



**University Policy Statement
California State University, Fullerton**

UPS 240.000

**NONDISCRIMINATION POLICY:
A COMMITMENT TO VALUING DIVERSITY**

I. PREAMBLE

Universities have a deep obligation to value diversity among people and among ideas and, at the same time, not impose any specific ideology on students, faculty, staff, or administrators. For appreciation of diversity -- in nature, in human culture, and certainly in ideas -- is fundamental to higher learning. The University's enterprise is enriched when diverse peoples are engaged in it. Beyond the profound moral value to be found in inclusiveness, a diverse campus community characterized by free and open communication fosters understanding of the alternative points of view that different groups can offer.

II. GENERAL POLICY

It is the policy of California State University, Fullerton, to create and maintain an environment that values diversity, respects human dignity, is hospitable, equitable, and tolerant, and in which all persons are free from all forms of invidious discrimination or discriminatory harassment.

- B. Mindful of its high calling to promote diversity in thought and to assure all students an appropriate learning and working environment, California State University, Fullerton:
1. Challenges and summons its students, faculty, staff and administration to promote a hospitable and equitable learning environment for all persons;
 2. Asserts that tolerance for diversity shall be the norm for behavior on the part of all who are present on the campus;
 3. Discourages the use of derogatory or disparaging language and other forms of expression and, particularly, condemns those who insult persons on the basis

of race, ethnicity, national origin, ancestry, citizenship, religion, creed, sex, sexual orientation, marital status, age, disability, or veteran status.

III. PROGRAMMATIC RESPONSES

- A. To achieve the high purpose of securing a hospitable and equitable learning and working environment for all persons, California State University, Fullerton commits itself to:
1. Encouraging ethnic, gender, and cultural diversity in its faculty, student body, staff and administration;
 2. Promoting a University curriculum that recognizes the contributions and achievements of our diverse human community;
 3. Sponsoring programs and activities that increase the awareness of the value of diversity;
 4. Supporting organizations that foster inter-group understanding and harmony;
 5. Offering training to faculty, staff, administrators and student leaders in promoting harmonious inter-group interactions and conflict resolution;
 6. Periodically assessing the success of all units within the University in furthering these goals and objectives.
- B. While cherishing and protecting freedoms of speech and expression that are the very basis of the higher educational enterprise, the University will:
1. Discourage instances of intolerance, discrimination, or harassment not subject to sanctions under sections 2-5 below. Workshops, seminars, or other learning opportunities focused on the nature of bigotry and prejudice may be appropriate responses to such behaviors;
 2. Invoke, where necessary, the sanctions authorized for instances of intentional discrimination that are prohibited by system-wide Executive Orders for the California State University, and/or are prohibited by state and federal law;
 3. Invoke, where necessary, the sanctions authorized under standard civil and criminal codes for intentionally threatening individuals, damaging property, or disrupting the educational enterprise, specifically including those instances of threat, damage and disruption premised on intolerance and discrimination;
 4. Take appropriate actions in the face of student misconduct as provided in Title 5, California Code of Regulations, including Section 41301(k) which prohibits abusive behavior directed toward, or hazing of, any member of the campus community;

5. Take actions in the face of misconduct, including misconduct premised on intolerance and discrimination, by staff and faculty as appropriate in the context of collective bargaining agreements; and in the instance of administrators and other employees not covered by bargaining agreements, in the context of Executive Order 419 (“System-wide Grievance Procedure - Discrimination Complaints for Employees Not Covered by Existing Regulation” or Executive Order 675 System-wide Complaint Procedure for Discrimination Complaints by Employees Not Eligible to File a Discrimination Complaint or Grievance Under a Collective Bargaining Agreement).

IV. GUIDELINES FOR ESTABLISHING CAMPUS PROCEDURES FOR THE RESOLUTION OF COMPLAINTS FILED UNDER THE PROVISIONS OF THE CSUF NONDISCRIMINATION POLICY

The procedure shall conform to the following general principles:

1. The first and prior principle shall be to protect constitutionally protected speech, specifically including speech in the classroom. No prior restraint upon expression shall be embodied in a code of conduct or other such regulations designed to sanction invidious harassment.
2. The second principle, and next in order of priority, shall be a preference for informal resolution of minor conflicts and disputes. Major disputes and recurring minor incidents of intentionally discriminatory behavior should be addressed through formal resolution.
3. The third principle, and next in order of priority, shall be confidentiality, but only insofar as confidentiality may be consistent with due process.
4. The fourth principle, and next in order of priority, shall be enforcement of the policy and procedures in a manner consistent with due process protections, including the right of any individual charged with violation to notice and a hearing.
5. The fifth principle, and last in order of priority, shall be the maintenance of records adequate for statistical and policy review. Record keeping must not be inconsistent with, and must not take UPS 240.000 priority over, confidentiality and a preference for informal dispute resolution.

EFFECTIVE DATE: February 15, 2005

Supersedes: UPS 240.000 dated January 28, 1992
and ASD 04-157

Source: Affirmative Action Board