

UPS 240.100

SEXUAL HARASSMENT POLICY

I. POLICY STATEMENT

It is the policy of California State University, Fullerton and the California State University to maintain a working and learning environment free from sexual harassment of its students, employees and those who apply for student or employee status. Sexual harassment is illegal under Title VII of the Civil Rights Act of 1964, Title IX of the Higher Education Amendments of 1972, and the California Education Code 89535. Executive Order 345 Prohibition of Sexual Harassment also prohibits sexual harassment within the California State University System. The University will not tolerate sexual harassment and will take action to eliminate such behavior.

II. DEFINITION AND CONDITIONS OF SEXUAL HARASSMENT

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 the basis for employment decisions affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment [*Citation: Equal Employment Opportunity Commission Guidelines on Sexual Harassment*];
4. Such conduct has the purpose or effect of interfering with a student's academic performance, creating an intimidating, hostile, offensive or otherwise adverse

learning environment, or adversely affecting any student's access to campus programs, services and benefits.

III. POLICY IMPLEMENTATION AND DISSEMINATION

The President is responsible for the implementation of this policy, establishment of procedures for the resolution of complaints, and preparation of periodic status reports.

All supervisors and managers are responsible for the implementation of this policy and maintaining a working and learning environment free from sexual harassment.

This policy and a listing of offices designated to receive complaints shall be widely disseminated to all members of the University community and publicized in official campus publications.

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

The procedure shall conform to the following general principles:

1. The policy and procedures shall be enforced in a manner consistent with due process protections, including the right of any individual charged with a violation to notice and a hearing.
2. Confidentiality shall be of primary importance insofar as may be consistent with due process.
3. Informal resolution shall be the established practice for minor conflicts and disputes. Major disputes and recurring minor incidents of intentionally discriminatory behavior should be addressed through formal resolution.
4. Records shall be maintained which are adequate for statistical and policy review. Record keeping must not be inconsistent with, and must not take priority over, confidentiality and a preference for informal dispute resolution.
5. Any member of the campus community may use the procedures except as otherwise provided for under an agreement between a collective bargaining unit and the University. Faculty, staff and administrative employees should refer to the appropriate collective bargaining agreement for filing complaints of harassment, Executive Order 419 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, and should

contact any of these offices for assistance: Affirmative Action, Associate Vice President Academic Affairs, or Human Resources.

6. Students and employees who knowingly file fraudulent complaints under this policy and implementing procedures are subject to disciplinary action.
7. Students and employees will not be subject to retaliation for filing legitimate complaints.

EFFECTIVE DATE: February 15, 2005
Supersedes UPS 240.100 dated June 27, 1994
and ASD 04-158

Source: Affirmative Action Board