



Cal State L.A.

Administrative Procedure

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Subject: COMPLAINT PROCEDURE FOR DISCRIMINATION, HARASSMENT AND RETALIATION COMPLAINTS
FOR EMPLOYEES NOT ELIGIBLE TO FILE A COMPLAINT OR GRIEVANCE UNDER A COLLECTIVE BARGAINING AGREEMENT OR WHOSE COLLECTIVE BARGAINING AGREEMENT INCORPORATES THE CSU SYSTEMWIDE COMPLAINT PROCEDURE

1.0. PURPOSE:

To establish the policy and procedures, for the equitable and prompt response to any allegations of discrimination, harassment, or retaliation made by an employee, as defined in Section 5.1., who is not eligible to file a discrimination, harassment or retaliation complaint or grievance under a collective bargaining agreement or whose collective bargaining agreement incorporates the CSU systemwide complaint procedure for such purposes.

2.0. ORGANIZATIONS AFFECTED:

All organizational units of the University, excluding Auxiliary organizations*.

3.0. REFERENCES:

3.1. Office of the Chancellor Procedure, Number 928.

4.0. POLICY:

4.1. This procedure provides employees the opportunity to file complaints alleging they were either discriminated against or harassed on the basis of a protected status or they were retaliated against for raising a discrimination/harassment claim, filing a discrimination/harassment complaint or participating in a discrimination/harassment investigation.

4.1.1. This procedure is available only to employees who are not eligible to file a discrimination, harassment or retaliation complaint or grievance under a collective bargaining agreement, and employees in bargaining units whose collective bargaining agreements have incorporated the CSU systemwide complaint procedure for such purposes.

*Auxiliary organizations are governed by their own internal nondiscrimination/sexual harassment policies and procedures.

Approved:

Date:

- 4.2. Should discrimination, harassment or retaliation be found to exist in any employment action within the CSU, all appropriate measures shall be taken to prevent recurrence and to remedy any effects on the claimant/complainant and others, if appropriate. Furthermore, should findings be made of discrimination, harassment or retaliation on the part of any CSU employee, appropriate action, including possible disciplinary action against the perpetrator, shall be taken under the direction of the president.
- 4.3. In order to use this procedure a CSU employee must assert:
 - 4.3.1. A violation of CSU's systemwide policies against discrimination, harassment or retaliation; and
 - 4.3.2. The specific harm resulting from the alleged violation.

5.0. DEFINITIONS:

- 5.1. Employee - includes any full- or part-time CSU employee, whether permanent, tenured, probationary, temporary, intermittent, casual employment, or Management Personnel Plan employee.
- 5.2. Claimant - refers to an employee who has made a discrimination, harassment or retaliation claim under Section 6.1. of this procedure.
- 5.3. Complainant - refers to an employee who is eligible to file, and has filed, a written formal discrimination, harassment or retaliation complaint under Section 6.2. of this procedure.
- 5.4. Complaint - refers to a written formal allegation filed by a complainant under Section 6.2. of this procedure.
- 5.5. Representative - refers to a union representative from the claimant or complainant's collective bargaining unit, or another individual who may serve as a representative of an employee entitled to such representation under the provisions of this procedure.
- 5.6. The terms "Respond" and "File" refer to personal delivery or deposit in the U.S. Mail, certified with return receipt requested. If personal delivery is used, the calendar date of delivery shall establish the date of response or filing. If certified mail delivery is used, the postmark shall establish the date of response or filing.
- 5.7. Campus Administrator – Individual responsible for administering CSU policies on nondiscrimination, anti-harassment and non-retaliation. The president's designee for the university is the Director, Human Resources Management.

- 5.8. Investigator – May be the campus administrator or someone else designated by the president, provided that he/she shall be an MPP employee or an external consultant, who is not within the administrative control or authority of the person alleged to have discriminated, harassed or retaliated, and was not involved in the investigation at the lower level(s), if any.

6.0. RESPONSIBILITIES:

6.1. Informal Level (optional)

6.1.1. An employee (claimant):

6.1.1.1. May seek to meet with the campus administrator responsible for administering CSU nondiscrimination, anti-harassment and non-retaliation policies, or a campus administrator designated by the president to determine the nature of any discrimination/harassment/retaliation claim and to explore a resolution of the claim, prior to or instead of filing a written Level I formal complaint as described in Section 6.2. Such claimant must be given information on how to file a formal complaint during this meeting.

6.1.1.2. Should request this meeting no later than twenty (20) days after the event giving rise to the claim or no later than twenty (20) days after the claimant knew or reasonably should have known of the event giving rise to the claim. The claimant and campus administrator should meet as soon thereafter as possible, but no later than fourteen (14) days after the claimant has requested the meeting.

6.1.1.3. May have a representative present during the discussion of the claim with the campus administrator.

6.1.2. The campus administrator:

6.1.2.1. Shall, whenever possible, attempt to resolve the claim at the Informal Level. A resolution at the Informal Level shall be documented.

6.1.2.2. May decide an informal resolution is inappropriate and/or that the circumstances described by the claimant warrant investigation.

- 6.1.2.3. Should invite the claimant to file a formal written complaint pursuant to Section 6.2. of this procedure if the campus administrator concludes that an investigation is warranted.

If the claimant decides to file a formal written complaint, the investigation shall be conducted pursuant to Sections 6.2. and 6.5. of this procedure.

If the campus administrator concludes that an investigation is warranted but the claimant declines to file a formal written complaint at this time, the investigation shall nevertheless be conducted.

- 6.1.2.4. Shall respond to the claimant no later than sixty (60) days after the meeting pursuant to Sections 6.1.1.1. and 6.1.1.2. is held, unless an extension of the timeline has been obtained pursuant to Section 6.5.6. of this procedure.

Generally, the response should include a summary of the allegations, a description of the investigative process, the standard used to determine whether a violation of policy occurred, the evidence considered and a determination of whether the allegations were substantiated.

The response shall inform the claimant of his/her option for filing a written formal complaint under Section 6.2. of this procedure, if he/she disagrees with the finding of the investigation, and the timeline for doing so.

- 6.1.3. The campus shall have in place a procedure for investigating discrimination, harassment and retaliation claims described in Section 6.1.2.3. The procedure is to be consistent with Section 6.5. of this procedure.

6.2. Level I - Formal

- 6.2.1. An employee may enter the Formal Level procedure in one of three ways:

- 6.2.1.1. By filing a written formal complaint that was not preceded by an Informal Level investigation;

- 6.2.1.2. By filing a written formal complaint at the invitation of the campus administrator who, having discussed the allegations with the employee at the Informal Level, determined that an investigation is warranted; or

- 6.2.1.3. In response to the results of an Informal Level investigation with which the employee disagrees. In the first two instances, an

employee may file a written Formal Level I complaint with the president no later than:

- Thirty (30) days after the event giving rise to the complaint; or
- Thirty (30) days after the employee knew or reasonably should have known of the event giving rise to the complaint. In the third instance, an employee may file a written Formal Level I complaint with the president no later than ten (10) days after the Informal Level response.

6.2.1.4. If the employee chooses to file a written formal complaint, he/she shall either complete the complaint form provided by the CSU (Appendix 8.1. or 8.2. as applicable) or submit a signed statement containing all of the information below:

- The terms of the CSU systemwide policies against discrimination, harassment or retaliation alleged to have been violated and, if applicable, the reasons why the investigation conducted under the Informal Level procedure did not resolve the issue.
- The specific harm resulting from the violation.
- A detailed description of the factual events giving rise to the complaint.
- The complainant's name, address, home and work phone numbers, job title, and classification.
- The name, address and telephone number of the representative, if any.
- The date the complaint was filed.
- The complainant's signature.

6.2.2. The campus administrator shall:

6.2.2.1. Evaluate the allegations contained in the complaint to determine whether an investigation is warranted, if not done so previously.

6.2.2.2. Shall respond to the complainant in a timely manner, explaining why no investigation is conducted, if one is deemed not warranted.

- 6.2.3. If an investigation is deemed warranted, the investigator shall hold a meeting with the complainant and the complainant's representative, if any, at a mutually acceptable time and location.
 - 6.2.4. The complainant shall inform the investigator of all issues and evidence known, or which could reasonably be known, to the complainant that are related to the complaint. If an investigation had been conducted at the Informal Level, the complainant shall discuss the complainant's specific disagreements with such findings and the relevant reasons and evidence. The complainant may present no additional issues after Level I.
 - 6.2.5. The investigator shall carefully review the issues raised by the complainant and conduct an investigation pursuant to Sections 6.2. and 6.5. of this procedure. Where an Informal Level investigation had already been conducted, the Level I investigation should be limited in scope to the complainant's specific disagreements with the findings at the Informal Level.
 - 6.2.6. The campus administrator shall respond to the complainant no later than sixty (60) days after the Level I filing, unless an extension of the timeline has been obtained pursuant to Section 6.5.6. of this procedure.
 - 6.2.7. Generally, the Level I response should include a summary of the allegations, a description of the investigative process, the standard used to determine whether a violation of policy occurred, the evidence considered and a determination of whether the allegations were substantiated.
- 6.3. Level II - Formal
- 6.3.1. The complainant may file a Level II complaint with the Office of the Chancellor no later than ten (10) days after the Level I response if the complainant is not satisfied with the outcome at Level I.
 - 6.3.1.1. The request for a Level II review shall be in writing and shall detail the specific disagreements with the Level I response.
 - 6.3.2. The investigator shall:
 - 6.3.2.1. Meet with the complainant to discuss the complainant's disagreements with the Level I response.
 - 6.3.2.2. Carefully review the issues raised by the complainant and conduct an investigation pursuant to Sections 6.3. and 6.5. of this procedure. The investigation should be limited in scope to the complainant's specific disagreements with the findings at Level I.

- 6.3.3. The University shall respond to the complainant no later than ninety (90) days after the Level II filing, unless an extension of the timeline has been obtained pursuant to Section 6.5.6. of this procedure.

Generally, the Level II response should include a summary of the allegations, a description of the investigative process, the standard used to determine whether a violation of policy occurred, the evidence considered and a determination of whether the allegations were substantiated. The Level II response shall be the final decision.

- 6.4. The Office for Equity and Diversity shall:

- 6.4.1. Include, as part of its training and orientation programs, information on this procedure.
- 6.4.2. Post the information in an area where employees are likely to see it and distribute the information to employees on an annual basis.

- 6.5. General Provisions

- 6.5.1. The person who conducts an investigation under this procedure may be the campus administrator in charge of administering CSU policies on nondiscrimination, anti-harassment and non-retaliation or someone else designated by the president, provided that he/she shall be an MPP employee or an external consultant, who is not within the administrative control or authority of the person alleged to have discriminated, harassed or retaliated, and was not involved in the investigation at the lower level(s), if any. All investigations under this procedure shall be conducted in a reliable and impartial manner.
- 6.5.2. CSU employees are required to cooperate with the investigation, be forthright and honest, and keep confidential the existence and details of the investigation.
- 6.5.3. The investigation shall include, at a minimum, formal interviews with the claimant/complainant and the person alleged to have discriminated or harassed (i.e., the respondent).
- 6.5.4. Both the claimant/complainant and the respondent shall have the right to identify witnesses and other evidence for consideration in connection with the investigation; however, the investigator may decide which witnesses are relevant to the investigation.
- 6.5.5. The claimant/complainant may have a representative present during his/her meeting with the campus administrator and/or the investigator to discuss the discrimination or harassment claim/complaint. Where the respondent is a CSU employee and the allegations are such that, if true, they could reasonably subject the respondent to discipline, then the respondent shall be permitted to have a representative accompany him/her to the interview.

6.5.6. Time Limits

- 6.5.6.1. Time limits set forth herein refer to working days, which are Monday through Friday, excluding all officially recognized University holidays or closure of the campus where the claim/complaint originated.
- 6.5.6.2. If the claimant/complainant, the respondent, the witnesses, the campus administrator, the investigator, or the Chancellor's Office designee is on an approved leave of three (3) days or more, the time limits shall be extended by the length of time the individual is absent.
- 6.5.6.3. Time limits set forth herein may also be extended by mutual agreement. If the University requests a time extension in order to conduct an effective investigation and the claimant/complainant does not agree, the University will issue a response within the timeline of this procedure based on the information available at that time. The investigation shall continue until the University is satisfied its duty to respond appropriately to allegations of discrimination, harassment or retaliation has been discharged, provided the investigation is completed no later than one hundred twenty (120) days after the meeting is held between the claimant and the campus administrator or between the complainant and the individual designated to respond, as applicable.
- 6.5.7. The CSU is not obligated under this procedure to investigate a complaint not timely filed under its provisions. An untimely filed complaint may not be re-filed. Notwithstanding the foregoing, the CSU shall investigate the underlying allegations in an untimely filed discrimination, harassment or retaliation complaint if the CSU determines the circumstances warrant investigation. The investigation conducted in such a circumstance does not resurrect the employee's complaint or permit a subsequent filing of that complaint. The response issued at the conclusion of the investigation will note that the complaint was untimely filed. The investigation shall be conducted under the Informal Level process of this procedure.
- 6.5.8. A complainant may withdraw a complaint at any time. The complainant shall not be entitled to file any subsequent complaint on the same alleged incident under the Formal Level process of this procedure. Although the complainant is barred from filing subsequent complaints on the same incident, the underlying allegations of a withdrawn discrimination, harassment or retaliation complaint shall be investigated if the CSU determines the circumstances warrant investigation. The investigation conducted in such a circumstance does not resurrect the employee's complaint or permit a subsequent filing of that complaint. The response issued at the conclusion of the investigation will note that the complaint was withdrawn. The investigation shall be conducted under the Informal Level process of this procedure.

- 6.5.9. If, after an investigation has been conducted, the president concludes it is reasonably likely that the CSU policy against discrimination, harassment or retaliation was violated, he/she will take prompt and appropriate measures to remedy any damage done by the violation and to prevent any further violations.
- 6.5.10. Failure by the University to respond timely shall permit the complaint to be filed at the next level.
- 6.5.11. By mutual agreement, the complainant and the University may consolidate complaints on similar issues at any level.
- 6.5.12. Taking into account campus operational needs, the CSU shall provide the claimant and representative, if any, one (1) hour release time for preparation of the claim and reasonable time for presenting the claim at the Informal Level upon their request.
- 6.5.13. Taking into account campus operational needs, the CSU shall provide the complainant and a representative, if any, reasonable release time for preparing and presenting the complaint upon their request.
- 6.5.14. Where it is necessary for the complainant or his/her representative to have access to specific information for the purpose of investigating a complaint, the complainant or his/her representative shall make a written request for such information to the appropriate administrator. The complainant or his/her representative shall have access to information within the policies and procedures and laws governing confidentiality and privacy that are relevant to any issue raised in the complaint. This provision does not authorize a complainant access to the personnel files of another without the written consent of that person.

7.0. PROCEDURES:

7.1. Informal Level (optional)

- 7.1.1. Prior to or instead of filing a written Level I formal complaint as described in Section 6.2. an employee (claimant) may seek to meet with the campus administrator responsible for administering CSU nondiscrimination, anti-harassment and non-retaliation policies, or a campus administrator designated by the president to determine the nature of any discrimination/harassment/retaliation claim and to explore a resolution of the claim. Such claimant must be given information on how to file a formal complaint during this meeting.
- 7.1.2. The claimant should request this meeting no later than twenty (20) days after the event giving rise to the claim or no later than twenty (20) days after

the claimant knew or reasonably should have known of the event giving rise to the claim. The claimant and campus administrator should meet as soon thereafter as possible, but no later than fourteen (14) days after the claimant has requested the meeting.

- 7.1.3. The employee may have a representative present during the discussion of the claim with the campus administrator.
- 7.1.4. Whenever possible, the campus administrator shall attempt to resolve the claim at the Informal Level. A resolution at the Informal Level shall be documented.
- 7.1.5. The campus administrator may decide an informal resolution is inappropriate and/or that the circumstances described by the claimant warrant investigation. The campus administrator should invite the claimant to file a formal written complaint pursuant to Section 6.2. of this procedure if the campus administrator concludes that an investigation is warranted.
- 7.1.6. If the claimant decides to file a formal written complaint, the investigation shall be conducted pursuant to Sections 6.2. and 6.5. of this procedure.
- 7.1.7. If the campus administrator concludes that an investigation is warranted but the claimant declines to file a formal written complaint at this time, the investigation shall nevertheless be conducted.
- 7.1.8. The campus administrator shall respond to the claimant no later than sixty (60) days after the meeting pursuant to Sections 6.1.1.1. and 6.1.1.2. is held, unless an extension of the timeline has been obtained pursuant to Section 6.5.6. of this procedure.
 - 7.1.8.1. Generally, the response should include a summary of the allegations, a description of the investigative process, the standard used to determine whether a violation of policy occurred, the evidence considered and a determination of whether the allegations were substantiated.

The response shall inform the claimant of his/her option for filing a written formal complaint under Section 6.2. of this procedure, if he/she disagrees with the finding of the investigation, and the timeline for doing so.
- 7.1.9. The campus shall have in place a procedure for investigating discrimination, harassment and retaliation claims described in Section 6.1.2.3. The procedure is to be consistent with Section 6.5. of this procedure.

7.2. Level I - Formal

7.2.1. An employee may enter the Formal Level procedure in one of three ways:

7.2.1.1. By filing a written formal complaint that was not preceded by an Informal Level investigation;

7.2.1.2. By filing a written formal complaint at the invitation of the campus administrator who, having discussed the allegations with the employee at the Informal Level, determined that an investigation is warranted; or

7.2.1.3. In response to the results of an Informal Level investigation with which the employee disagrees. In the first two instances, an employee may file a written formal Level I complaint with the president no later than:

- Thirty (30) days after the event giving rise to the complaint; or
- Thirty (30) days after the employee knew or reasonably should have known of the event giving rise to the complaint. In the third instance, an employee may file a written formal Level I complaint with the president no later than ten (10) days after the Informal Level response.

7.2.1.4. If the employee chooses to file a written formal complaint, he/she shall either complete the complaint form provided by the CSU (Appendix 8.1. or 8.2. as applicable) or submit a signed statement containing all of the information below:

- The terms of the CSU systemwide policies against discrimination, harassment or retaliation alleged to have been violated and, if applicable, the reasons why the investigation conducted under the Informal Level procedure did not resolve the issue.
- The specific harm resulting from the violation.
- A detailed description of the factual events giving rise to the complaint.
- The complainant's name, address, home and work phone numbers, job title, and classification.
- The name, address and telephone number of the representative, if any.

- The date the complaint was filed.
- The complainant's signature.

7.2.2. The campus administrator shall evaluate the allegations contained in the complaint to determine whether an investigation is warranted, if not done so previously.

7.2.3. If an investigation is deemed not warranted, the campus administrator shall respond to the complainant in a timely manner, explaining why no investigation is conducted.

7.2.4. If an investigation is deemed warranted, the investigator shall hold a meeting with the complainant and the complainant's representative, if any, at a mutually acceptable time and location.

7.2.5. The complainant shall inform the investigator of all issues and evidence known, or which could reasonably be known, to the complainant that are related to the complaint. If an investigation had been conducted at the Informal Level, the complainant shall discuss the complainant's specific disagreements with such findings and the relevant reasons and evidence. The complainant may present no additional issues after Level I.

7.2.6. The investigator shall carefully review the issues raised by the complainant and conduct an investigation pursuant to Sections 6.2. and 6.5. of this procedure. Where an Informal Level investigation had already been conducted, the Level I investigation should be limited in scope to the complainant's specific disagreements with the findings at the Informal Level.

7.2.7. The campus administrator shall respond to the complainant no later than sixty (60) days after the Level I filing, unless an extension of the timeline has been obtained pursuant to Section 6.5.6. of this procedure.

7.2.8. Generally, the Level I response should include a summary of the allegations, a description of the investigative process, the standard used to determine whether a violation of policy occurred, the evidence considered and a determination of whether the allegations were substantiated.

7.3. Level II - Formal

7.3.1. The complainant may file a Level II complaint with the Office of the Chancellor no later than ten (10) days after the Level I response if the complainant is not satisfied with the outcome at Level I.

7.3.1.1. The request for a Level II review shall be in writing and shall detail the specific disagreements with the Level I response.

7.3.2. The investigator shall:

7.3.2.1. Meet with the complainant to discuss the complainant's disagreements with the Level I response.

7.3.2.2. Carefully review the issues raised by the complainant and conduct an investigation pursuant to Sections 6.3. and 6.5. of this procedure. The investigation should be limited in scope to the complainant's specific disagreements with the findings at Level I.

7.3.3. The University shall respond to the complainant no later than ninety (90) days after the Level II filing, unless an extension of the timeline has been obtained pursuant to Section 6.5.6. of this procedure.

Generally, the Level II response should include a summary of the allegations, a description of the investigative process, the standard used to determine whether a violation of policy occurred, the evidence considered and a determination of whether the allegations were substantiated. The Level II response shall be the final decision.

7.4. The Office for Equity and Diversity shall:

7.4.1. Include, as part of its training and orientation programs, information on this procedure.

7.4.2. Post the information in an area where employees are likely to see it and distribute the information to employees on an annual basis.

7.5. General Provisions

7.5.1. The person who conducts an investigation under this procedure may be the campus administrator in charge of administering CSU policies on nondiscrimination, anti-harassment and non-retaliation or someone else designated by the president, provided that he/she shall be an MPP employee or an external consultant, who is not within the administrative control or authority of the person alleged to have discriminated, harassed or retaliated, and was not involved in the investigation at the lower level(s), if any. All investigations under this procedure shall be conducted in a reliable and impartial manner.

7.5.2. CSU employees are required to cooperate with the investigation, be forthright and honest, and keep confidential the existence and details of the investigation.

7.5.3. The investigation shall include, at a minimum, formal interviews with the claimant/complainant and the person alleged to have discriminated or harassed (i.e., the respondent).

7.5.4. Both the claimant/complainant and the respondent shall have the right to identify witnesses and other evidence for consideration in connection with

the investigation; however, the investigator may decide which witnesses are relevant to the investigation.

- 7.5.5. The claimant/complainant may have a representative present during his/her meeting with the campus administrator and/or the investigator to discuss the discrimination or harassment claim/complaint. Where the respondent is a CSU employee and the allegations are such that, if true, they could reasonably subject the respondent to discipline, then the respondent shall be permitted to have a representative accompany him/her to the interview.
- 7.5.6. Time Limits
 - 7.5.6.1. Time limits set forth herein refer to working days, which are Monday through Friday, excluding all officially recognized University holidays or closure of the campus where the claim/complaint originated.
 - 7.5.6.2. If the claimant/complainant, the respondent, the witnesses, the campus administrator, the investigator, or the Chancellor's Office designee is on an approved leave of three (3) days or more, the time limits shall be extended by the length of time the individual is absent.
 - 7.5.6.3. Time limits set forth herein may also be extended by mutual agreement. If the University requests a time extension in order to conduct an effective investigation and the claimant/complainant does not agree, the University will issue a response within the timeline of this procedure based on the information available at that time. The investigation shall continue until the University is satisfied its duty to respond appropriately to allegations of discrimination, harassment or retaliation has been discharged, provided the investigation is completed no later than one hundred twenty (120) days after the meeting is held between the claimant and the campus administrator or between the complainant and the individual designated to respond, as applicable.
- 7.5.7. The CSU is not obligated under this procedure to investigate a complaint not timely filed under its provisions. An untimely filed complaint may not be re-filed. Notwithstanding the foregoing, the CSU shall investigate the underlying allegations in an untimely filed discrimination, harassment or retaliation complaint if the CSU determines the circumstances warrant investigation. The investigation conducted in such a circumstance does not resurrect the employee's complaint or permit a subsequent filing of that complaint. The response issued at the conclusion of the investigation will note that the complaint was untimely filed. The investigation shall be conducted under the Informal Level process of this procedure.
- 7.5.8. A complainant may withdraw a complaint at any time. The complainant shall not be entitled to file any subsequent complaint on the same alleged

incident under the Formal Level process of this procedure. Although the complainant is barred from filing subsequent complaints on the same incident, the underlying allegations of a withdrawn discrimination, harassment or retaliation complaint shall be investigated if the CSU determines the circumstances warrant investigation. The investigation conducted in such a circumstance does not resurrect the employee's complaint or permit a subsequent filing of that complaint. The response issued at the conclusion of the investigation will note that the complaint was withdrawn. The investigation shall be conducted under the Informal Level process of this procedure.

- 7.5.9. If, after an investigation has been conducted, the president concludes it is reasonably likely that the CSU policy against discrimination, harassment or retaliation was violated, he/she will take prompt and appropriate measures to remedy any damage done by the violation and to prevent any further violations.
- 7.5.10. Failure by the University to respond timely shall permit the complaint to be filed at the next level.
- 7.5.11. By mutual agreement, the complainant and the University may consolidate complaints on similar issues at any level.
- 7.5.12. Taking into account campus operational needs, the CSU shall provide the claimant and representative, if any, one (1) hour release time for preparation of the claim and reasonable time for presenting the claim at the Informal Level upon their request.
- 7.5.13. Taking into account campus operational needs, the CSU shall provide the complainant and a representative, if any, reasonable release time for preparing and presenting the complaint upon their request.
- 7.5.14. Where it is necessary for the complainant or his/her representative to have access to specific information for the purpose of investigating a complaint, the complainant or his/her representative shall make a written request for such information to the appropriate administrator. The complainant or his/her representative shall have access to information within the policies and procedures and laws governing confidentiality and privacy that are relevant to any issue raised in the complaint. This provision does not authorize a complainant access to the personnel files of another without the written consent of that person.

8.0. APPENDICES:

- 8.1. Complaint Form.
- 8.2. ADA Complaint Form.
- 8.3. Systemwide Employment Discrimination Complaint Procedures.



Office for Equity and Diversity
COMPLAINT FORM

To the Complainant: California State University, Los Angeles does not permit discrimination, retaliation or harassment on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age, disability, disabled veteran's or Vietnam era veteran's status. Where discrimination, retaliation or harassment is found, immediate and appropriate disciplinary action will be taken. If you feel you have been the victim of discrimination, harassment, retaliation or sexual harassment in connection with your association with the University, please make your concerns known. You may either use this form or call the Equity and Diversity Specialist at (323) 343-3040 (TDD: (323) 343-3270).

For more information on what is considered discrimination or sexual harassment, see our nondiscrimination policy and policy on the Prohibition of Sexual Harassment. They are in the Faculty Handbook, and are posted on bulletin boards throughout the University.

Your concerns will be treated confidentially to the extent the law permits, considered carefully, and investigated promptly. If corrective action is required, it will be taken. No action will be taken against you for filing a complaint, so long as you believe the complaint to be valid.

Date _____
Name _____ Ext. _____
Home Telephone No. _____
Home Address _____
Job Title _____ Location _____
Department _____

RE: COMPLAINT

1. Did the discrimination, harassment, retaliation or sexual harassment occur as a result of or in connection with your association with the University (even though it did not happen in the workplace)? Yes [] No [] (If not, we will not be able to act on it.)

2. Who discriminated, harassed or retaliated against you?
Name Relationship to You^1

3. What happened or did not happen? (Include all incidents involving discrimination/harassment. Provide as much detail as possible, including dates, locations, times and person(s) involved in each incident. Add extra pages if necessary.)

^1Supervisor, manager, co-worker, faculty member, student, customer, supplier, potential customer, sales representative or other vendor, or other.

4. Please explain why this conduct was offensive to you?

5. On what impermissible type of discrimination or harassment is this complaint based?

- race sex color religion marital status age disability
- veteran's status national origin retaliation sexual harassment

6. Please explain why you think this was discrimination, harassment, retaliation or sexual harassment?

7. When did it happen? (Give dates and times)

8. Where did it happen?

9. Were there any witnesses? Yes No If yes, please list below

Name

Telephone Number

10. What evidence (if any) do you have of the discrimination, retaliation or harassment? (Note: **Evidence is not required.** However, it could be helpful to verify that discrimination/harassment occurred. Consider letters, memos, photos, audio tapes, video tapes, and records which may include time cards, building entrance and exit records, etc.)

11. What other facts may be helpful to us in investigating your complaint?

Signature _____ Date _____

Note: You will be contacted by the investigator, campus administrator, president’s designee or consultant within approximately 24 hours after your complaint to establish a time to meet and discuss the complaint. Please bring any additional information or evidence to that meeting. The investigation will be conducted in an objective and confidential manner. No action will be taken against you for having submitted a complaint, no matter what the investigation reveals (so long as you believed the complaint to be valid).

At any time during the investigation, if you have additional thoughts or facts that should be considered, contact the Equity and Diversity Specialist immediately at (323) 343-3040 (TDD: (323) 343-3270).



I, _____, hereby authorize the release of my applicant/employment records to the Office for Equity and Diversity as part of the investigative process for my complaint.

Signature Date



Office for Equity and Diversity
ADA COMPLAINT FORM

To the Complainant: California State University, Los Angeles does not permit discrimination on the basis of disability in its hiring and employment practices. Also, the University does not permit harassment based on a protected disability and does not permit discrimination or harassment based on an applicant's or employee's relationship with or association with anyone with a known protected disability.

Upon request, the University will consider reasonable accommodation when needed to facilitate the participation of persons with ADA-protected disabilities. Reasonable accommodations will be considered to permit individuals with protected disabilities to (a) complete the employment process, (b) perform essential job functions, (c) participate in instruction, programs, services or activities, and (d) enjoy other benefits and privileges of similarly-situated individuals without disabilities.

If you feel you have experienced discrimination or harassment due to your protected disability in connection with your association with the University, please make your concerns known. You may either use this form or contact the Office for Equity and Diversity at (323) 343-3040 (TDD: (323) 343-3270).

For more information on the prohibition of discrimination and harassment see our nondiscrimination policy and policy on the University's compliance with the Americans with Disabilities Act. They are in our Faculty Handbook, University Catalog, and Class Schedule and are posted on bulletin boards throughout the University, or call the Office for Equity and Diversity.

Your concerns will be treated confidentially to the extent the law permits, considered carefully, and investigated promptly, thoroughly, and objectively. If corrective action is appropriate, it will be taken. No action will be taken against you for filing a complaint, so long as you believe the complaint to be valid.

Date _____

Name _____

Home Telephone No. _____

Home Address _____

Employees

Job Title _____ Location _____

Department _____ Ext. _____

1. **Documentation of Protected Status** Please give your permission to contact your treating health care provider to verify your protected disability² (or if this complaint is based on discrimination due to your relationship or association with a person with a protected disability, please have that person give us permission to contact his/her treating health care provider).

Permission to Contact Personal Health Care Provider

I am an applicant employee of California State University, Los Angeles. I hereby give my permission for representatives of CSULA to contact my health care provider for information about my functional abilities, my functional limitations, and any requirements for reasonable accommodation.

My health care provider is:

Physician _____

Address _____

Phone _____

I understand this information will be treated confidentially and released only to:

- a. supervisors and managers who need to be informed about necessary restrictions on my work and necessary accommodations,
- b. first aid and safety personnel, if my disability might require emergency treatment or if any specific procedures are needed in a fire or other evacuation,
- c. insurance companies which require a medical examination to provide me with health or life insurance,
- d. government officials investigating compliance with the ADA and other Federal and State laws prohibiting discrimination on the basis of disability, and
- e. State Workers' Compensation offices or "second injury" funds, to comply with State Workers' Compensation laws.

Name _____

Signature _____ Date _____

² As defined in the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (FEHA).

2. **Your Complaint**

What is your complaint? Describe what happened or did not happen that you feel constitutes discrimination or harassment based on disability? (Be as specific as possible, include all incidents involving harassment. Add extra pages if necessary.)

- a. When did these incidents occur? (Give dates and times) _____
- b. Where did these incidents occur? _____
- c. List any witnesses to the incidents (*Note: This is not a requirement for a complaint to be valid, but it could help substantiate your complaint.*)

Name	Work Telephone Number
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_____	_____
_____	_____
_____	_____

- d. With whom have you discussed the incidents? (List anyone with whom you have discussed it with, both individuals inside and outside the University. Include any supervisors, managers, faculty, University staff, fellow employees and students, as well as anyone outside the University with whom you have discussed it.) (*Note: This is not a requirement for a complaint to be valid, but it could help substantiate your complaint.*)

Name	Work Telephone Number
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_____	_____
_____	_____
_____	_____

- e. What evidence (if any) do you have of the discrimination/harassment? (*Note: **Evidence is not required.** However, it could be helpful to verify that discrimination/harassment occurred. Consider letters, memos, photos, audio tapes, video tapes, and records which may include time cards, building entrance and exit records, etc.*)

3. **Reasonable Accommodation**

If your complaint concerns reasonable accommodation, please complete these additional questions:

- a. When did you request reasonable accommodation? (If on more than one occasion, list the dates of each request.)

- b. For what reason(s) did you request reasonable accommodation?

- c. How did you go about requesting reasonable accommodation? (The University requires accommodation requests to be made on its Request for Reasonable Accommodation form and submitted to the University's ADA Coordinator.)

- d. What specific reasonable accommodation was requested?

4. **Harassment**

If your complaint is about harassment, please complete these additional questions:

- a. Did the harassment occur as a result of or in connection with your association with the University (even though it may or may not have happened on campus)? Yes No (If not, we will not be able to act on it.)

- b. Who was the harasser(s)?

Name

Relationship to You³

³ Supervisor, manager, co-worker, instructor, student, member of the public, or other.

c. Please explain why this conduct was offensive to you, and/or what effect it had on you.

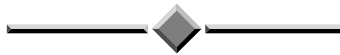
d. Did you do or say anything to let the alleged harasser(s) know of your objections to this conduct? Yes No (Note: This is not a requirement for a complaint to be valid, but it could help substantiate your complaint.) If so, please explain.

5. What other facts may be helpful to us in investigating your complaint?

Signature _____ Date _____

Note: You will be contacted by the investigator, administrator, president’s designee, or consultant within approximately 24 hours after your complaint to establish a time to meet and discuss the complaint. Please bring any additional information or evidence to that meeting.

At any time during the investigation, if you have additional thoughts or facts that should be considered by the investigator, contact the investigator immediately at (323) 343-3040 (TDD: (323) 343-3270).



I, _____, hereby authorize the release of my applicant/employment records to the Office for Equity and Diversity as part of the investigative process for my complaint.

Signature Date