

Rutgers University's Second Annual Report

Regarding Investigations of Sexual Harassment and
Sexual Misconduct Against Faculty, Staff, and Third Parties

For Complaints Initiated July 1, 2019 - June 30, 2020



INTRODUCTION

The University has numerous initiatives to raise community awareness about its resources and processes to address sexual misconduct and advance our mission of creating a safe and harassment free environment. To maintain transparency and stimulate critical engagement in our community, the Office of Employment Equity (“OEE”) issues an annual report regarding sexual misconduct reports concerning faculty, staff, and third parties. This report covers such matters addressed from July 1, 2019 through June 30, 2020.

Publications such as these are essential to the realization of the University’s commitment to preventing harassment, sexual violence, and discrimination. We share the information in this report in order to be candid and sincere, to acknowledge that these behaviors occur within our community, and to show how the University responds to sexual misconduct. These behaviors have no place at Rutgers.

The current report presents information about a total of 66 complaints of sexual misconduct that were brought to the attention of the OEE. Of those, 37 complaints resulted in formal investigations by this Office. Notably, in March of this reporting period, students, faculty, and staff moved to remote learning and working environments because of the COVID-19 pandemic. OEE remained available to assist those who were impacted by sexual misconduct during this time and received 5 reports of misconduct from March 2020 to July 2020. These resulted in three formal investigations. Though the total number of complaints brought forward during this time was lower than recent prior reporting periods, it is clear that the individuals were able to successfully utilize OEE’s services and processes.

Sexual Harassment Cases Filed with OEE by Month FY2020 (Total Cases 66)

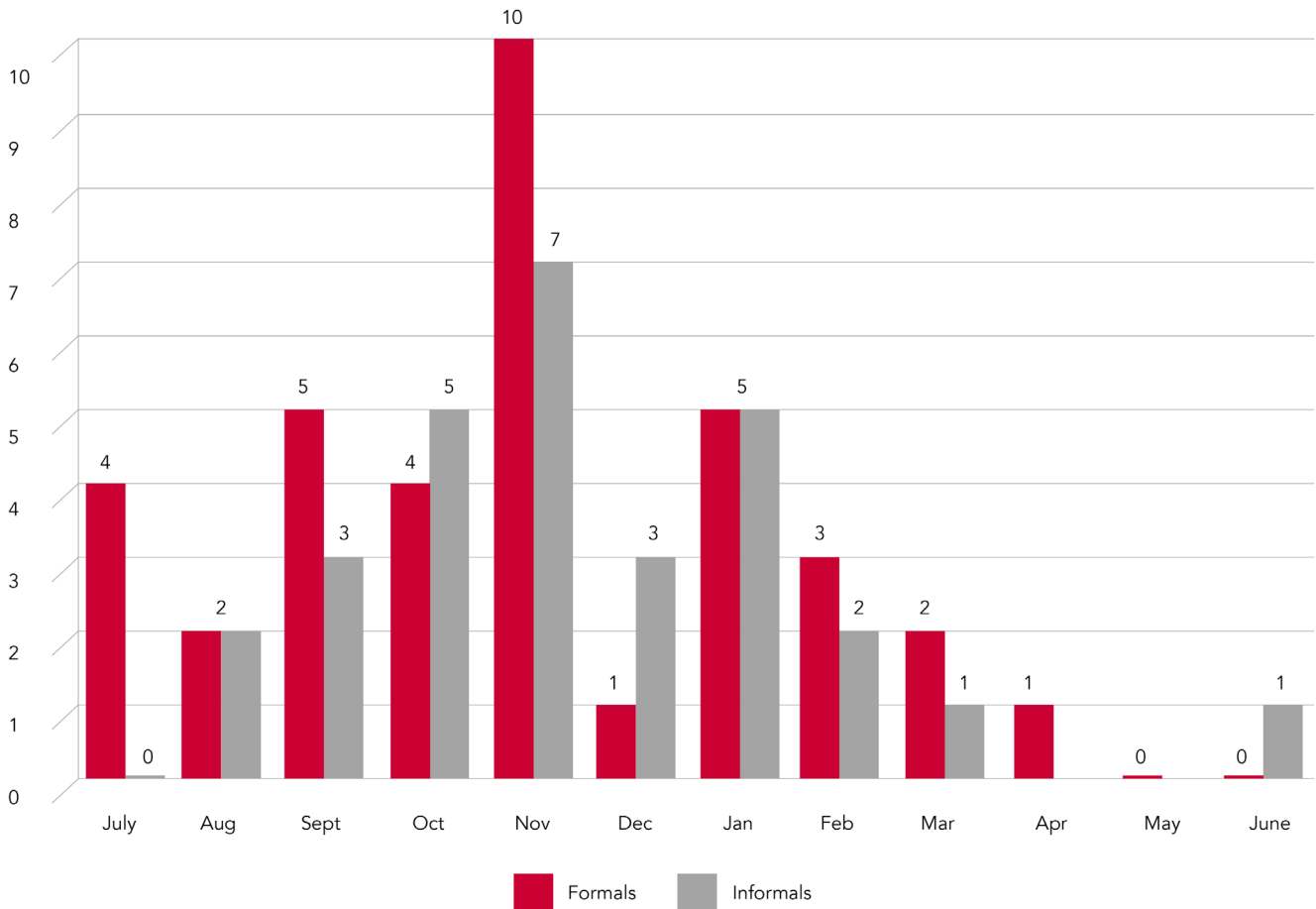


FIGURE 1. All complaints of sexual misconduct brought forward to OEE between July 1, 2019 and June 30, 2020.

We acknowledge that the information we provide is incomplete. This report, by its nature, captures only those complaints that are brought to the University's attention. We know from national statistics and our own anecdotal evidence that incidents of sexual misconduct are often never reported. OEE continues to work to increase awareness about reporting misconduct through in-person training sessions, mandatory online training, and increased partnership with victim support services such as the Office for Violence Prevention and Victim Assistance (VPVA). Most importantly, we continue to listen as our community members engage us in conversation about ways to enhance our procedures and resources.

GUIDE TO THIS REPORT

This report includes statistical summaries of complaints brought to OEE in Fiscal Year 2020 concerning conduct by faculty, staff, third parties, and student employees acting in their capacity as employees. These statistical summaries present the number of complaints investigated, complainant classification (faculty, staff, student, university initiated¹, etc.), respondent affiliation (faculty, staff, third party, etc.), and the number of investigations where OEE determined that the respondent violated the Policy. We also provide information regarding location of incidents and sanctions.

Due to privacy obligations, this report cannot fully convey the variety and complexity of circumstances associated with cases. Likewise, we cannot identify parties or provide details that would allow them to be easily identified.

We have included key definitions and terminology in this report, so that readers can understand what behaviors may be included in any category. Readers can find comprehensive information about Rutgers' policies, definitions, and procedures at OEE's [website](#).

THE POLICY

During fiscal year 2020 complaints by faculty, staff, students or others alleging sexual harassment, sexual exploitation, gender-based harassment, stalking, relationship violence, and related misconduct against a Rutgers employee were made to OEE under the Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties ("the Policy").² The Policy covered faculty and staff, as well as third parties such as interns, volunteers, vendors, contractors, and subcontractors. It prohibited a broad range of conduct and strived to protect the University community from assault, harassment, and discrimination.

A report of sexual misconduct can be made by a person who has experienced, witnessed, heard about or otherwise has knowledge of possible sexual misconduct. There are a variety of ways to report concerns about sexual misconduct, including through the OneSource Rutgers Faculty and Staff Service Center, the University's Ethics and Compliance Hotline, directly to OEE, and to the Rutgers University Police Department.

Notably, University policy also prohibits retaliation, which is considered a separate offense from the original complaint and is addressed independently from the merits of the underlying sexual misconduct complaint. During the relevant time period, retaliation was defined as "any act of intimidation against individuals who, in good faith, assert their rights to bring a complaint under this Policy, including individuals who file a third-person report, or participate in an investigation, or protest the alleged conduct or retaliation." Retaliation can take many forms, including sustained abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a Respondent or Complainant, can be responsible for retaliation.

¹ The University at times investigates allegations of prohibited conduct in appropriate circumstances, at the discretion of the Director of OEE, even in the absence of a formal written complaint filed by a complainant pursuant to the Complaint Process. These investigations are referred to as "University Actions."

² The University retired this Policy on August 13, 2020 and implemented the Title IX Policy and Grievance Procedures on August 14, 2020.

DEFINITIONS

The following are definitions for the specific terms used in the Policy as well as in this report. For more information on Rutgers' Sexual Misconduct Policy and definitions, go to OEE's [website](#).

COMPLAINANT

Complainant refers to the person making the allegation(s) of prohibited conduct.

RESPONDENT

Respondent refers to the person alleged to have committed the prohibited conduct.

SEXUAL HARASSMENT

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other unwelcome written, verbal, or physical conduct of a sexual nature when: submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's education, employment, or participation in a University activity; submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting that individual's academic standing, employment status, or participation in a University activity; or such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or creating an intimidating, hostile, or offensive environment for that individual's employment, education, or participation in a University activity. Sexual harassment may be committed by anyone regardless of gender identity and may occur between members of the same or opposite sex.

GENDER-BASED HARASSMENT

Gender-based harassment refers to acts of aggression, intimidation, stalking, or hostility based on gender, gender identity, or gender-stereotyping. Gender-based harassment can occur if individuals are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual's employment, education, or participation in a University activity, or create an unreasonably intimidating, hostile, demeaning or offensive work, academic, or living environment.

SEXUAL INTIMIDATION

Sexual intimidation refers to threatening behavior of a sexual nature directed at another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection. Examples of sexual intimidation are threatening to sexually assault another person or engaging in indecent exposure.

SEXUAL EXPLOITATION

Sexual exploitation refers to non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose.

RELATIONSHIP VIOLENCE

Relationship violence refers to any act of physical, sexual, and/or psychological harm against an individual by a current or former intimate or romantic partner, or by a person with whom the victim shares a child in common. Intimate or romantic partners may be dating, cohabitating, married, separated or divorced, and may be of the same or different sex. Dating violence and domestic violence are both considered "relationship violence" under this Policy.

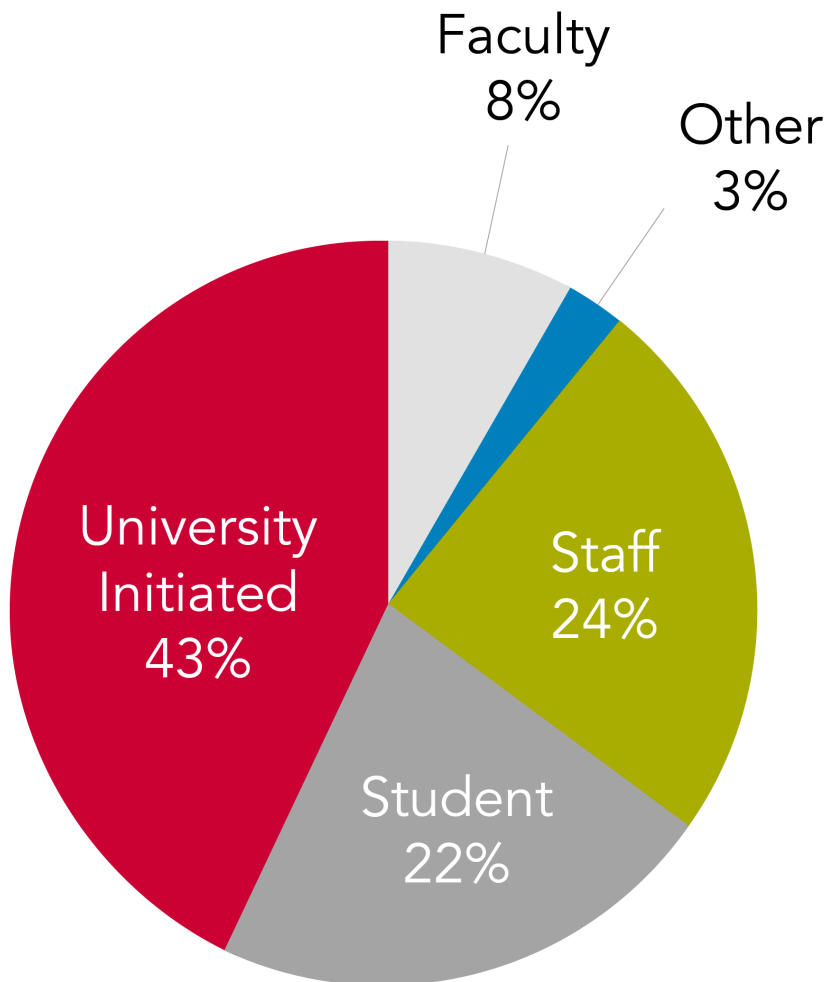
STALKING

Stalking refers to any course of conduct directed at a specific person that would cause a reasonable person to be fearful of serious harm or danger to themselves or to individuals close to them. Examples of stalking include non-consensual communication and physical contact; following or pursuing the other person; waiting or showing up at locations visited by the other person; spying on a person; trespassing; vandalism; gathering of information about a person from others; or manipulating and controlling behaviors such as threats to harm oneself or threats to harm someone close to the victim.

SEXUAL ASSAULT OR NON-CONSENSUAL SEXUAL CONTACT

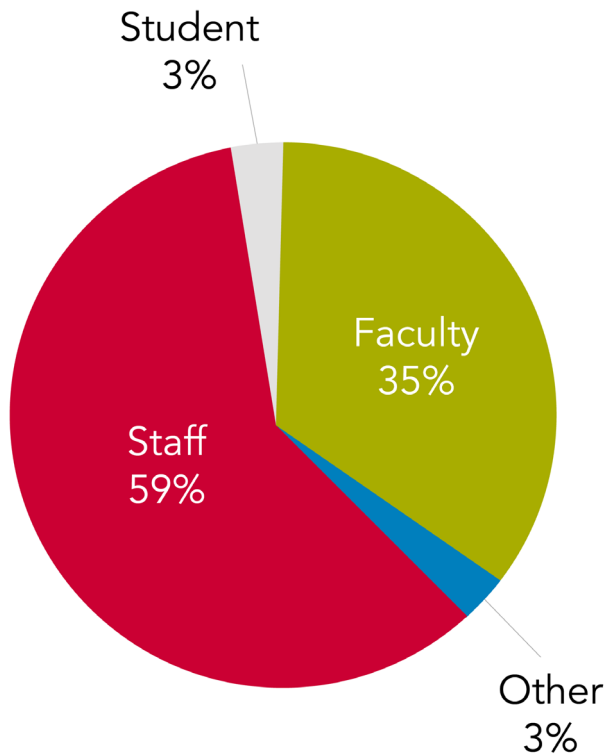
Sexual assault or non-consensual sexual contact refers to any one or more of the following acts:

- Touching of an unwilling or non-consenting person's intimate part (such as genitalia, groin, breast, buttocks, or mouth under or over a person's clothes).
- Touching an unwilling person or non-consenting person with one's own intimate parts.
- Forcing an unwilling person to touch another's intimate parts.
- Penetrating an unwilling person orally, anally, or vaginally with any object or body part. This includes, but is not limited to, penetration of a bodily opening without consent, through the use of coercion, or through exploitation of another's inability to give consent.
- Penetrating an unwilling person orally, anally, or vaginally with any object or body part by use of force, threat, and/or intimidation.



Complainants by University Affiliation

FIGURE 2. Complaints of sexual misconduct resulting in formal investigations based on Complainant's University affiliation



Respondents by University Affiliation

FIGURE 3. Complaints of sexual misconduct resulting in formal investigations based on Respondent's University affiliation

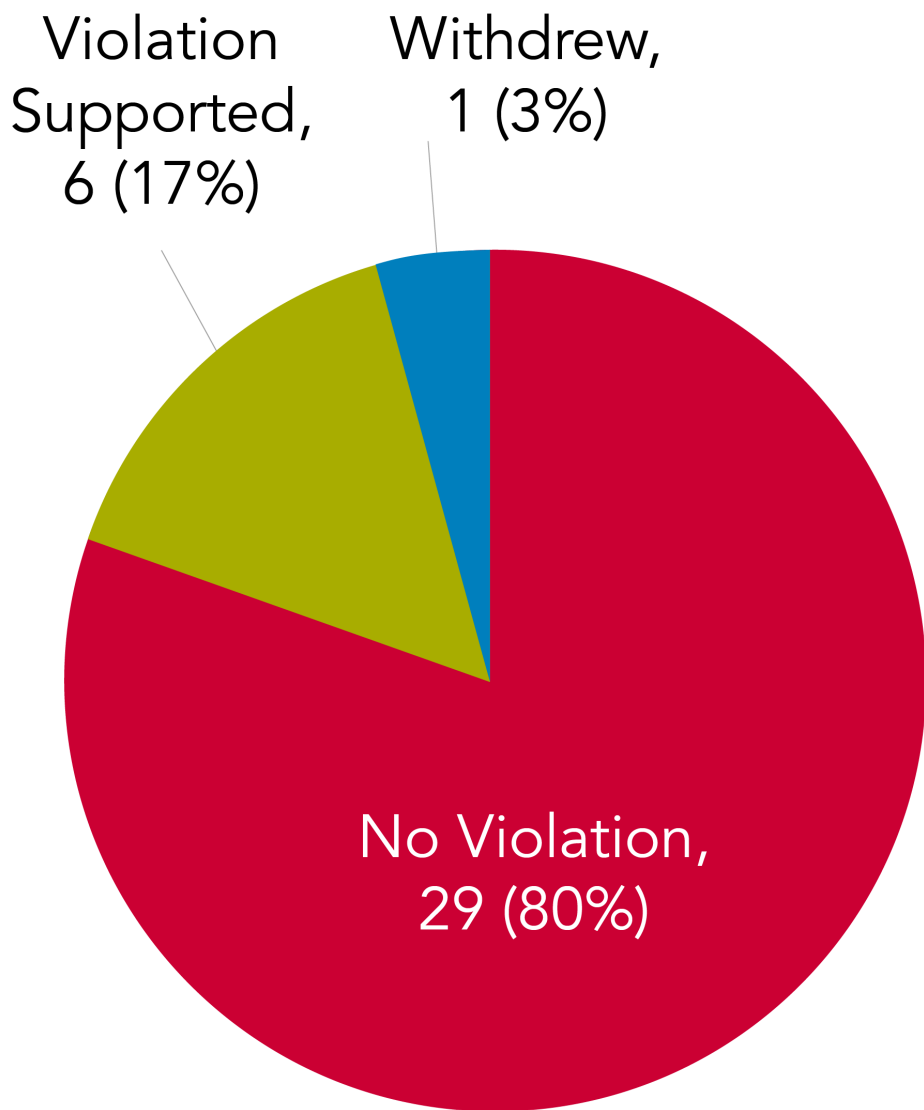
In total, 13 faculty members were investigated under the Policy during the 2019-20 academic year as well as 22 staff members. One outside vendor and one student were also investigated.

RESPONSE TO COMPLAINTS

When presented with a Complaint, OEE must determine if an investigation is warranted. Such investigations were conducted during this reporting period under the OEE **Complaint Process**, which can be found at OEE's [website](#). An investigation generally includes, but is not limited to: interviewing the complainant and respondent, interviewing any witnesses or other parties with knowledge of the alleged conduct, and collecting documentation (including emails, texts, videos, or other communications) relevant to the complaint. Upon reviewing the evidence gathered, the investigator determines whether a violation of University Policy occurred.

As indicated in the figures above, OEE conducted 37 sexual misconduct investigations in FY 2020 (July 1, 2019 to June 30, 2020). Of those, 1 included or generated separate retaliation investigations.

In addition to the 37 formal complaints described in the chart above, OEE also received 29 "informal" complaints pertaining to sexual misconduct in FY 2020. This is an increase of 15 reports over the previous year. An "informal" complaint occurs when OEE receives a report that does not contain sufficient information to allow an investigation to ensue. For example, an anonymous report may not identify the complainant or respondent. Or the respondent may be identified, but the report does not provide any details about the alleged behavior. When OEE receives reports of this nature, it tries to obtain more information about the allegation(s) and then responds appropriately. For example, if OEE is able to gather additional information and determines that the allegations do fall under the Policy, the matter proceeds to an investigation. If OEE is unable to gather sufficient information, it may close the matter pending additional information. In some instances, OEE determines that the behavior does not fall under the Policy and in those instances will refer the issue to other appropriate institutional resources.



Rates of Violations

FIGURE 4. Rates of violation of the Policy

COMPLAINT OUTCOMES

OEE found seven violations of the Policy during the 2020 reporting period.

Of the seven matters where OEE determined a violation occurred, four pertained to faculty respondents and three pertained to staff. Four of those individuals were terminated, while two chose to resign before any disciplinary measures could be taken. One respondent was suspended without pay for one semester.

LOCATION OF ALLEGED MISCONDUCT

Regarding the location/campus where the complained of conduct occurred, New Brunswick, as the University's largest campus, generated the most investigations, followed by Newark, Rutgers Biomedical and Health Sciences (RBHS), and then Camden.

Similarly, larger schools/departments were the subject of more investigations, which is expected given the sheer volume of population. For example, the School of Arts and Sciences (SAS) generated several investigations, however it comprises more than 800 full-time faculty and more than 70 majors and minors, approximately 10% of the faculty for the entire University. Likewise, Institutional Planning and Operations (IPO) is the largest business division within Rutgers, and therefore was the subject of the most investigations against staff.

Number of Investigations by Campus (Based on Location of Misconduct)

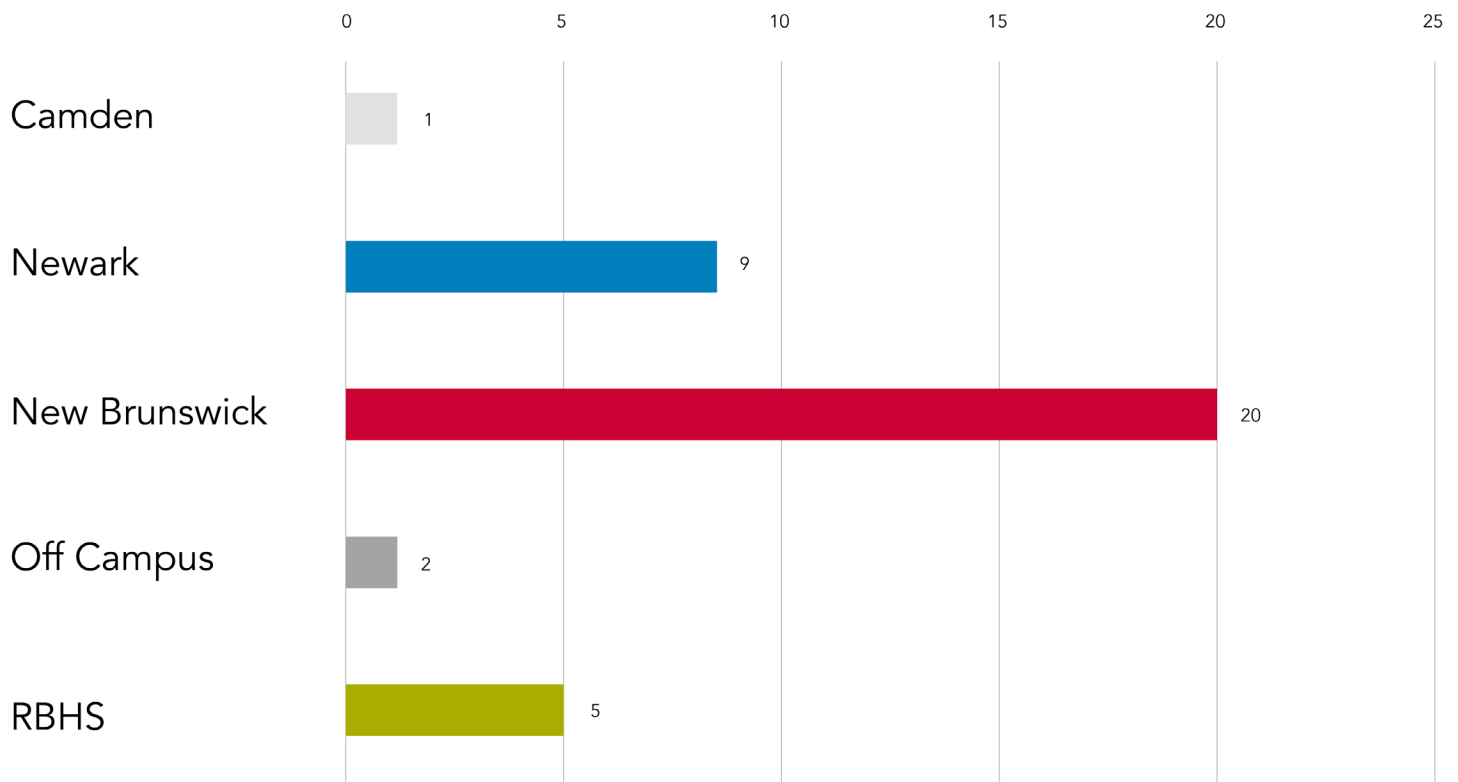


Figure 5. Number of investigations on each campus and RBHS

Figure 6. Investigations based on location of misconduct

Department of Respondent	Faculty	Other	Staff	Student	Grand Total
Brower Commons			1		1
Busch Student Center			1		1
Comparative Medicine Resources			1		1
Criminal Justice-LCS	1				1
IPO-Environmental Services New Brunswick			1		1
IPO-Environmental Services-Newark			1		1
IPO-Facilities Maintenance-New Brunswick			1		1
IPO-Grounds-Newark			2		2
IPO-Rutgers Police-Newark			1		1
IPO-Rutgers Police-Newark			1		1
Livingston Dining Commons			3		3
Management Science & Information Systems	1				1
Mason Gross School of the Arts	2				2
Medicinal Chemistry	1				1
Rutgers Biomedical and Health Sciences	3		1		4
Rutgers Business School - Newark	1				1
SA-Student Veterans Affairs			1		1
School of Arts And Sciences	1		2		3
School of Engineering			1		1
School of Engineering	1				1
School of English	1				1
School of Pharmacy		1			1
School of Psychology			1		1
School of Social Work			1		1
SEBS-Dept Marine & Coastal Sci			1		1
Student Center-Busch				1	1
University Correctional Health Care	1		1		2
Grand Total	13	1	22	1	37

CONCLUSION

OEE wants to provide information that is helpful to the University community. For more information, including definitions, resources, and a more detailed overview of the processes used to address sexual misconduct concerns involving faculty, staff, and third parties, please visit OEE's website or contact the OneSource Rutgers Faculty and Staff Service Center at 732-745-SERV (7378).

Finally, we welcome any feedback on how we might make this document more helpful or easier to understand. Please provide any comments to the Office of Employment Equity at employmentequity@hr.rutgers.edu or at 848-932-3973.