

Office of Employment Equity

Jayne Grandes, Director
 Mary Pignataro, Coordinator
 Michele Petosa, HR Staff Associate

The Office of Employment Equity (OEE) serves faculty, staff, and students from all Rutgers campuses who believe that they have been subjected to harassment or discrimination. As an office within University Human Resources, we coordinate prevention, education, and the harassment complaint process.

Contact us at:

Phone: 732/932-3020, ext. 4030

Fax: 732/932-0049

Email: oeo@hr.rutgers.edu

Web: <http://uhr.rutgers.edu/equity>

Rutgers
 The State University
 of New Jersey

Office of Employment Equity

Harassment on Campus:

*What Happens
 When You've
 Been Accused
 of Harassment*

Rutgers, The State University of New Jersey, is an exciting place, and we want every member of our community to be able to participate in university life without the fear or intimidation of harassment.

Harassment is any conduct directed toward an individual or group based on one or more of the traits covered by the university's nondiscrimination policy (sex, race, religion, color, national origin, ancestry, age, sexual orientation, disability, marital status, or veteran status) that creates an intimidating, offensive, or hostile environment and is sufficiently severe or pervasive to alter an individual's employment conditions, educational environment, living environment, or participation in a university activity. Rutgers has a policy that prohibits harassment and a process to resolve accusations of harassment. Retaliation against anyone who complains about harassment, is accused of harassment, or assists in an investigation of harassment, is also prohibited.

If you have been accused of harassing another person on campus, you may have many different feelings and questions. People in this position initially feel that the accusation is unjust or out of proportion to their action. Many may feel angry and afraid of being labeled as a harasser, and some become frustrated with the process.

This brochure will inform you about the resources and methods provided by Rutgers for resolving harassment allegations brought against you if you are an employee. Students accused of harassment not related to on-campus employment should seek advice from their dean's office.

I've been accused anonymously. When do I get to face my accuser?

Often, people who feel they are being harassed are afraid to confront the person whose behavior is hurting them. They have good reason; harassment usually threatens them in some way. For this reason, the Rutgers harassment policy provides a system that protects complainants from direct confrontation.

The person may choose to approach you personally, or you may be approached through an intermediary, such as a harassment adviser, on behalf of an anonymous complainant. If, on the other hand, a formal complaint is filed, you may become subject to a formal investigation, which may ultimately lead to disciplinary action. Your accuser may then be identified, and you may have a chance to respond directly to the accusation.

It's a personal issue. I'll resolve it myself.

Usually, when someone is upset enough to make a harassment claim, they have (rightly or wrongly) become afraid of the person whose behavior makes them uncomfortable. They might fear that directly confronting you may escalate the problem, and action you initiate might be interpreted as intimidation. Until the issue is resolved, you may do better to work through the channels that Rutgers provides for you.

Under no circumstances is it permitted to make threats or take action against someone who has made a harassment claim against you. This is a very serious offense and may be cause for additional, separate harassment claims, or disciplinary action.

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS

Office of Employment Equity
 University Human Resources
 Administrative Services Building II
 57 U.S. Highway 1
 New Brunswick, NJ 08901
 732/932-3020, ext. 4030
oeo@hr.rutgers.edu
<http://uhr.rutgers.edu/equity>

Rutgers, The State University of New Jersey, is dedicated by law and by purpose to serving all people on an equal and nondiscriminatory basis.

What resources do I have for my defense?

Although a claim of harassment can feel like an attack, it usually is not. In most cases, the person who has felt hurt by your behavior primarily wants you to understand why, and to get you to stop. If you can listen carefully and try to understand the other person's point of view, the case often can be resolved quickly.

This said, there are resources open to you, depending on your role and situation. Call the Office of Employment Equity for a referral to a harassment adviser. For more information, read the Policy Prohibiting Harassment and the Harassment Complaint Process documents available on the Office of Employment Equity's web site at <http://uhr.rutgers.edu/equity>.

I didn't hurt anyone. If anything, I was too generous. How can this be harassment?

What feels like generosity to you can feel like pressure to complainants. They may feel that there was an implied deal—that they were expected to provide something in return whether they wanted to or not.

For instance, if you are a professor who chooses to spend many late hours working with a student on a project or thesis, be sure that you are clear with the student that you are not expecting special favors in return. If you are an employee and cover for a colleague when he or she has an emergency absence, you could reasonably ask that person to cover for you one day in return. However, to ask for sex—or even a date—in return would likely constitute sexual harassment.

I didn't mean anything by it.

Many behaviors are open to wide interpretation. What one person means as a joke may be seen by another as an act of aggression. Similarly, what one person takes as a joke may be very offensive to another. If you meant no harm, you will probably want to apologize and move on.

How can anyone tell me that I don't have a right to express myself?

You do have a right to express yourself. However, there are limits. You aren't permitted to express yourself by driving on the wrong side of the road or by stealing other people's possessions. Neither is it appropriate to express yourself by frightening or coercing other people.

Who will find out about this accusation?

Only those who have a need to know will be told about the complaint. If the issue is resolved informally, all identifying information may be kept confidential. However, in a formal complaint, because the accused person might be subject to discipline, he or she will normally be given a chance to respond to a written complaint signed by the accuser. Investigators will advise witnesses to be discreet.

What happens next?

Claims are resolved fastest and with the least disruption when everyone involved makes a good faith effort to understand each other and work through the issues without blame. In very serious situations, and in cases where behavior escalates, the claim can become quite complex and involve many different groups and individuals.

If an investigation does occur, the results will be communicated to you, the accuser, and your supervisor.

How can I resolve this with the least disruption?

Listening works best. Try to see the problem from the complainant's perspective and understand his or her interpretation of the event. If you think the problem is a misinterpretation, explain what motivated your behavior and why you did not intend harm, even if it seemed that you did.

Even if you feel your behavior was appropriate, it can't hurt to apologize for being unintentionally offensive. An expression of goodwill can often defuse a tense situation.

Who will judge the case?

In an informal case, there is no judge, just an attempt for all the involved parties to work out a better arrangement. In a formal case, the director of the Office of Employment Equity will work with the appropriate provost, dean, vice president, employee supervisor, or others.

What kind of discipline could I face?

In most cases, the resolution will be simply to stop the offensive behavior, without additional sanctions. In more serious instances, if you violate the policy, you could:

- be required to participate in educational sessions on harassment
- be given a verbal warning
- have a warning placed in your file
- have teaching or other duties reassigned

- be put on probation
- be suspended without pay
- be terminated or dismissed

Keep in mind that an accusation is not a conviction. Harassment is complex, and some cases may simply be the result of misunderstandings. Often, the person who initiates the complaint wants only to have you understand why a behavior hurts them and to get it to stop—nothing more.

In all cases, a harassment issue is easier to resolve if you can keep an open mind and learn why behavior that seemed okay to you was threatening or offensive to someone else.