  
**RIGHT TO KNOW**

- About hazardous substances in your workplace
- About hazardous substances in your community

**USE YOUR RIGHTS!**

- **To find out more about the Right to Know Act**
- **To obtain information about hazardous substances in your workplace and community**
- **To receive training about hazardous substances from your employer**
- **To have containers in your workplace labeled with their ingredients**

**CONTACT THE RIGHT TO KNOW INFOLINE, (609) 984-2202**

The Right to Know Act is being enforced by:  
New Jersey Department of Health and Senior Services  
CN 368, Trenton, N.J. 08625-0368  
New Jersey Department of Environmental Protection  
CN 405, Trenton, N.J. 08625-0405 New Jersey Department of Labor  
CN 386, Trenton, N.J. 08625-0386

**For information about substances in your workplace,**

**contact:**

**Jack Glass**

**ROWAN UNIVERSITY**

**glassj@rowan.edu**



**Discussion:**

The university's central hazardous materials file is maintained in the Department of Public Safety Offices, Bole Annex. Contact Jack Glass at [glassj@rowan.edu](mailto:glassj@rowan.edu) for information.

There are two primary sources of information that are useful for this purpose. Material Safety Data Sheets (MSDS) which are received from the manufacturer or vendor of products and NJ Hazardous Substance Fact Sheets. However, not all chemicals have NJ Hazardous Substance Fact Sheets. There are several distinct differences between these and Jack Glass can explain them if needed. There are many exceptions to the labeling rule. There are also specific requirements on what constitutes a "label" under the Act.

The university uses a selected building approach to the inventory of hazardous chemicals. Any inventory is simply a "snap shot" in time of what is on-hand. There are approximately 15 buildings (out of approximately 71) that are inventoried. It is important to remember that there are exceptions to what must be reported.

The university files copies of our report with Rowan University's Campus Police, Glassboro Police Department, Glassboro Fire Department and Gloucester County Emergency Response Center.

**The Act is specific in protecting an employee who files a complaint or otherwise exercises their rights. Employees can have their unit/unit representative file a complaint on their behalf.**

## **VIII. Network and Technology Use**

**Policy:**

ISO Acceptable Use Policy

**Title:** Acceptable Use Policy

**Subject:** Information Security

**Policy No:** ISO:2013:01

**Applies:** University-wide

**Issuing Authority:** Information Security Office - Chief Information Security Officer

**Responsible Officer:** Vice President for Information Resources and Chief Information Officer

**Adopted:** 07/01/2013

**Last Revision:** 06/01/2014

**Last Reviewed:** 09/01/2014

### **I. PURPOSE**

This policy sets forth the acceptable uses regarding the access and use of the University's electronic information and information systems.

### **II. ACCOUNTABILITY**

Under the direction of the President, the Chief Information Officer and the University's Chief Information Security Officer shall implement and ensure compliance with this policy. The Vice Presidents, Deans, and other members of management will implement this policy.

### **III. APPLICABILITY**

A. This policy applies to all members of the Rowan community who access and use the University's electronic information and information systems. This policy and Rowan's "Code of Conduct" also govern access and use of the University's electronic information and information systems originating from non-Rowan computers, including personal computers and other electronic devices. The access and use of electronic information provided by research and funding partners to Rowan is also governed by this policy.

B. The use of information systems acquired or created through use of University funds, including grant funds from contracts between the University and external funding sources

(public and private), are covered by this policy. This includes University information systems that are leased or licensed for use by members of the Rowan community.

#### IV. DEFINITIONS

A. “Availability” – the expectation that information is accessible by Rowan when needed.

B. “Cloud Services” – Consumer and business products, services and solutions delivered and consumed on-demand, using the cloud service providers’ pooled resources, and delivered over a broad network, such as the Internet.

C. “Confidentiality” – the expectation that only authorized individuals, processes, and systems will have access to Rowan’s information.

D. “Confidential Information” – the most sensitive information, which requires the strongest safeguards to reduce the risk of unauthorized access or loss. Unauthorized disclosure or access may 1) subject Rowan to legal risk, 2) adversely affect its reputation, 3) jeopardize its mission, and 4) present liabilities to individuals (for example, HIPAA and HITECH penalties). See the Information Classification policy for additional information.

E. “HIPAA” – Health Insurance Portability and Accountability Act of 1996.

F. “HITECH” – Health Information Technology for Economic and Clinical Health Act.

G. “Information System” – consists of one or more components (e.g., application, database, network, or web) that is hosted in a University campus facility, and which may provide network services, storage services, decision support services, or transaction services to one or more business units.

H. “Integrity” – the expectation that Rowan’s information will be protected from improper, unauthorized, destructive, or accidental changes.

I. “Internal Information” – data that is owned by the University, is not classified Confidential or Private, and is not readily available to the public. For example, this includes employee and student identification numbers and licensed software.

J. “Mobile Computing Device” – including, but not limited to, laptops, netbooks, tablets, smartphones (BlackBerry, iPhone, etc.) and mobile broadband cards (also known as AirCards® and connect cards).

K. “Private Information” – sensitive information that is restricted to authorized personnel and requires safeguards, but which does not require the same level of safeguards as confidential information. Unauthorized disclosure or access may present legal and

reputational risks to the University. See the University's Information Classification policy for additional clarification.

L. "Privileged Information" – refers to attorney-client communication.

M. "Public Information" – information that is readily available to the public, such as the information published on web sites.

N. "Removable Media" – including, but not limited to, CDs, DVDs, copier hard drives, storage tapes, flash devices (e.g., CompactFlash and SD cards, USB flash drives), and portable hard drives.

O. "Social Media" – refers to tools that allow the sharing of information and creation of communities through online networks of people.

P. "Rowan Community" – faculty, staff, non-employees, students, attending physicians, contractors, covered entities, agents, and any other third parties of Rowan.

## V. REFERENCES

A. The Rowan University Code of Conduct <sup>i</sup>

## VI. POLICY

A. Access to Rowan's electronic information and information systems

1. Users are given access to Rowan's electronic information and information systems specifically to assist them in the performance of their jobs and education. They are not provided for personal use. They are responsible for all activity conducted using their computer accounts. Access and use of the University's electronic information and information systems is a revocable privilege.

2. The University expects users will access and use the University's electronic information and information systems in a manner that:

a. Does not compromise the confidentiality, integrity, or availability of those assets; and

b. Reflects the University's standards as defined in the Code of Conduct and its body of policies, and in accordance with all applicable federal, state, and local laws governing the use of computers and the Internet.

3. These obligations apply regardless of where access and use originate: Rowan office, classroom, public space, lab, at home, or elsewhere outside the University.

4. The rules stated in this policy also govern the use of information assets provided by the State of New Jersey, other state and federal agencies, and other entities that have contracted with Rowan to provide services to their constituents and/or clients.

5. Schools, units, and departments may produce more restrictive policies. Therefore, users should consult with their department if there are any other restrictions in place that supplement this policy.

## B. Expectation of Privacy

1. Information created, stored, or accessed using Rowan information systems may be accessed and reviewed by Rowan personnel to measure, monitor, and address the use, performance, or health of the University's information systems, or to respond to information security issues. Internet usage may also be monitored when using the University's network, including when using Rowan's remote access services. Additionally, data backups of electronic information stored on Rowan's information systems are made regularly and stored at off-site locations or across different campuses.
2. This information may be provided to an external party at the University's discretion without prior notification. Therefore, users have no expectation of privacy when accessing, transmitting, receiving, creating, or storing personal information using the University's information systems (particularly, network services). This includes access to the Internet through a University information system (particularly, ROWAN network services), unless such communications are protected by law or privilege.
3. All electronic information created, stored, or transmitted by use of Rowan's information systems is the property of the University, unless otherwise explicitly noted.

## C. Requirements

President/CEOs, Vice Presidents and Deans must:

1. Distribute copies of this policy to all members of their organizations.
2. Ensure that each member of their respective organizations receives periodic training and awareness about acceptable use of Rowan's electronic information and information systems.
3. Communicate any additional restrictions they have established governing their members use of the University's electronic information and information systems.

## D. Prohibited Actions

1. The list of Prohibited Actions is not intended to be comprehensive. The evolution of technology precludes the University from anticipating all potential means of

capturing and transmitting information. Therefore, users must take care when handling sensitive information. Refer to Rowan's Information Classification policy's appendix for types of information that are considered sensitive and/or contact Rowan's Information Security Office for guidance.

2. Users, at minimum, will ensure that they do not:
  - a. Distribute information classified as Confidential or Private, or otherwise considered or treated as privileged or sensitive information, unless they are an authoritative University source for, and an authorized University distributor of that information and the recipient is authorized to receive that information. (For examples of Confidential and Private information, see the appendix in the University's Information Classification policy.)
  - b. Share their passwords with other individuals or institutions (regardless if they are affiliated with Rowan or not) or otherwise leave them unprotected.
  - c. Attempt to uninstall, bypass, or disable security settings or software protecting the University's electronic information, information systems, or computer hardware.
  - d. Engage in unauthorized attempts to gain access or use the University's electronic information, information systems, or another user's account.
  - e. Use third party email services to conduct sensitive University business or to send or receive Rowan information classified as Confidential or Private or otherwise considered privileged or sensitive information.
  - f. Use email auto-forwarding to send University information (regardless of classification) to non-Rowan email accounts (see Restricted Services).
  - g. Distribute or collect copyrighted material without the expressed and written consent of the copyright owner.
  - h. As per the Joint Commission, they do not use texting for communicating health care orders (see Restricted Services, section 6).

#### E. Restricted Services

1. This list of restricted services is not intended to be comprehensive. The evolution of technology precludes the University from anticipating all potential means of storing, capturing and transmitting information. Therefore, when using third party technology services not explicitly restricted in this policy, users must exercise care to not compromise sensitive Rowan information. Refer to Rowan's Information Classification Policy's appendix for types of information that are considered sensitive and/or contact Rowan's Information Security Office for guidance.
2. Restricted services include the following:
  - a. Social Media
    - i. Social media tools cannot be used to communicate or store University information classified as Confidential or Private or otherwise considered privileged or sensitive by Rowan. Social media tools include, but are not limited to:

- Social networking sites: e.g., Facebook, Google+, Myspace, LinkedIn
  - Blogs
  - Microblogging sites: e.g., Twitter
  - Wikis
  - Content-sharing services: e.g., YouTube (video) and Flickr (for photos, videos, etc.).
- ii. Online forums
- iii. The Rowan name or your Rowan email address cannot be used on social media sites for personal communications or postings.
- iv. Using the Rowan name or email address on social media sites to post information in a manner that may be interpreted as representing an official position of Rowan, or which may misrepresent the University's viewpoint. All postings where the user is identified as a member of Rowan should clearly communicate that "The views and opinions expressed are strictly those of the author. The contents have not been reviewed or approved by Rowan University."
- b. Professional Social Media
- The use of professional social media tools, such as Doximity and Sermo, cannot be used:
- i. To discuss patient cases in a manner that compromises patient identity or privacy, or otherwise represents a violation of HIPAA's Privacy or Security rules, state or local privacy laws, or University policies.
  - ii. To communicate or post information that could potentially reveal information classified as Confidential or Private or otherwise considered privileged or sensitive by Rowan, or which compromises the privacy of a member of the University community or its clients.
- c. Cloud Services
- i. Cloud Storage Tools
- The use of third party cloud storage services cannot be used to store University information classified as Confidential or Private or otherwise considered privileged or sensitive by Rowan. Cloud storage tools include, but are not limited to:
- iCloud
  - Carbonite
  - McAfee Online Backup
  - SkyDrive
- ii. Data Sharing Tools
- The use of data sharing tools cannot be used to share or store University information classified as Confidential or Private or otherwise considered privileged or sensitive by Rowan. Data sharing tools include, but are not limited to:
- [Box.net](#)

- Catch
  - Dropbox
  - Evernote
  - Google Docs
  - Google Drive
  - OpenDrive
  - SugarSync
- d. Third Party Email Services  
Third party email services cannot be used to communicate or store University information classified as Confidential or Private or otherwise considered privileged or sensitive.
- e. Email Auto-Forwarding
- i. University information, regardless of classification, cannot be auto-forwarded to non- Rowan email accounts.
  - ii. Alumni and retired faculty may use email auto-forwarding provided *they hold no other position* at the University, including as a volunteer.
- f. Texting
- i. Health Care Information  
As per the Joint Commission, “It is not acceptable for physicians or licensed independent practitioners to text orders for patients to the hospital or other health care setting. This method provides no ability to verify the identity of the person sending the text and there is no way to keep the original message as validation of what is entered into the medical record.”
  - ii. General Use  
Users should take care texting other sensitive information, particularly when confirmation of receipt or the identity of the recipient is required for business or legal purposes.
- g. Internet-based Video Conferencing
- i. Faculty and Staff  
Internet-based video conferencing services, such as Skype, are limited to Rowan business-use only and must be conducted using Rowan equipment. They are to be used strictly for business collaboration between members of the Rowan community or outside entities, or for educational purposes. Users must ensure that video communications are done in a setting that limits or restricts the possibility of non-authorized individuals from viewing or listening to sensitive information.

## VII. NON-COMPLIANCE AND SANCTIONS



Violations of this policy may subject the violator to disciplinary actions, up to or including termination of employment or dismissal from a school, and may subject the violator to penalties stipulated in applicable state and federal statutes. Sanctions shall be applied consistently to all violators regardless of job titles or level in the organization.

## VIII. ATTACHMENTS

1. Attachment 1, Hyperlinks

By Direction of the CIO:

A handwritten signature in black ink, appearing to read "Mira Lalovic-Hand". The signature is written in a cursive, flowing style.

Mira Lalovic-Hand,

VP and Chief Information Officer

### ATTACHMENT 1 HYPERLINKS

- i The Rowan Code of Conduct: <http://www.rowan.edu/compliance/>

## **GUIDELINES FOR APPROPRIATE INTERNET USAGE**

Members of the Rowan community increasingly use personal websites, online blogs, online journals, and online communities (such as Facebook.com and Twitter.com) to communicate and network within and outside of the community. Users should remember that these sites are usually accessible to the public, so keep the following guidelines in mind:

- Be careful about how much and what kind of personally identifiable information you post to these sites. They are potentially accessible to the public. Don't post anything you would not want the world to know, including personal information that could lead to identity theft, harassment, stalking, or other safety concerns. Also, remember that Facebook and other sites provide privacy settings for posted information – use them to protect whatever private information you decide to post.
- Be aware that your entries may be seen by unintended viewers. Faculty, administrators, potential current and future employers can often access information you place on these sites. Assume that any information you post may at some point be the basis for the impression others have of you.
- Understand that even though these sites are hosted outside Rowan University computing resources, violations of university policy on such sites may be subject to investigation and sanction under the Acceptable Use Policy, Nondiscrimination Policy, Student Code of Conduct, and other college policies.

The University does not tolerate the use of e-mail, cell phones, pagers, text or instant messaging, websites or any other internet resources for the purpose of online harassment and bullying. If you feel that you are the subject of online harassment or threatening behavior, please contact the following:

### **Students**

Associate Vice President for Residential Learning and University Housing/Dean of Students Office at 856-256-4266

### **Employees**

Associate VP of Employee & Labor Relations Office at 856-256-4139

## IX. ROWAN UNIVERSITY WHISTLEBLOWER POLICY

### Policy:

#### I. Scope

This policy provides for the protection of Rowan University employees who are whistleblowers – that is, who report improper or illegal activities engaged in by officials or employees of the University or by others doing business with or for the University.

#### II. Purpose

The purpose of the Whistleblower Policy is to define whistle blowing activity and to delineate steps that shall be taken by the University to protect employees engaged in such activity.

#### III. Whistleblower Protection

In accordance with New Jersey’s Conscientious Employee Protection Act (NJ.S.A. 34.19-1 et seq., also known as the “Whistleblower Act”), Rowan University shall take no retaliatory action against an employee because the employee does any of the following:

A. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer, or another employer, with whom there is a business relationship, that the employee reasonably believes:

1. is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care; or
2. is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;

B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer, or another employer, with whom there is a business relationship, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into the quality of patient care; or

C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:

1. is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
2. is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity; or
3. is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

#### IV. Written Notice Required Under Certain Circumstances

The protection against retaliatory action shall not apply to an employee who makes a disclosure to the University's Board of Trustees or any other public body unless the employee has first brought the matter to the attention of a supervisor of the employee or a designated University official or agent by written notice and has afforded the University a reasonable opportunity to correct the matter. In an emergency situation, this requirement of written notice to a supervisor or designated University official or agent shall be waived when the employee is reasonably certain that the matter is known to one or more supervisors at the University or when the employee reasonably fears physical harm as a result of the disclosure.

#### V. Distribution and Posting of Notices

Rowan shall conspicuously display notices of its employees' protections, obligations, rights and procedures under this act, shall annually distribute written or electronic notices to all employees, and shall use other appropriate means to keep its employees informed of protection afforded under New Jersey to whistleblowers. Each notice posted or distributed pursuant to this section shall be in English and Spanish. The notice shall include the name of the person or persons the University has designated to receive written notifications pursuant to section IV of this policy.

#### **Discussion:**

The Rowan Whistleblower Policy is partner to the Rowan University Code of Ethics. If you observe, or otherwise have knowledge of unethical behavior, or what you perceive to be illegal behavior of the part of another Rowan employee, the Whistleblower policy offers you protection so that you may report the prohibited behavior.

**Authority:** The New Jersey Conscientious Employee Protection Act (NJ.S.A. 34.19-1 et seq.)

## Notices:

### Exhibit A – Annual Notice

#### Conscientious Employee Protection Act “Whistleblower Act”

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
  - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
  - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
  - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
  - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
  - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
    - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
    - (2) is fraudulent or criminal; or
    - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. NJ.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

## CONTACT INFORMATION

The following contact persons at Rowan University have been designated to answer your

questions or provide information regarding your rights and responsibilities under the Whistleblower Act (N.J.S.A. 34:19-4):

- \* Name: Robert Zazzali  
Address: Bole Hall, Glassboro Campus  
Phone: (856) 256-4110
- \* Name: Raymond Braeunig  
Address: UEC Bldg, Stratford  
Phone: (856) 566-6136

This notice must be conspicuously displayed. Once each year, employers must distribute notice of this law to their employees.

If you need this document in a language other than English or Spanish, please call (609) 292-7832.

AD-270 (3/06)

## Exhibit B – Annual Notice (Espanola)

### “Ley de protección del demmciante” - La Ley de protección al empleado consciente

Acciones de represaría del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represaría contra todo empleado que haga lo siguiente:
  - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia publica toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
  - b. Facilite información o preste testimonio ante cualquier agencia publica que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia publica que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
  - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
  - d. Ofrece información ‘63on respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o practica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
  - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
    - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un Empleado licenciado o certificado de la salud que tiene motivos fundados para pensar que se trata de la atención inadecuada al paciente;
    - (2) es fraudulenta o delictiva; o
    - (3) es incompatible con algún mándate establecido por las directrices publicas relacionadas con la salud publica, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en ingles)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo publico, a no ser que el empleado le informe al empleador de tal actividad, política o norma a traves de un aviso por escrito y le haya

Dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o mas de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia danos físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

#### Información del Contacto

La persona siguiente para ha sido designada a contestar sus preguntas o, proporcionar información adicional relacionada con sus derechos y responsabilidades según lo indica esta ley (N.J.S.A. 34:19-4):

- \* Nombre: Robert Zazzali  
Dirección: Bole Hall  
Numero de teléfono: (856) 256-4110
- \* Nombre: Raymond Braeunig  
Dirección: UEC Bldg, Stratford  
Numero de teléfono: (856) 566-6136

Este aviso se debe exponer a la vista de todos. Una vez por ano, los empleadores deben de distribuir un aviso de esta ley A sus empleados. Si necesita este documento en algún otro idioma que No sea ingles o español, sírvase llamar al (609) 292-7832. Posiblemente, una carga nominal puede ser cobrada.



## **X. ROWAN UNIVERSITY WORKPLACE VIOLENCE POLICY**

In compliance with New Jersey Executive Order #49, Rowan University is committed to ensuring the safety and security of the University's Workplace.

Violence against employees can take many forms including harassment or bullying, intimidation, threats, threatening behavior (with or without the use of technology) and physical acts of violence. Threats and/or threatening behavior, or acts of violence by University employees against themselves, other staff members, faculty, students, visitors or other individuals while on University property or using University facilities will not be tolerated and are causes for removal from the workplace and may result in discipline including possible termination of employment. Threatening behavior includes, but is not limited to verbal or non-verbal threats or intimidation, hitting, shoving, stalking, attacks, sexual assault, vandalism, arson and carrying any type of weapon or explosives.

Each University employee has a responsibility to report any threatening or violent behavior when a member of the University community or visitors to the campus exhibits such behavior. Any incidents of physical acts or threats of violence should be immediately reported to the Public Safety Department. Any immediate concerns for safety should also be addressed to Public Safety.

Any employee who believes he or she has witnessed or has been subject to harassment, intimidation, threats or threatening behavior should report it to the office of Equity and Diversity and/or the Office of Human Resources and the claim will be investigated. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation.

Harassment, bullying and intimidation under this policy refers to the conduct of any university employee in the workplace that a reasonable person would find hostile, offensive and detrimental to the university's legitimate business interest or educational mission. This behavior includes but is not limited to infliction of verbal abuse such as the use of fighting words, insults and obscenities; violent physical conduct; use of information and communication technologies, such as e-mail, cell phones, pagers, text or instant messaging and websites that a reasonable person would find threatening, intimidating, or an invasion of privacy; or the sabotage or unwarranted disruption of a person's work performance.

Any claim of harassment of a member of a protected class, brought by any person, will be investigated under the NJ Policy Prohibiting Discrimination in the Workplace and dealt with separately under the NJ Policy Prohibiting Discrimination in the Workplace.

An employee who is found in violation of this policy may be subject to disciplinary action up to and including termination of employment. In appropriate cases, employees may be required to attend appropriate training, EAS (Employee Advisory Service) and other appropriate action as a condition of continued employment. Major discipline may be imposed for work place incidents which are repeated and pervasive, or for a single incident which is severe and egregious. The university is committed to fully investigate and address any complaints and violations to this policy.

Final revision and approval from Deputy Attorney General's Office 5-19-2011

## **XI. PROCEDURE FOR REPORTING HATE/OFFENSIVE GRAFFITI**

Anyone who discovers any hate or offensive graffiti should *immediately* contact Public Safety (ext. 4922). Facilities (x4650) will report any hate or offensive graffiti directly to Public Safety *immediately* upon discovering same.

*Immediately* upon discovery of such graffiti, Housekeeping, Maintenance, Custodial or Plant Operations personnel will advise the Supervisor Facilities Operations or the Director Facilities Operations who will inform Public Safety.

Housekeeping, Maintenance, Custodial and Plant Operations personnel will be trained to identify such graffiti. However, neither, Housekeeping, Maintenance, Custodial, nor Plant Operations personnel will remove the graffiti until Public Safety has had an opportunity to conduct whatever investigation is appropriate and directs its removal. If the graffiti is scratched into a surface, a work order will be produced to paint over the graffiti to remove it from sight.

Public Safety will investigate each report in a timely manner.

## **XII. APPENDICES**

### **APPENDIX A UNIVERSITY PROPERTY**

Rowan University provides employees with necessary property in order for them to perform their jobs. Most employees are issued keys, parking access cards, university identification cards and in some instances, tools, computers and other types of equipment. Since Rowan University is a public institution, all university property is in actuality the State of New Jersey's property. Consequently, the property should be treated with respect and cannot be borrowed for purely personal reasons. However, in some cases, property may be taken off-campus for work related reasons. Security is both a personal and institutional responsibility. All property is to be kept in a safe place.

In the event property is lost or stolen, the loss must be reported to Public Safety, (non-emergency number, 4922) and to the Facilities department. There may be insurance issues as well as security issues that will need to be addressed. Lost or stolen property will be replaced in accordance with University procedures.

University keys will be issued to permit employees access to their work areas. Some of the keys may be swipe cards rather than metal. The Facilities Department both issues keys and collects them. Every employee will have a key card, which must be signed whenever keys are issued or returned. Employees must sign for their keys (the Office or Department may not sign for an individual's keys). Because of security concerns, keys may not be duplicated or shared with other employees.

Any lost keys should be reported to the locksmith. A new key request will need to be completed in order to replace lost or stolen keys. Once employment has ended with Rowan University, all University property must be returned to the appropriate departments. Keys need to be returned to Facilities.

**APPENDIX B**  
**EXIT INTERVIEW**

While it is still appropriate for an employee to submit a letter of resignation two weeks or more prior to the date of separation, another step should be added to the process. Any employee who leaves the University for any reason should schedule an exit interview with the Office of Human Resources prior to the date of separation. This interview is helpful to the University and the employee who is separating service. Contact Human Resources at x4134 for more information.

**APPENDIX C**  
**UNION AFFILIATIONS**

The following union contracts govern labor relations for most Rowan University employees.

**AFT** – Council of New Jersey State College Locals, AFT, AFL-CIO – State Colleges/Universities Unit and State Colleges/Universities Adjunct Unit

The Associate Provost for Faculty Affairs and the local president of the AFT administer these contracts and attendant side agreements

**CWA** – Communications Workers of America  
Administrative and Clerical Services Unit  
Primary Level Supervisory Unit  
Higher Level Supervisory Unit  
Professional Unit

The Assistant Vice President of Employee and Labor Relations and the local president of the CWA administer these contracts. <http://www.cwa1031.org/>

**IFPTE** – International Federation of Professional and Technical Engineers, AFL-CIO – Operations, Maintenance and Services and Crafts Units

The Assistant Vice President of Employee and Labor Relations and the local president of IFPTE administer this contract. <http://www.local195.org/>

**PBA** – Police Benevolent Association (Campus Police Officer only)

The Assistant Vice President of Employee and Labor Relations and the off-site union representative of PBA administer this contract.

**FOP** – Fraternal Order of Police (Sergeant – Campus Police only)

The Assistant Vice President of Employee and Labor Relations and the on-site representative of the Lieutenant's Unit administer this contract.

**Acknowledgement of Receipt of Training and Documents**  
**Employee Copy (Adjunct Faculty)**

I have received training on my rights and obligations as a Rowan employee on the following:

1. State of New Jersey Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace
  - a. Procedures for Internal Complaints alleging Discrimination, Harassment or Hostile Environments in the Workplace
  - b. Discrimination Complaint Processing Form
  - c. Title IX
2. Rowan University Accommodation Policy in Compliance with the American Disabilities Act (ADA)
3. Buckley Amendment Policy Statement, Family Educational Rights and Privacy Act and Employee Privacy Policies
4. The Drug-Free Workplace Act
5. The Public Employees Occupational Safety and Health Act (PEOSHA)
6. The New Jersey Worker and Community Right to Know Act
7. The New Jersey State Code of Ethics
8. Rowan University ISO Acceptable Use Policy
9. Rowan University Whistleblower Policy
10. Rowan University Workplace Violence Policy
11. Procedure for Reporting Hate/Offensive Graffiti

**I have received a copy of each of the policies and procedures listed above.**

---

Failure to sign this form does not relieve an employee of the responsibility to understand and adhere to the provisions of the policies and procedures.

Employee's Name (Please Print) \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Banner ID \_\_\_\_\_ Date \_\_\_\_\_

**Acknowledgement of Receipt of Training and Documents  
Rowan Copy (Adjunct Faculty)**

I have received training on my rights and obligations as a Rowan employee on the following:

1. State of New Jersey Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace
  - a. Procedures for Internal Complaints alleging Discrimination, Harassment or Hostile Environments in the Workplace
  - b. Discrimination Complaint Processing Form
  - c. Title IX
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4. The Drug-Free Workplace Act
5. The Public Employees Occupational Safety and Health Act (PEOSHA)
6. The New Jersey Worker and Community Right to Know Act
7. The New Jersey State Code of Ethics
8. Rowan University ISO Acceptable Use Policy
9. Rowan University Whistleblower Policy
10. Rowan University Workplace Violence Policy
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Employee's Name (Please Print) \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Banner ID \_\_\_\_\_ Date \_\_\_\_\_