

Diversity and Gender Policies at Kean University¹

Note: This text is written from the perspective of a Swiss scholar in residence in an American University, and it aims to inform European colleagues within a Swiss research group dealing with the question of “managing diversity and gender in universities”. The starting point of the Swiss research is the fact that in Swiss Higher education gender policy measures have been taken since a number of years, whereas only recently the question of diversity has been raised. However no concrete guidelines exist which indicate how to combine both dimensions. This text does not intend an exhaustive description, but wants to focus on policy measures and some particular points, especially, the categories used, and some practices, which might be “best practices”. It is interesting however, to confront European views to American views, and to state how much these views are a product of its history and of each national context.

1. About New Jersey and Kean University

Kean University is a public, middle size university with 15,000 students; it has an undergraduate school, a graduate school as well as doctorate programs. It is located in Union, New Jersey. NJ is a state of circa 8.5 million inhabitants, on the East coast and is part of the New York City/Union, Newark and Elizabeth metropolitan area, on the edge of residential areas and industrial areas.

New Jersey’s population (just about the same as Switzerland) is one of the most diverse in the USA, and NJ has a tradition of immigration and diversity, since one of the largest ports of entry to the USA is located nearby, the port of New York.

Kean University was founded in 1855 as a teachers college, with the aim to train teachers especially for the schools in Newark, counting large parts of immigrant children, which were, at that time, of Irish, German, Italian and other southern Europe origin

Thus, it is due to its location in NJ, that Kean University has traditionally a diverse student population, without doing special recruitment efforts. However, Kean University undertakes big efforts to respond to the specific educational needs of these populations and to ensure not only the *access* of minorities to higher education and to encourage them, but to ensure as well the *success* of their higher education. These efforts are part of the institutional culture of Kean University since the late 1960’s.

The student population is very diverse in regard to social and ethnic backgrounds, and so is the composition of the staff and faculty, although a bit less. Kean University has been ranked amongst the five schools with highest diversity amongst American Universities, as shown in this recent survey:”Forty-seven percent of the student population is non-white at this public

¹ This paper is largely based on the information found on the University’s website, observations and interviews with Charlie M. Williams, Director of the Office of Affirmative Action Programs, and Dr. Mark Lender, Provost of Kean University, and helpful discussions with colleagues which I all thank for their assistance.

school - ², 19 percent Black, 17 percent Latino, 6 percent Asian and 5 percent “other”. Also, around half of the students are among the first generation of their families to attend college. Kean University has strong career services for LGBT (Lesbian, Gay, Bisexual and Transgender) students, as well as for students with disabilities. The faculty is 25% non-white – 11 percent Black, 8 percent Latino, 6 percent Asian and 47 percent female“ (Frankel 2008).

The aim of the University is to go beyond the current situation and to reflect entirely the demographic composition of the population of New Jersey, as well in regard to the student’s, the staff’s and the faculty’s composition.

This actual diversity is reflected in the University’s strong emphasis on an overall diversity policy, as expressed by the *Kean University Mission statement*³:

Kean offers a wide range of demanding programs dedicated to excellence in instruction and academic support services necessary to assure its socially, linguistically, and culturally diverse students the means to reach their full potential, including students from academically disadvantaged backgrounds, students with special needs, and adults returning or entering higher education.

Kean is steadfast in its dedication to maintaining a student-centred educational environment in which diversity can flourish and an atmosphere in which mutual respect characterizes relations among the members of a pluralistic community. The University seeks to combine excellence with equity in providing opportunities for all students.

Kean University’s diversity policy has several components some of which are described hereafter: An affirmative action office, affirmative action programs including staff and faculty recruitment, programs to support specific educational needs of minority students, and activities reinforcing community for the students who study, work and live on campus.

2. Diversity, equal opportunities and affirmative action: statement and activities:

Kean University has an action plan which refers to several fundamental documents, a combination of Federal and State policies and legal dispositions, and the most important of them being:

- on the Federal level (USA), to the *Civil Rights Act*,
- on State level (New Jersey State) to the *New Jersey Policy Prohibiting Discrimination in the Workplace*
- on the level of Kean University, to the *Equal Opportunity and Affirmative Action Statement*

With the Civil Rights Act of 1964, a major federal law, discrimination in public areas became illegal and legal segregation prohibited; it provided equal employment opportunities. Title VII of the Civil Rights Act defines the grounds of discriminations⁴:

² Compared with 32 percent national average, (following the National Center for Education Statistics, quoted By Frankel 2008)

³ <http://www.kean.edu/universityoffices/missionstatment.htm>

⁴ Following quotations are taken from the Kean websites’ training program:
<http://training.newmedialearning.com/ped/keanuniv/> (10/05/2010)

(...) prohibiting employment discrimination in any personnel transactions because of race, color, national origin, religion or sex.

More precisely this means, concerning the following categories, for example:

Race: Identifiable or perceived, distinct classes of people (e.g. American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; or White).

Color: Lightness or darkness of skin

National Origin: An individual's or ancestors' birthplace; or an individual who retains the cultural characteristics and/or language of his or her ancestor

The *New Jersey Policy Prohibiting Discrimination in the Workplace*, a rather progressive policy compared to other States of the USA, emphasizes an impressive number of categories to be protected from discrimination:

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. (Revised August 20, 2007)

The initial document, issued in 1999, has been updated several times, new categories have constantly been added and have undergone numerous changes in the last few years. The categories are defined and precisely described in a document “Descriptions of Protected Categories” issued by the Department of Personnel of the NJ State (see Appendix 1).

The University, which follows the *New Jersey State Policy Prohibiting Discrimination in the Workplace*, puts the following statement on its website, taking over the same categories⁵:

Equal Opportunity and Affirmative Action Statement

Kean University is committed to establishing and maintaining a diverse campus community. Equal opportunity and diversity represent principles, which are integrally woven into the university's mission. The University is committed to providing equal opportunity in employment and education, as well as equity of conditions for employment and education, to all employees, students and applicants without regard **to 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**. Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

Also, special attention is dedicated to Disabilities, as indicated on the first page of the Office's website⁶:

⁵ <http://www.kean.edu/affirmativeaction.html>

⁶ <http://www.kean.edu/affirmativeaction.html>

The Americans with Disabilities Act (ADA)

Kean University is committed to ensuring equal opportunity and access to all members of the campus community in accordance with Section 503/504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The university prohibits discrimination against any student, employee, or applicant on the basis of physical or mental disability, or perceived disability. Kean University will provide reasonable and appropriate accommodations to enable employees and students to participate in the life of the campus community. Individuals with disabilities are responsible for reporting and supplying documentation verifying their disability.

The above mentioned legal instruments and statements provide a common frame for dealing with questions of diversity, which include as well gender and in particular women's issues under the general umbrella of action against discrimination.

3. The Office of Affirmative Action

An important part of the action plan is the Office of Affirmative Action, headed by full time employed director, Charlie Williams. The office is foremost in charge of the follow-up of complaints concerning reported discrimination incidents. It also leads prevention activities such as monitoring employment procedures, information and training courses for staff and faculty, as well as general activities on campus; however the office is not in charge of the students' support policies, which are carried out by special programs.

Complaints

Complaints are taken into account if an employee of the University is involved, i.e. for a conflict either between employees or between employees and students. For conflict between a student and a student, the Student's Affairs Division is in charge. For the complaints, the offices' intervention aims either to prevent from going to legal complaint by mediation, interviews with the different persons involved and documentation; it also redirects to other services, such as legal services for legal complaints, to hand over the file to other services such as a social service.

The complaints are addressed to a State office, and it is interesting to have a look at the *Discrimination Complaint Processing Form* issued by the State of New Jersey, (Division of Equal Employment Opportunity and Affirmative Action, see Appendix 2). Indeed, the complaint form indicates, under number 9, as basis for discrimination, 20 different categories which can be checked, related to the statement mentioned above, including an additional basis for discrimination: "retaliation for having filed a discrimination complaint, participating in a complaint investigation, or for opposing a discriminatory practice".

The complaints are monitored on a state level, as far as they are charged. Following the EEOC federal enforcement charges statistics, it seems that the biggest part of complaints concern the categories of race (around 36-37%) and sex (including sexual harassment) (30%); a growing number is linked to nationality (11-12%)⁷. The Kean University's charge statistics by these categories look similar. As for distinctions referring to ethnic or racial identification, the category mentioned might be Black, Spanish, eventually also White. However, the reality

⁷ www.eeoc.gov/statistics/enforcement/charges.cfm (10/05/2010)

is often more complex as the categories can be mixed or multiple. As underlines Charlie Williams, «you can be Spanish or Latino of African descent ».

Outreach activities

The outreach is going to staff, faculty etc, for example each time when new categories of discrimination are introduced, and instruction has to be given, how they are to be handled. Courses are offered, and new on-line courses of *Anti-Discrimination* and *Anti-Harassment Training*⁸ have been developed, such as *Preventing Employment discrimination*⁹ and *Preventing Sexual Harassment*¹⁰.

Concerning the employment search and selection process, guidelines have been issued by the Office. For example, these guidelines state that questions which are not job-related should be avoided, such as questions about spouse, family members or relatives, about national origin or ethnic background or about gender or which are gender-referenced (See “Prohibited questions in the Hiring process”, Appendix 3).

Also, several awareness activities take place on the campus; such as Anti-Discrimination or Anti-Harassment trainings of staff: it seems however important that such programs are integrated or establishes links with other activities and become multilayered activities.

4. Diversity policy

A number of programs exist in Kean University which address the special need of vulnerable or minority groups. This section intends to present briefly some of the programs which are for a part, based on state laws, and for others, Kean University’s initiatives.

Spanish speaking program (SSP)

This program, existing since twenty five years, allows Spanish speaking students to take their courses during the first two years in Spanish language and simultaneously improve their English during this time.

The program “does recruitment, assists students through the admission process, and monitors their progress to ensure retention and graduation” (Annual report 2008: 1). The aim of the program is to “achieve integration of its students into mainstream academic and general community” (idem), and assure a “smooth transition” into mainstream society.

Approx. 500 students enrol in the courses of the SSP, and much larger numbers – several hundreds - are advised by the advisors of the program.

The estimated number of Hispanic, Spanish speaking students is around 20% of Kean’s students, which means that only part of them participate in this special program. But it is expected to be a growing number, and in 2020 they could easily be 30 % of the students at Kean University, according to Dr. Lender’s estimation.

⁸ <http://www.kean.edu/affirmativeaction.html>

⁹ <http://training.newmedialearning.com/ped/keanuniv/>

¹⁰ <http://training.newmedialearning.com/psh/keanuniv/>

Exceptional educational opportunities program (EEO)

This is a program created by New Jersey State authorities as Educational Opportunity Fund, legally based, and is implemented in Kean University. It aims to provide educational opportunities for students who come from groups of economically discriminated background. It partly reflects the states minorities, and students from first generation in higher education, but is of course not limited to them. The program links financial aid with educational support activities such as: summer programs, and advisors throughout the year.

Following the annual report 2007-2008, in 2008, over 900 students applied for the summer program, and over 200 attended the summer program and/or academic year.

Entry Program into College (EPIC)

EPIC is a program for adults age 25 and older, and offers the opportunity to return to school and study after a having been away from formal education for at least five years, after dropping out of study by working, caring for children or other occupations. The students can do part-time work and part-time studies. As it is not easy to come back to study with children, the program offers tutoring, counseling service, financial aid, scholarships and day-care opportunities for the children of these students. Amongst the students of this program many are from minority backgrounds and first-generation in higher education.

Veterans program

Veterans of the US Army form also a specific target group. The integration of veterans after leaving the army - sometimes starting school just some weeks after ending combat – aims to help them to reintegrate and readjust to society as well as to school. The veterans – mostly men, but also some women – can apply for specific scholarships, or for mentoring programs. The veterans also have their own student club

McNair Program for bringing minorities and women into science and technology

A special post-BA program, federally founded, aims to prepare students from minority backgrounds and women to enter science and technology majors, and especially to train teachers in these fields, - and as they are really needed, they are pretty sure to find work once graduated.

The McNair programs' mission is to "promote academic excellence by preparing low-income, first generation, and traditionally underrepresented students at Kean University for doctoral studies through faculty mentorship, scholarly research, and support services".¹¹

The Center for Academic success (CAS)

The CAS has been founded to meet the needs for the BA students, and to help them to succeed in their studies by offering tutorial services by students and by professors, peer counselling, career services and advisement. The *passport program* offers to students “who

¹¹ <http://www.kean.edu/~mcnair/>

demonstrate the determination and ability to succeed with the opportunity to begin college, although they might not fully meet traditional admission criteria to do so”.¹²

Curriculum

Diversity issues are also addressed in the curriculum, and can be found as overall topics, or in specific programs such as a Women’s studies program, Asian studies, African studies, Latin American studies and Jewish studies. As for a teacher this part of “diversity” and pluralism is of course the most important to us. Not only because students need to be able to see themselves in the curriculum and identify with what they are being taught, but also in order to handle with multiple perspectives on the reality. In this paper however, as well as in the research conducted in Switzerland, we are limited to focus on diversity policy and management in a stricter sense. But it has to be emphasized that diversity in the curriculum should be part of every diversity policy.

Other equipment and facilities

Diversity is also a matter of access to buildings, pathways through the campus etc. All new buildings are equipped with facilities for disability-access, including restrooms. The new buildings are equipped with more restrooms for women than for men.

The campus has day care centers where parents - staff, faculty or students – can bring their children.

In addition to these programs it has to be mentioned, that the schedules of teaching allow part time and working students to work and to attend the courses in evenings or weekends: indeed, the schedule of class varies from day time classes to late afternoon (4:30pm to 7pm) and evening classes (7:30 to 10 pm) and includes also weekend classes on Saturdays and Sunday morning. The library is open until late at night (10 pm, 12pm or even 2am)

Informal programs/activities

There are several community based student organizations, such as Hispanic, Asian, Afro-American or Jewish students clubs, as well as the Veterans’ club. They are independent clubs, but they can apply for funding from the University. These clubs all contribute to the sense of identity and help the students in the process of maintaining identity as well as of integrating into society as a whole.

Also, many activities are organized by and for the students; it would be too long to enter into details here. I want just to mention a meeting which I had the chance to attend, the meeting called “*Conversation on Civility and Acceptance*”, organised in order to deal with the tragedy of a student of Rutgers University, who committed suicide after having been bullied as gay by a fellow student. The meeting started with some short statements, and was followed by a moment of safe space which allowed two dozen students and staff members to speak out about experiences of having been bullied, watching bullying or even committing it. It is obvious that these kinds of initiatives contribute a lot to a culture of respect and to community building on the campus.

¹² <http://www.kean.edu/~cas>

5. The conceptual framework: affirmative action and diversity

In the USA, the concept of *affirmative action* is mainly used in the field of discrimination in the workplace, in order to ensure equal opportunities in employment and combat discrimination during recruitment process. In this sense, affirmative action includes a dimension of “positive action”, as it prevents legal complaints or procedures.

A more narrow focus has been discussed under the concept of *positive discrimination*, which means to favor certain categories of persons, in the US context mainly the category of race or gender, and even create quotas. Even if applied with a positive intention, this is in reality nevertheless a discrimination which constitutes inequality of treatment and is prohibited by law. Positive discrimination has been considered with rather negative connotation lately; so today affirmative action is not to be understood as positive discrimination, but, in the contrary, its’ primary purpose is to combat existing discriminations, and to prevent that these occur.

The definition of categories and the question of classification

Also, as shows the debate about classification and data collection, categories are extremely difficult to define and to delimitate empirically, except the category of gender and classifications have always to be seen in their particular national and historical context (Simon 2005). Thus, only in a strongly racialised society - as it was the case for the US when the Civil Rights Act was passed in 1964 - racial categories could take such an important place in public debate.

It is indeed interesting to observe the difference on which category the focus has come up in here the USA, or more precisely, in the State of New Jersey, and in Switzerland. In New Jersey, the question of race has been a major issue, since many Afro-Americans as soon as liberated from slavery, settled in the North, on the East coast; although Slavery had ended, this meant by no means the end of a long story of legal and social discriminations. Thus it appears obvious, that the question of race and ethnicity became a major issue, and that anti-discriminatory measures in this field have been adopted since 1964. Although the gender issues have been largely debated, the protection of women has been integrated in these measures, without as important separate instruments as this is the case in most parts of Western Europe. On the opposite, in Switzerland, women’s discrimination, be it legal or social has been an issue pointed out much earlier than racism and ethnic discrimination. Indeed let’s not forget that women had no right to vote and no right to be elected on the level of the Swiss Confederation until 1971 and the need to address gender issues had become socially accepted. The consequence is, that the focus on legal and institutional measures was raised for twenty or thirty years, when Switzerland started, only since the mid nineties to think of combating racism and ethnic discrimination, since this country adopted the Convention against racism only in 1994. Indeed, as Switzerland had no colonies, stayed beside as a neutral country in WWII, it had the self-representation of a country where racism was not seen as an issue. Only slowly, during the 1990’s the question of racism and discrimination of migrants, of local minorities such as the Gypsies and Roma, or of more recent groups such as Muslims or Black Africans has been addressed.

Affirmation action and diversity policy

The question is to be asked, if affirmative action, or more generally, anti-discrimination measures are complementary or competitive to the concept of *diversity and diversity policy* and measures, and how they are linked to each another. In an article entitled “Diversity versus affirmative action? Charlie M. Williams asks exactly this question, by pointing out that «affirmative action as means for achieving diversity has been the motivating force in the development and implementation of related policies, practices and initiatives » (2008, 3). Nevertheless, diversity and affirmative action have to be distinguished, and should be used with commonly agreed definitions, because in practice, says Williams, the two concepts mean different things to different people, and «perhaps the divergent methods used by executives, managers and practitioners in their advocacy (...) promulgate confusion and inconsistency » (2008, 3).

But perhaps should we conclude with Patrick Simon, that «the first result of anti-discrimination policy, and particularly of monitoring, is to enforce awareness of unequal treatment and its structural nature » (2005, 23). The affirmative action programs of Kean University are indeed one of the dimensions of an all over diversity policy, which includes information, everyday practices, initiatives, course contents, and a certain atmosphere on campus.

6. Discussion and conclusions

In fact, a number of things happen in the University, because of the general culture and spirit of welcoming diversity and social justice on the campus, and also due to the strong commitment of Kean University’s President.

The above mentioned programs and legal instruments provide the common frame for dealing with questions of diversity, hence including under the same umbrella gender and women’s issues. Seen from a European, or more precisely Swiss perspective, this seems amazing, because in the last two decades policies relating to gender issues have been taken into account in Swiss higher education institutions, contrary to racism and ethnic issues, and, much earlier than other diversity issues, which have not (yet) been really dealt with. It is clear that these differences of targets are obviously linked to each specific historical context, as is shown above.

When looking at policies, we know that there is always a gap between the declared policy and the concrete reality. This paper did not aim at any form of assessment; it only intends to describe the policies, which by themselves are far beyond of what we know in Swiss Institutions of Higher Education. However, some critical reflections can be added

- It is interesting to note, that despite of the variety of categories that are addressed in the measures and programs, class dimensions are not explicitly taken into account. The concept of first-generation students addresses it implicitly, but as an ongoing major social justice issue, it has not yet found a language of visibility.
- In some of the programs, the goals, although favoring social justice, could be seen as assimilationists, such as the SSP programs whose aim is to “achieve integration of the students into mainstream academic and general community” and to assure a “smooth transition” into mainstream society. One can discuss if and how maintaining a cultural

specificity can be combined with economic and social integration in mainstream society. But within a perspective of diversity policy, it cannot be meant that access to higher education requires assimilation in the sense of giving up specific cultural patterns and identities. But to make more precise comments, this issue would need closer investigation.

- As I am located in the Human rights institute during my stay at Kean University, I wondered if the Institute could play a role and reinforce these initiatives. It seemed to me that some expectations in that regard exist on the campus.
- Critics and possible gaps between reality and declared policy can be heard in discussion with colleagues. Of course, as wonderful as they look for an outsider coming from a context where few policies of the kind exist, their outcome and positive or less positive effects could not be studied. Therefore the question of monitoring is a crucial question, which I will try to address later on, knowing, that the effects of such policies are to be assessed on a long term basis.
- I would like to end with a personal impression: As far as it is possible for me to form an opinion just after some weeks on this campus, I would agree with Charlie M. Williams, when he says: « Kean University moves to be a great place in matters of diversity; and in some sense it is already a great place ».

December 2010, Union, NJ

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Appendix

Appendix 1: *Descriptions of Protected Categories* issued by the Department of Personnel of the NJ State.

Appendix 2: *Discrimination Complaint Processing Form* issued by the State of New Jersey.

Appendix 3: *Prohibited questions in the Hiring process*.

Descriptions of Protected Categories

Affectional or Sexual Orientation¹: Male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, having a history thereof, or being perceived, presumed or identified by others as having such an orientation.

Age: A NJ employer may not discriminate, based on age, against an individual between the ages of 18 and 70. However, there are specific exceptions under the law. Employers may refuse to hire someone over 40, and they may terminate someone over 40, based on their age, in specific statutory and/or contractual circumstances involving: judges, police and fire employees, and higher education contract employees.

Ancestry: A racial, religious, ethnic or national heritage.

Atypical Hereditary Cellular or Blood Trait¹: The sickle cell trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic fibrosis trait.

Color: The pigmentation or tone of an individual's skin.

Creed: A statement or system of beliefs, principles, practices or opinions, including non-belief.

Disability: ¹Physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS OR HIV infection.

²A person is considered to have an intellectual disability when: (1) the person's intellectual functioning level (IQ) is below 70-75; (2) the person has significant limitations in adaptive skill areas (e.g. basic life skills) as expressed in conceptual, social, and practical adaptive skills; and (3) the disability originated before the age of 18.

¹ NJ Law Against Discrimination, (N.J.S.A. 10:5-5)

² Equal Employment Opportunity Commission, Q & A About Persons with Intellectual Disabilities in the Workplace.

Domestic Partnership Status¹: Two persons of the same sex, or over the age of 62 and not of the same sex, who have registered as domestic partners pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4). Both persons must have a common residence and are otherwise jointly responsible for each other's common welfare as evidenced by joint financial arrangements or joint ownership of real or personal property.

Familial Status¹: Being the natural, adoptive, or resource family parent of a child; having a "parent and child relationship" with a child as defined by State law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child; any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Gender Expression: The ways in which people externally communicate their gender identity to others through behavior, clothing, hair cut, voice and emphasizing, de-emphasizing, or changing their bodies' characteristics.

Gender Identity: The masculine or feminine classification of sex/gender that an individual believes him/herself to be or elects to present him/herself as; an individual's innermost concept of self as male or female-what one perceives and calls oneself.

Genetic Information¹: Information about genes, gene products or inherited characteristics that may derive from an individual or family member. The information is usually derived through a test which is used to determine the presence or absence of an inherited genetic characteristic in an individual.

Liability for Service in the Armed Forces of the United States¹: Subject to being ordered as an individual or member of an organized unit into active service in the Armed Forces of the United States by reason of membership in the National Guard, naval militia or a reserve component of the Armed Forces of the United States, or subject to being inducted into such armed forces through a system of national selective service.

Marital Status: An individual's status relating to marriage, e.g. married, divorced or single.

Nationality: The status of belonging to a particular nation by origin, birth or naturalization.

National Origin: ²An individual's or his or her ancestors' place of origin or having the physical, cultural or linguistic characteristics of a national origin group.

¹ NJ Law Against Discrimination (N.J.S.A. 10:5-5)

Race/Ethnicity: Race includes: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; White. Ethnicity includes: Hispanic or Latino; or Not Hispanic or Latino.

Religion: ²A personal set or institutionalized system of faithful devotion to an acknowledged ultimate reality or deity; includes attitudes, practices, and moral or ethical beliefs as to what is right and wrong, which are sincerely held with the strength of traditional religious views.

Retaliation or Reprisal: Adverse action taken against a person for filing a discrimination/harassment complaint, participating in a complaint investigation, or opposing a discriminatory practice.

Sex/Gender: Masculine or feminine classification.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that results in a change in the terms and conditions of employment.

²Title VII of the Civil Rights Act of 1964

Annexe 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="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="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="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)
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10a. Explain why you feel you have been discriminated against: _____ <div style="text-align: right;"><input type="checkbox"/> CHECK IF ADDITIONAL SHEETS ARE ATTACHED</div>					
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					
Note: 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.					
DO NOT WRITE BELOW THIS LINE					
EEO/AA Officer Signature: _____		Date Received: _____			

Prohibited Questions in the Hiring Process

Annexe 3

ITEM	PROHIBITED INFORMATION	LAWFUL INFORMATION
AGE	Federal law prohibits discrimination on the basis of age over 40. NJ provides additional protection starting at age 18. For example, inquiries about an applicant's age or date of high school/college graduation.	Applicants can be asked if they meet minimum or maximum age requirements for bona fide occupational qualifications, such as for police officers or firefighters.
ALCOHOL OR DRUG ADDICTION	Alcoholism is a covered disability under the ADA and the NJLAD. Former drug addiction is a covered disability under the NJLAD.	Current narcotics users are not protected because they are breaking the law.
ARREST RECORD	No inquiries relating to arrest can be made.	
CITIZENSHIP	It is illegal to discriminate on the basis of citizenship status or basis of work authorization.	Issues pertaining to work authorization are processed through the Office of Human Resources after an offer has been made.
CREDIT RATING	Inquiries relating to credit history or credit rating that do not relate to the position.	
DISABILITIES	Disability-related questions should not be asked during the pre-offer stage.	Questions about an applicant's ability to perform specific job functions can be considered.
HEIGHT OR WEIGHT	Information about weight cannot be asked or considered when not related to the job. Obesity is protected under the NJLAD.	Height or weight requirements necessary for the job may be considered.
MARITAL AND FAMILY STATUS	NJ Law prohibits discrimination based on marital status or family responsibilities. Inquiries about childcare, number of children, pregnancy, support orders, etc. are prohibited.	
MEMBERSHIP IN ORGANIZATIONS	Inquiries about membership in organizations that reflect religion, national origin, race, sex or age are prohibited.	
MILITARY SERVICE	The <i>Uniformed Services Employment and Reemployment Act</i> protects against discrimination on the basis of military service. The NJLAD protects against discrimination based upon service in the armed services of the United States.	Inquiries regarding the type of experience or education in the military as it relates to the position may be considered.
NAME	Inquiries to determine national origin, ancestry or prior marital status cannot be made.	
PERSONAL APPEARANCE	Avoid questions about an applicant's appearance or making unnecessary comments on personal appearance, i.e., a style of clothing could be unique to certain ethnic groups.	Guidelines can be provided for dress code requirements that serve a reasonable business purpose.
POLITICAL AFFILIATION	Questions regarding an applicant's past or present political affiliation or lack of political affiliation cannot be asked.	
RACE OR COLOR	Considerations regarding an applicant's complexion or color of skin cannot be made.	
SEX	Sex (gender) of an applicant cannot be asked if not a bona fide occupational qualification.	Sex of applicant may be asked where it is a bona fide occupational qualification, i.e., an actor or an actress.

Revised 12/07

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