



California State University, Los Angeles
Department of Public Safety

NUMBER:	I-27	APPROVED:	_____
			Gregory D. King, Chief of Police
EFFECTIVE:	May 1, 2007		
SUPERSEDES:	1/26/2004	Reviewed/Revised:	_____ May 1, 2010
SUBJECT:	Sexual Harassment		

I. PURPOSE:

To affirm CSLA Department of Public Safety intent to maintain a working and learning environment free from sexual harassment for students, employees and those who apply for student or employee status.

II. POLICY:

Unlawful harassing conduct of any agency personnel employed by or contracted by the agency that has the effect of unreasonably interfering with an individual's work performance and/or creating an intimidating, hostile, or offensive work environment is prohibited.

III. DEFINITIONS:

- A. Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment when:
1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
 3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- B. Unlawful Harassment. Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

IV. PROCEDURES:

A. Types of Harassment.

1. Employment Condition Harassment
 - a. In general terms, sexual harassment is defined as unwanted sexual attention at the work place. It is usually directed toward a person who cannot reasonably refuse the advances. They may feel that they may

suffer consequences, such as an employee dependent upon a supervisor's performance evaluation for salary increases, reassignment, or other similar job amenities.

- b. This form of harassment must involve a supervisor subordinate relationship because the offender must have some control over the working conditions of the victim to effect the exchange of sexual favors for job benefits.
- c. Under this type of harassment, if the favor is refused, the employee is either disciplined on some other pretext or is refused the promotion or pay increase, etc.
- d. In both situations, the public agency and the supervisor are strictly liable regardless of whether the acts were authorized or forbidden and regardless of whether the employer knew or should have known of their occurrence, unless it can show immediate and appropriate corrective steps were undertaken.

2. Environmental Sexual Harassment

- a. Any employee, not just supervisors, may commit this type of harassment. It may, for example, involve leering or sexual gestures, sexually explicit jokes and comments, distasteful physical contact such as patting, blocking movements, pinching, and grabbing, displaying sexually suggestive pictures, posters, or cartoons, asking highly personal questions of a sexual nature, or repeated requests for dates.
- b. Again, the employer and the offending employee are strictly liable.

B. Sexual Harassment further defined.

1. It is the policy of CSLA Department of Public Safety that sexual harassment of employees by supervisors or other employees is prohibited.
 2. For purpose of clarification, harassment is further defined as:
 - a. repeated sexual flirtations, advances or propositions that are unwanted;
 - b. derogatory sexual epithets;
 - c. the display of sexually suggestive objects, pictures, or written material;
 - or
 - d. any other repeated offensive or abusive contact.
- C. Employees who are subjected to sexual harassment should notify a supervisor immediately so that the behavior can be stopped. Such complaints shall be handled in a confidential manner. If appropriate, disciplinary action shall be taken.
1. In determining whether conduct constitutes sexual harassment, the circumstances surrounding the conduct should be considered.
 2. Persons with complaints are encouraged to seek informal resolution of their problem. This may involve discussion with the subject of the complaint and/or the appropriate administrator or supervisor. If the complainant feels that this is not feasible or it proves unsatisfactory, the formal complaint system should be utilized.

3. If the offending party is within the complainants chain-of-command, the report may go directly to the next highest level, or to the Division of Human Resources, Office of Equity and Diversity.
- D. In order to ensure adherence with University policy, the listed offices have been designated to be responsible for receiving complaints of sexual harassment.
 - **Division of Human Resource Management, Office of Equity and Diversity;**
 - **Office of the Vice President for Student Affairs;**
 - **University Counseling Center;**
 - **Women's Resource Center.**
- E. Established California State University, Los Angeles disciplinary, grievance or other complaint procedures, as appropriate, will serve as the mechanism for resolving complaints of sexual harassment.

V. APPENDICES:

- 1) CSU Executive Order 883, *Systemwide Guidelines for Nondiscrimination and Affirmative Action Programs in Employment*, Office of the Chancellor.
- 2) CSU Executive Order 345, *Policy on the Prohibition of Sexual Harassment*, Office of the Chancellor, issued to the campus by President James M. Rosser.
- 3) CSLA, Office of Equity and Diversity, *Discrimination and Harassment Complaint Procedure*.
- 4) CSLA, Office of Equity and Diversity, *Complaint Form*, Discrimination and Harassment.

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4700

Attachment 1

Executive Order: 883
Title: Systemwide Guidelines for Nondiscrimination and Affirmative Action Programs in Employment
Effective Date: October 31, 2003

Supersedes: Executive Order No. 774

A. Purpose

The California State University (CSU) is committed to maintaining and implementing employment policies and procedures in compliance with applicable state and federal nondiscrimination and affirmative action laws and regulations.

Accordingly, discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age, disability, medical condition and covered veteran status is prohibited. ("Disability" and "medical condition" as used herein are consistent with the definitions provided in the Americans with Disabilities Act and the Fair Employment and Housing Act.) Moreover, retaliation against individuals who have or are believed to have filed a discrimination complaint, opposed a discriminatory act or participated in a discrimination investigation or proceeding, is prohibited. With regard to qualified individuals with a disability or medical condition, CSU shall, upon request, provide reasonable accommodation so that they may perform the essential duties of their jobs, unless doing so would impose an undue hardship on the CSU. Reasonable accommodation is to be determined by CSU following its receipt of an individual's request for accommodation and engagement in an interactive process with the individual to identify the nature and extent of the individual's restrictions and the appropriate reasonable accommodation.

B. Program Development

To execute the purpose stated above, each campus shall establish and maintain written affirmative action programs and a set of procedures that are consistent with all applicable federal and state laws, regulations and Trustee policies governing nondiscrimination and affirmative action.

C. Authority for Program Development and Compliance

1. System wide

The chancellor shall be responsible for providing system wide leadership in the effective adoption and implementation of nondiscrimination policies and affirmative action programs.

2. Campus

The president or his/her designee at each campus shall be responsible for the development and implementation of that campus' nondiscrimination policies and affirmative action programs. This includes, but is not limited to, promulgating the affirmative action programs and nondiscrimination policies (including policies for providing reasonable accommodations), communicating the programs and policies to the campus community, conducting employee training on the nondiscrimination, equal employment and affirmative action obligations of CSU, and designing an administrative support structure that facilitates compliance with all applicable federal and state laws, regulations and Trustee policies. The training mentioned in this paragraph should cover, but is not limited to: the types of discrimination (including sexual harassment, racial, ethnic, national origin, sex, and disability discrimination), the methods of reporting discrimination, and the respective responsibilities of management and staff in reporting, investigating and resolving discrimination complaints. It is recommended that training be provided to all new employees shortly after their start dates and periodically thereafter. It is further recommended that information contained in the training be made accessible for reference by current employees annually.



California State University, Los Angeles

Attachment 2

POLICY ON THE PROHIBITION OF SEXUAL HARASSMENT

California State University, Los Angeles will take action to prevent and eliminate sexual harassment, as mandated by the Chancellor's Executive Order No. 345. Sexual harassment is conduct subject to disciplinary action, including termination. Sexual harassment* includes but is not limited to:

- ☐ Unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- ☐ Any act which contributes to a workplace or learning environment that is hostile, intimidating, offensive, or adverse to persons because of the sexual nature of the conduct.
- ☐ Conditioning an act, decision, evaluation, or recommendation on the submission to or tolerance of any act of a sexual nature.

Although this policy focuses on the treatment of persons lacking or holding lesser authority by persons possessing greater authority, it does not preclude the possibility that sexual harassment may also be perpetrated by persons lacking or holding lesser authority e.g., employee, student, or applicant. In determining whether conduct constitutes sexual harassment, the circumstances surrounding the conduct are considered.

The prohibition against sexual harassment applies to all transactions of University business, whether on or off campus.

Individuals with supervisory authority are responsible for reporting a formal complaint about sexual harassment to a designated complaint investigator. Failure to do so may lead to appropriate administrative action.

Specific rules and procedures for reporting charges of sexual harassment and for pursuing available remedies are available in the following locations: Human Resource Management, Office for Equity and Diversity; Office of the Vice President for Student Affairs; University Counseling Center; and Women's Resource Center.

James M. Rosser, President
Approved November 4, 1981;
December 13, 1993;
September 9, 1996



California State University, Los Angeles

Office for Equity and Diversity

Discrimination and Harassment Complaint Procedure

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 concern known. You may call the Equity and Diversity Specialist at (323) 343-3040.

For more information on what is considered discrimination or sexual harassment, see our Nondiscrimination Policy and Policy on the Prohibition of Sexual Harassment. It is in our Faculty Handbook, University Catalog, Class Schedule, Eagle Handbook and Planner and is posted on bulletin boards throughout the University.

Your concern will be treated confidential 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 filing your complaint, so long as you believe the complaint to be valid.

PROCEDURES:

- ☐ An individual files a complaint by filling out and providing a complaint form to the Office for Equity and Diversity.
- ☐ Prior to the filing of a complaint, an individual may seek the advice of the Office for Equity and Diversity in an informal meeting in order to determine the nature of any claim of discriminatory practices and/or harassment or retaliation and to facilitate an expeditious resolution of the complaint.
- ☐ The Equity and Diversity Specialist makes contact with the complainant within 24 hours of his/her initial contact and holds an initial meeting with the complainant within seven (7) calendar days.
- ☐ The Equity and Diversity Specialist discusses the complaint with the complainant, recording all appropriate information on the complaint and reviews it with the complainant to ensure accuracy.
- ☐ The Equity and Diversity Specialist discusses the matter with any witnesses, the respondent(s) and all appropriate parties within 21 days of the interview with the complainant; and reviews appropriate records. The Equity and Diversity Specialist determines whether or not the alleged discrimination or harassment has been demonstrated and, if so, discusses the determination as to what, if any, corrective action shall be taken with the Director, Human Resource Management/Equity and Diversity.
- ☐ If the complaint investigation cannot be completed within 30 days, the complainant and respondent(s) will be informed and agreement of an extension of the timelines will be obtained in writing from all parties.
- ☐ The Director, Human Resource Management/Equity and Diversity discusses and approves any corrective action recommended by the Equity and Diversity Specialist. The Equity and Diversity Specialist conveys the University's decision to the complainant and respondent(s) with a confirming letter. If it is determined that disciplinary action is warranted, the Director, Human Resource Management/Equity and Diversity will convey the determination to the respondent(s).
- ☐ At the end of the investigation and following corrective action, if any, the Equity and Diversity Specialist files all documentation with the Office for Equity and Diversity.
- ☐ If disciplinary action is warranted, the grievance procedure within the appropriate collective bargaining unit or student disciplinary process will be followed.

APPEAL PROCEDURES:

- ☐ If a complainant is not satisfied with the outcome of the complaint process described above, he/she may file a written appeal with the President or the President's designee within five (5) working days of receipt of the decision from the Equity and Diversity Specialist. The appeal shall outline the basis upon which the complainant believes the appeal should be granted.
- ☐ The President or the President's designee will acknowledge receipt of the appeal within five (5) working days and will, within twenty (20) working days, provide a written decision to the complainant and respondent. The President's decision will be the final University decision.



California State University, Los Angeles

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 concern known. You may either use this form or call the Equity and Diversity Specialist at (323) 343-3040.

For more information on what is considered discrimination or sexual harassment, see our nondiscrimination policy and policy on the Prohibition of Sexual Harassment. It is in our Faculty Handbook, University Catalog, Class Schedule, Eagle Guide and is posted on bulletin boards throughout the University.

Your concern will be treated confidential 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 filing your complaint, so long as you believe the complaint to be valid.

Date: _____

Name _____ Ext. _____

Home Telephone No. _____

Home Address _____

City/State/Zip Code

Job Title/Student Status _____ 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 You¹

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

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.)
4. If not apparent from the above, why was this conduct 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. If not apparent from the above, why do 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 so, who?

Name

Telephone Number

10. What evidence (if any) do you have of the discrimination, retaliation or harassment? (Note: **Evidence is not required.** However, it can 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 our investigator within seven (7) business days after your 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.



I, _____, SSN: _____ hereby authorize the release of my student records to the Office for Equity and Diversity as part of the investigative process of my complaint.

Signature