

DISCRIMINATION / HARASSMENT COMPLAINT RESOLUTION PROCEDURES

Associated Students, Incorporated California State University, Long Beach

Introduction

Employees and volunteers of the Associated Students, Incorporated (ASI) have the right to work in an environment free of unlawful discrimination, including sexual harassment. If you feel that unlawful discrimination or harassment has occurred, you have a right to request resolution of the situation using either informal or formal complaint resolution procedures. These procedures are designed to resolve complaints in a timely and responsive manner.

The Executive Director has appointed the ASI Human Resources Manager as the corporation's "Discrimination/Harassment Complaint Resolution Officer." This individual serves as a resource for any employee or volunteer of the Associated Students, Incorporated who has a discrimination complaint or inquiry of any sort, including sexual harassment.

Before filing a complaint, any individual who feels that he or she has observed or been the victim of prohibited discrimination/harassment should attempt to point out the impropriety of the conduct to the persons responsible for such behavior. Discrimination/harassment may be unintended and caused by a lack of sensitivity and/or ignorance. However, this is **not** a required step before filing an internal complaint. If you do not feel that you can speak to the persons responsible for the discrimination, or if speaking to them does not resolve the issue, you may proceed with the steps outlined in this publication.

Informal complaints may be made orally or in writing. Formal complaints must be made in writing and on a form provided by the Human Resources Office. They must be made within 180 calendar days of the incident or discovery of the incident or within 180 calendar days of the last of a series of such incidents.

Resolution procedures will be implemented with discretion and sensitivity, giving careful attention to the rights of all parties to due process and confidentiality. ASI officials (supervisors, directors, or the Human Resources Manager) will review each claim to minimize capricious claims and to uphold the rights of all parties.

Complaints are most effectively addressed at the earliest possible stage. That's why discrimination/harassment complaints must be filed no later than 180 days after the alleged offense(s) occurred. Nonetheless, the Executive Director may extend this deadline, and all other deadlines, upon request of the Human Resources Manager and with proper notification to the affected parties.

If informal complaint procedures fail to resolve a complaint, you and/or the Human Resources Manager may proceed to the formal complaint resolution process. In this event, the deadline will be considered met as long as the informal procedure was begun within 180 days of the alleged offense(s).

You should be prepared to describe the alleged offense(s) and to tell what remedy you are seeking. If you cannot verbally articulate the complaint or complete the complaint form due to language barrier, physical barrier, or

competency/capacity barriers, another person may complete the complaint for you. Where there is a language barrier, a translation/translator in your dominant language shall be provided.

Filing Complaints Internally

Informal Complaint Resolution

You may initiate the informal complaint resolution process by reporting the alleged offense(s) to your immediate supervisor, Assistant/Associate Director, or Director. The person receiving the complaint may consult with the Human Resources Manager. Individuals receiving your informal complaint must:

- inform the Human Resources Manager of the complaint within five (5) working days of initially receiving the complaint, and
- consult with the Human Resources Manager every ten (10) working days until the complaint is resolved or is forwarded to the Human Resources Manager

After consultation with the Human Resources Manager, the individual receiving the complaint may contact the alleged offender as a part of seeking informal resolution.

Any complaint which cannot be informally resolved in a timely manner will be forwarded to the Human Resources Manager for review and consideration. Information on the reporting and resolution of alleged discrimination complaints, whether resolved informally or not, must always be reported to the Human Resources Manager.

Should the complaint not be resolved at this initial level, or if you choose not to seek resolution with one of the individuals specified above, you may go directly to the Human Resources Manager. The Human Resources Manager will:

- review the complaint
- explore resolution alternatives with you
- contact all persons necessary to formulate a meaningful opinion as to whether the alleged discrimination did or did not occur; and
- attempt informal resolution in consultation with you.

At any time, you may ask the Human Resources Manager to begin a formal complaint resolution process.

Formal Complaint Resolution

An allegation of discrimination/harassment becomes a formal complaint only when it is filed in writing using a Complaint Form furnished by the Human Resources Office or when the Human Resources Manager files the complaint.

- Within seven (7) calendar days of the receipt or initiation of your formal written complaint, the Human Resources Manager will provide a copy of the complaint to the alleged offender.
- Within ten (10) working days after receipt of the complaint, the alleged offender is required to file a response in writing with the Human Resources Manager. This response may include identification of witnesses and other evidence for consideration in connection with any investigation. A copy of this reply will be sent to you.

The failure of the alleged offender to respond within the time limit prescribed shall not preclude the Human Resources Manager from proceeding with the investigation.

If resolution is reached as a result of this exchange of complaint and response, the Human Resources Manager will commit the resolution to writing with a copy provided to you, to the alleged offender, and to the Human Resources Manager's confidential file.

If resolution is not reached as a result of this exchange of complaint and response, the Human Resources Manager will investigate the circumstances of the alleged offense to the extent necessary to determine whether the allegations contained in the complaint might constitute a violation of the discrimination/harassment policy. The Human Resources Manager may interview anyone deemed necessary to fully investigate the complaint. Although the Human Resources Manager may seek the advice and assistance of ASI's legal counsel in conducting the investigation, the investigation will normally be completed by the Human Resources Manager. The investigation shall be completed within thirty (30) working calendar days.

Upon demonstration of good cause, the Human Resources Manager may request waiver of the time limits of this section, subject to the approval of the Executive Director and notification of the affected parties.

Report of Findings

Within five (5) working days after the end of the investigation, the Human Resources Manager will prepare a written report which includes a determination that the complaint should be dismissed or that a prima facie violation of the discrimination/harassment policy exists. You and the alleged offender will be informed of the finding and the fact that a report has been forwarded.

- If the case is dismissed, written notice of that decision will be sent to you, to the alleged offender, and to the Human Resources Manager's confidential investigation file.
- If a prima facie violation is found, the Human Resources Manager's report will be forwarded to the appropriate Director, with a copy to the Human Resources Manager's confidential investigation file.
- The appropriate Director, in consultation with the Executive Director, shall review the Human Resources Manager's report and determine what disciplinary action, if any will be taken.

If the alleged offender is a student, the Human Resources Manager will also refer the case to the Vice President for Student Services who shall determine appropriate student disciplinary action in accordance with the student discipline procedures.

In any of the above instances, the Director shall accept the findings of the Human Resources Manager to be the findings of fact regarding the alleged violation being reviewed.

Report of Action Taken

Within twenty (20) working days after receipt of the report of the investigation, the appropriate Director will report to the Human Resources Manager the resulting action taken, or to be taken. Within five (5) working days after receiving notification of the resulting action, the Human Resources Manager will notify you of the relevant portions of the action that can be legally disclosed.

Filing Complaints Externally

Individuals always retain the right to seek resolution of discrimination complaints outside the Associated Students, Incorporated. External complaints are those which are filed with a court or state or federal agency. The Human Resources Office can assist you in identifying an appropriate agency or agencies should you choose to seek external resolution.

The California Fair Employment and Housing Act (FEHA)(California Government Code Sections 12940 et seq.) prohibits unlawful sexual harassment, as well as other forms of discrimination based on sex, race, color, religion, national origin, ancestry, pregnancy, age, sexual orientation, marital status, medical condition, or disability. Employees may file external complaints about sexual harassment or other illegal employment discrimination with:

Fair Employment & Housing Commission
1390 Market Street, Suite 410
San Francisco, CA 94102
Telephone (415) 557-2325, or

Department of Fair Employment & Housing
Santa Ana District Office
28 Civic Center Drive, #200
Santa Ana, CA 92701-4010
Telephone (714) 558-4266
TTY (800) 700-2320
Toll free (800) 884-1684
www.dfeh.ca.gov

The Department of Fair Employment and Housing is authorized to accept and investigate complaints of discrimination, and to mediate settlements. The Fair Employment and Housing Commission has authority to issue accusations against employers, conduct formal hearings, and award reinstatement, back pay, damages, and other affirmative relief.

The Fair Employment and Housing Act prohibits retaliation against employees because they have filed a complaint, participated in an investigation, proceeding, or hearing, or opposed any practice made unlawful by the FEHA.

The ASI will not tolerate any unlawful harassment or discrimination in employment. Violation of this policy can result in immediate termination of employment.
