



Office of Employee Equity

Rutgers University's First Annual Report Regarding Investigations of Sexual Harassment and Sexual Misconduct Against Faculty, Staff and Third Parties For Complaints Initiated July 1, 2018 - June 30, 2019

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Introduction

In June 2018, the National Academies of Sciences, Engineering, and Medicine (NASEM) issued a report¹ setting forth the results of two years of research on sexual harassment experienced by women in university and college settings. It found widespread prevalence of sexual harassment, particularly in STEM fields. Rutgers has long taken the position that an environment that demeans women (or any marginalized group) is also an environment in which women have difficulty excelling. To that end, the University is firmly committed to “fostering an environment that is safe and secure and free from sexual and gender-based discrimination and harassment, sexual violence, dating and domestic violence, stalking and other related misconduct.”²

In keeping with that commitment, in the fall of 2018 President Barchi called for the creation of a University-wide Committee on Sexual Harassment Prevention and Culture Change. The committee, comprised of 45 faculty, staff, and students met over several months in six subcommittees to consider and propose recommendations on areas including consensual relationships, training for faculty and staff, and assessment of the effectiveness of our approaches. One of those subcommittees was specifically focused on the issue of transparency and sought to “make recommendations regarding ‘Transparency’ practices regarding sexual harassment at Rutgers that are informed by Big Ten and aspirant peer institutions but also place Rutgers in a leadership role on this issue.” One such recommendation was that the Office of Employment Equity (OEE) develop an annual report to be shared with the University community that provides aggregate data on harassment, discrimination, and sexual misconduct in employment contexts. This report is OEE’s first annual response to that recommendation.

Community awareness and engagement 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, and this annual report is intended to raise awareness and stimulate critical engagement in our community to advance our mission of creating a safe and harassment free environment.

The Policy

Rutgers has a variety of offices, policies, and procedures dedicated to dealing with, ameliorating the impact of, and seeking to prevent the sexual harassment of its students, faculty, and staff. Every new Rutgers employee receives sexual harassment training upon joining the University, and

¹ National Academies of Sciences, Engineering, and Medicine. 2018. *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. Washington, DC: The National Academies Press: [https:// doi.org/10.17226/24994](https://doi.org/10.17226/24994).

² Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties, 60.1.28.

continuing employees are required to refresh their training at regular intervals. In addition, various offices at the University provide or will arrange for small-group face-to-face sexual harassment training upon request.

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 are made to OEE under the [Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties](#) (“the Policy”). The Policy covers faculty and staff, as well as third parties such as interns, volunteers, vendors, contractors, and subcontractors. It prohibits a broad range of conduct and strives to protect the University community from assault, harassment and discrimination.

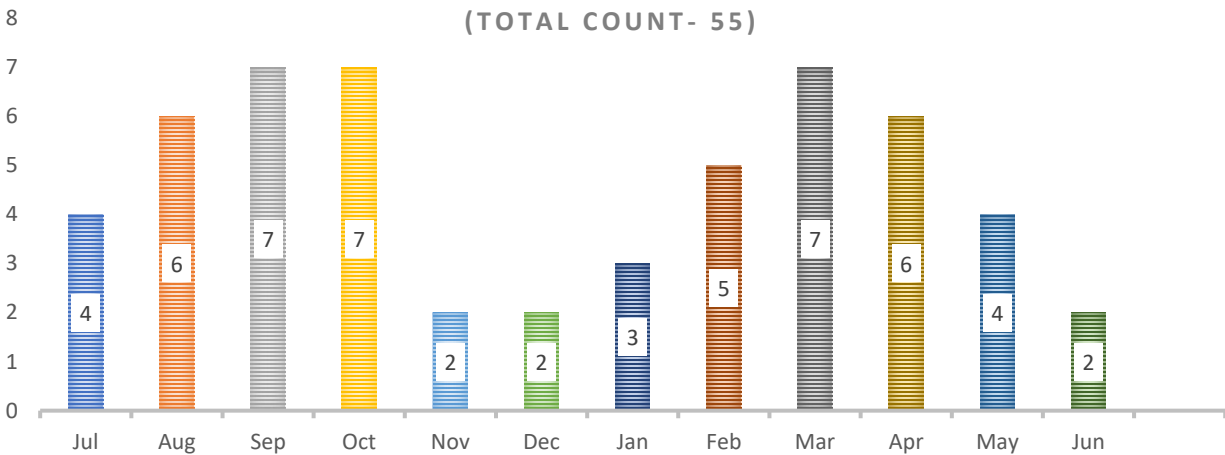
A report of sexual misconduct can be made by a person who has experienced, witnessed, heard about or otherwise has knowledge of possible sexual misconduct. There are a variety of ways to report concerns about sexual misconduct, including through the OneSource Rutgers Faculty and Staff Service Center,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

Notably, the 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. Retaliation is 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.

Investigations are conducted under the OEE [Complaint Procedure](#), 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 report below, OEE conducted 55 sexual misconduct investigations in FY 2019 (July 1, 2018 to June 30, 2019). Of those, 4 included or generated separate retaliation investigations.

**SEXUAL HARASSMENT CASES FILED WITH OEE
BY MONTH
FY2019
(TOTAL COUNT- 55)**



Informal Complaints

In addition to the 55 formal complaints described in the chart above, OEE also received 14 “informal” complaints pertaining to sexual misconduct in FY 2019. 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.

Survivor Support

Significant additional support for undergraduate and graduate students on all three geographical campuses of the University as well as Rutgers Biomedical and Health Sciences (RBHS) is provided by the Office for Violence Prevention and Victim Assistance (VPVA), under the appropriate Student Affairs office. VPVA provides crisis intervention, advocacy, and counseling to victims or survivors of sexual violence, domestic or dating violence, stalking, and sexual harassment. The campus counseling centers and health centers are also significant sources of support.

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.

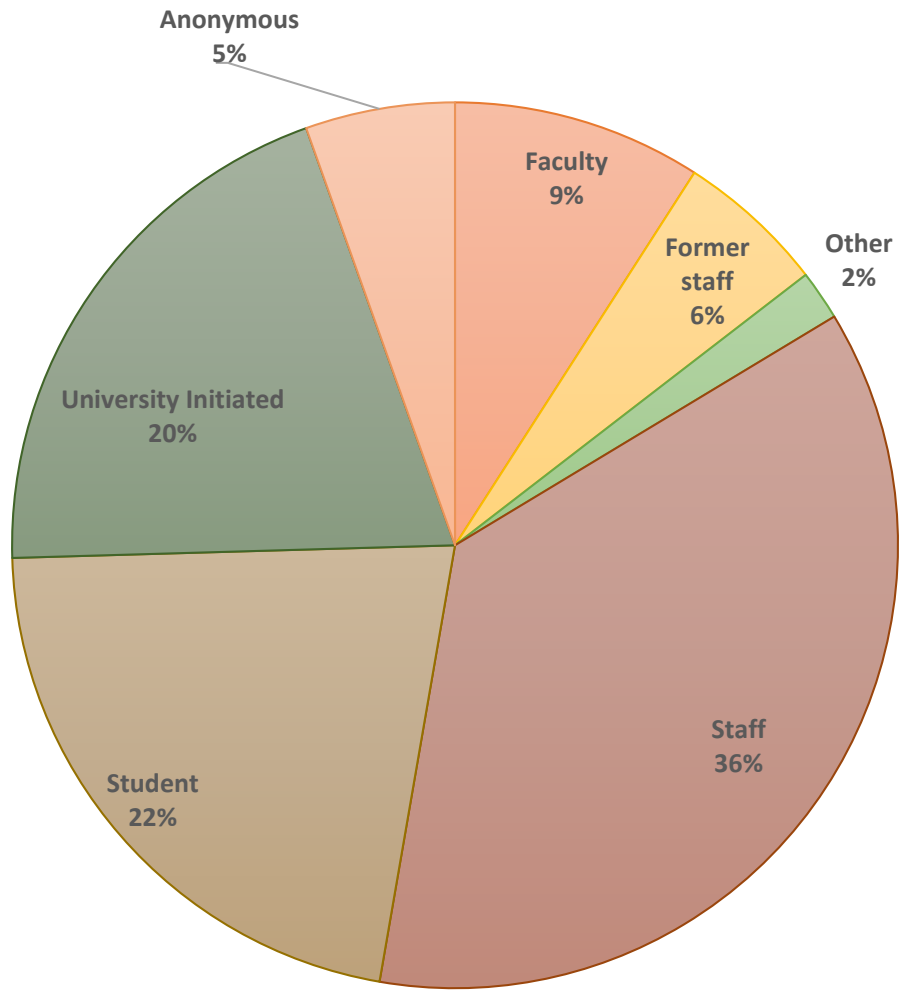
Guide to this Report

This report includes statistical summaries of the complaints brought forward within this reporting period (July 1, 2018 and June 30, 2019). It comprises information about 55 investigations of sexual misconduct.

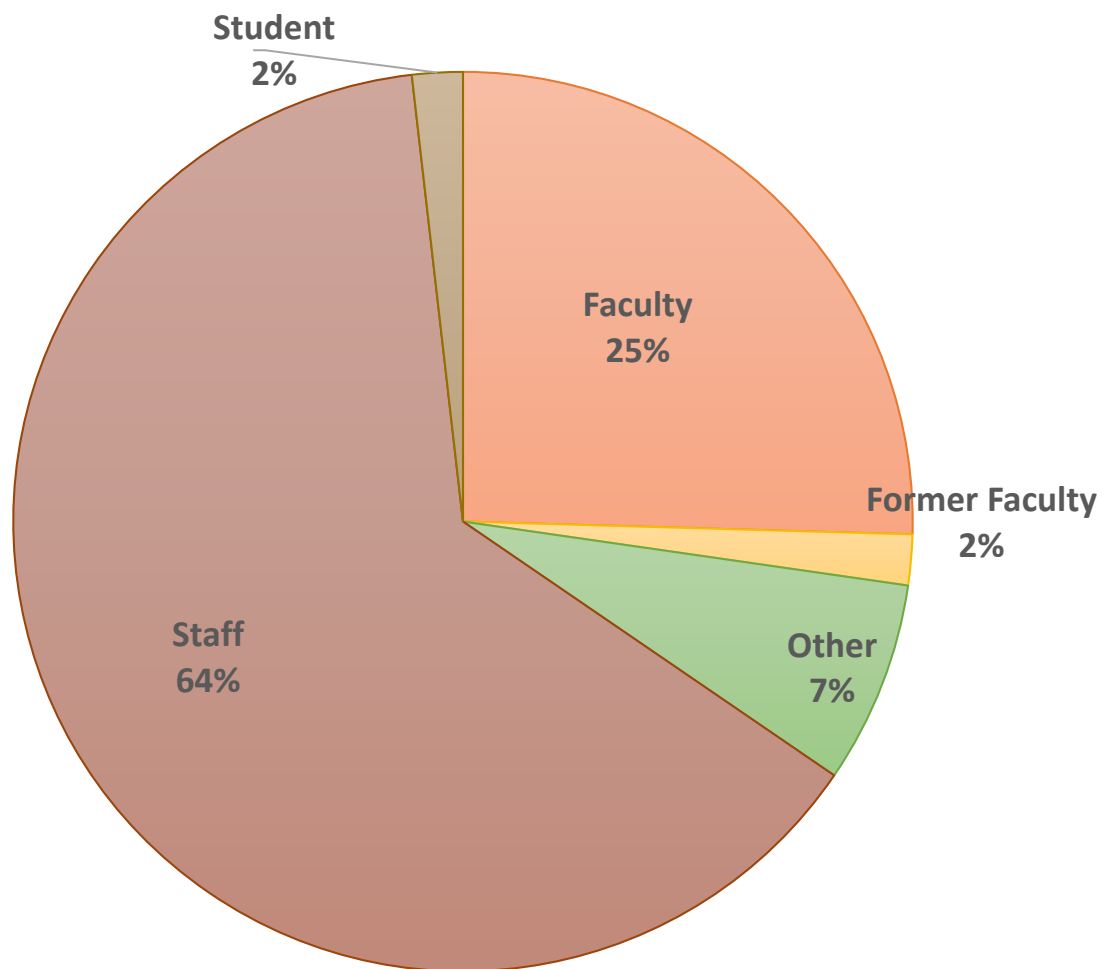
These statistical summaries present the number of complaints investigated, complainant classification (faculty, staff, student, university initiated,³ etc.), respondent affiliation (faculty, staff, third party, etc.), and the number of investigations where OEE determined that the respondent violated the Policy.

³ The University at times investigates allegations of prohibited conduct in appropriate circumstances, at the discretion of the Director of the 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.”

Complainants by University Affiliation

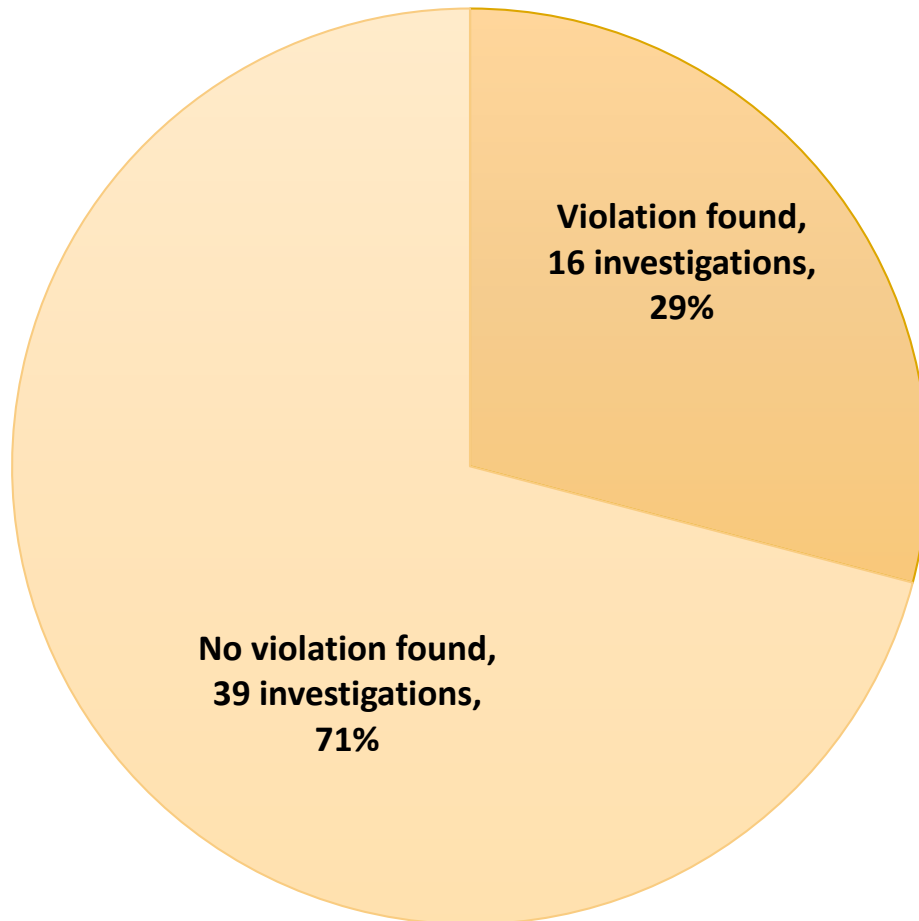


Respondents by University Affiliation



In total fourteen faculty members were investigated under the Policy during the 2018-19 academic year as well as thirty-six staff members.

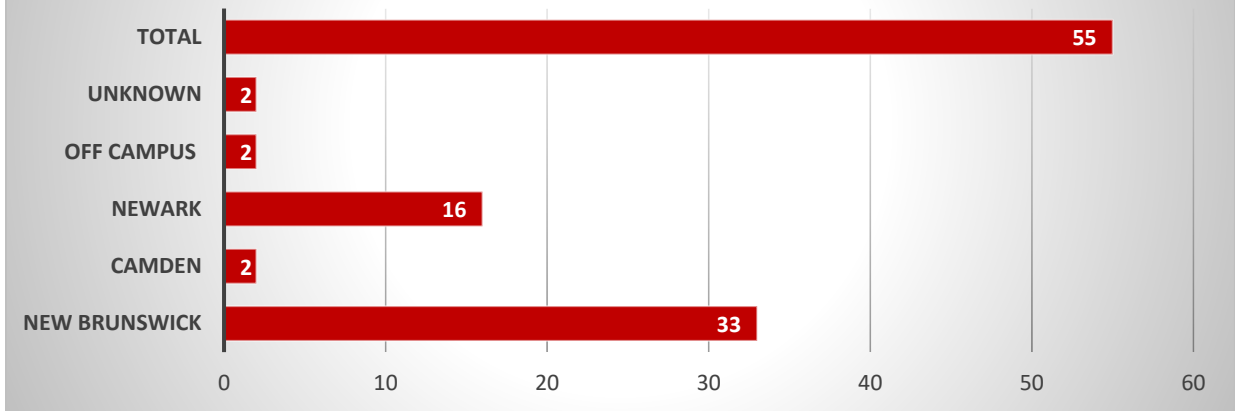
Rates of Violations



Of the sixteen matters where OEE determined a violation occurred, three pertained to faculty respondents and twelve pertained to staff. One individual was a third party who had an affiliation with Rutgers.

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 and then Camden.

Number of Investigations by Campus (based on location of complained of conduct)



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.

Department of Respondent	Faculty	Former Faculty	Other	Staff	Student Worker	Grand Total
Student Affairs				6		6
Athletics				2		2
Bloustein School of Planning and Public Policy	1					1
Community Services & Outreach-Camden				1		1
Office of Financial Aid				1		1
Express Newark				1		1
Housing & Residence Life – Newark			1			1
IPO-New Brunswick				10		10
IPO-Environmental Services-Newark				2		2
Mason Gross School of Arts	2					2
University Libraries				2		2
Not Known			2			2
Rutgers Business School	5				1	6
Rutgers Biomedical and Health Sciences	1			7		8
School of Arts and Sciences (SAS)	5			2		7
School of Law-Newark		1				1
School of Environmental and Biological Sciences				1		1
Veterans Affairs - Camden				1		1
TOTAL	14	1	3	36	1	55

While intended to be broadly informative, this report does have limitations. Because of privacy obligations, the report cannot fully convey the variety and complexity of circumstances associated with cases. Likewise, the report assigns complaints to the general category of “sexual misconduct”, a term that encompasses a broad spectrum of behavior ranging from a single inappropriate comment to sexual assault.

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.