

Harassment

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Purpose

The Associated Students, Incorporated is an equal opportunity employer. In all aspects of employment, ASI is committed to treating all employees without regard to sex, race, color, religion, national origin, ancestry, pregnancy, age, sexual orientation, marital status, medical condition, or disability as those terms are defined by law. As part of its commitment to equal opportunity, ASI strictly prohibits harassment of employees in the workplace based on sex, race, color, religion, national origin, ancestry, pregnancy, age, sexual orientation, marital status, medical condition, or disability. Harassment includes all forms of offensive or unwelcome physical or verbal conduct that interferes with an employee's work or creates an offensive or hostile environment. Sexual harassment of all types is specifically prohibited. Sexual harassment of students or employees in the workplace is illegal, unacceptable, and will NOT be tolerated.

Policy Statement

It is the policy of the Associated Students, Incorporated that all employees and students have a right to work and learn in an environment free of harassment. ASI prohibits harassment at all levels of the organization. This prohibition extends to and includes sexually harassing conduct committed by employees, officers, directors, and agents of ASI, as well as representatives of groups whose programs are supported by ASI funds.

This policy applies to all supervisors of the ASI, as well as to co-workers, customers, student representatives, and other persons at the workplace whom ASI knows or has reason to know is violating this policy. All ASI personnel, both paid and volunteer are expected to avoid any conduct that could be construed as harassment by any student or employee. Appropriate corrective action will be taken against all offenders, including discipline or discharge of supervisors, employees, or volunteers who violate this policy.

Who Should Know This Policy

- | | | |
|--|--|--|
| <input type="checkbox"/> Budget Area Administrators | <input checked="" type="checkbox"/> Elected/Appointed Officers | <input checked="" type="checkbox"/> Grant Recipients |
| <input checked="" type="checkbox"/> Management Personnel | <input checked="" type="checkbox"/> Program Advisors | <input checked="" type="checkbox"/> Staff |
| <input checked="" type="checkbox"/> Supervisors | <input checked="" type="checkbox"/> Volunteers | |

Definitions

For purposes of this policy, the terms used are defined as follows:

Term	Definition
External complaint	A formal complaint of harassment filed with an agency external to ASI, such as the Fair Employment and Housing Commission or the Department of Fair Housing and Employment
Formal complaint	A written complaint alleging harassment in which the complainant is seeking administrative and/or disciplinary action against the alleged offender
Harassment	Words, conduct or action (usually repeated or persistent) that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress in that person and serves no legitimate purpose
Informal complaint	A written or verbal complaint alleging harassment in which the complainant wishes to bring an end to the offending behavior, but does not want to be identified. Such complaints may yield some form of intervention short of disciplinary action.
Internal complaint	A formal or informal complaint of harassment filed with the ASI Human Resources Manager
Sexual harassment	Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature

Regulations

1.0 Conduct Constituting Sexual Harassment

Under state and federal law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. It is illegal whenever (a) submission to such conduct is made a condition of employment, either expressly or implied; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or (c) 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. Examples of sexual harassment include:

- Unwelcome sexual propositions or marriage proposals
- Repeated offensive sexual flirtation or advances
- Unwelcome hugging, kissing, or other physical contact of a sexual nature
- Lewd gestures, remarks, or innuendos
- Sexually oriented humor
- Unwelcome discussions of sexual practices or anatomy
- Graphic verbal comments about an individual's body or clothing
- Sexually degrading words to describe an individual
- The display in the workplace or learning environment of sexually degrading objects or pictures

2.0 Harassment Complaint Procedures

The following procedures apply to sexual harassment, as well as unlawful harassment or discrimination on any other criteria set forth in the ASI's Policy on Equal Employment Opportunity, including sex, race, color, religion, national origin, ancestry, pregnancy, age, sexual orientation, marital status, medical condition, or disability.

2.1 Internal Complaint Procedures

Any employee who believes he or she has been unlawfully harassed should bring the matter to the attention of the Human Resources Manager immediately, and provide a full and accurate report of the underlying facts. The Human Resources Manager shall review and take action on all internal complaints of harassment. Complaints may be either formal or informal, depending upon the wishes of the employee.

All complaints will be kept confidential to the greatest extent possible; however, some disclosure will be necessary to conduct a proper investigation of a formal complaint. In each case, the employee reporting the problems will receive an oral or written reply from management on the results of the investigation, and the actions taken, if any. Any employee who is not satisfied with the reply may appeal to the Human Resources Committee and will receive a reply.

2.1.1 Informal Complaints

An informal internal complaint should be lodged whenever the employee wants someone to know about the problem, but does not want to be identified. In such cases, the employee wants the offending behavior to stop, but is not requesting the ASI to take disciplinary action against the alleged offender(s). An informal internal complaint may yield some form of intervention short of disciplinary action. Employees must present their complaint(s) orally or in writing to the Human Resources Manager. The employee should provide details concerning the specific time, place, and facts of the alleged offending act(s).

The Human Resources Manager shall receive all complaints, discuss the nature of the complaint with the employee, and determine when the offending event(s) occurred or were

discovered. The employee shall also be informed of all internal or external grievance options available.

Within ten (10) working days of receipt of the complaint, the Human Resources Manager shall refer the complaint to the appropriate supervisor for action, unless the supervisor is the alleged offender. In such cases, the complaint shall be referred to the supervisor's manager.

Within ten (10) business days of receipt of the complaint, the supervisor or manager shall:

- Collect the necessary information for the informal resolution of the complaint;
- Utilize all available resources to resolve the complaint informally;
- Confer and review the nature of any inquiry, allegation, finding, or plan of action with the Human Resources Manager;
- Take prompt and timely action to resolve the issue, and promptly take all necessary steps to correct the discriminatory effect and/or practice; and
- Inform the Human Resource Manager and appropriate Director of the results of the informal process.

If the employee is not satisfied with the results of the informal complaint process, he or she may proceed with the filing of a formal complaint.

2.1.2 Formal Complaints

Where the informal complaint process is not possible, not appropriate, or fails to satisfactorily resolve the matter, the employee may file a formal complaint with the Human Resources Manager. A formal complaint is a written complaint alleging harassment. A formal complaint will trigger an investigation. In instances where corrective action is warranted, administrative and/or disciplinary action may be taken in response.

The formal complaint must be filed within 180 calendar days of occurrence of the alleged act of discrimination or harassment. The complaint must be in writing, must be signed, and should:

- Describe in the employee's own words what happened, including the date, time, place, the number of times the offending acts occurred, etc.
- Identify any witnesses and provide all documentation the employee may have concerning the alleged discrimination or harassment.
- Indicate the action that the employee feels would resolve the matter.

Within ninety (90) business days, unless more time is warranted, the Human Resources Manager will:

- Investigate the complaint;
- Determine whether there is reason to believe prohibited discrimination or harassment has taken place;

- Attempt informal resolution of the complaint, if possible;
- Make findings of fact;
- Draw conclusion and, if warranted, make recommendations for corrective action.

The Human Resources Manager will communicate findings, conclusions, and recommendations to the appropriate division Director. If the Director decides in favor of the employee, he/she shall notify the employee and shall meet with the appropriate individuals to communicate the action to be taken to remedy the discrimination. All action to remedy discrimination or harassment shall be executed promptly and in a timely fashion. If the Director rejects the complaint, he/she shall so notify the employee and other appropriate individuals and shall advise the employee of their right to appeal.

2.1.3 Appeal Process

If an employee is not satisfied with the outcome of the formal complaint process, he/she may file a written appeal with the ASI Human Resources Committee. The employee must file the appeal within five (5) business days of receipt of the Director's decision. The appeal should outline the reasons why the employee believes the appeal should be granted.

The ASI Human Resources Committee will acknowledge the receipt of the appeal within five (5) business days and will provide a written decision to the employee within twenty (20) business days. The Committee's decision shall represent the final decision of the Associated Students, Incorporated.

If an employee is not satisfied with the Committee's decision, the employee may appeal the decision to the Associate Vice President for Student Services/Dean of Students.

2.2 External Complaints

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:

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

California Department of Fair Employment and Housing
www.dfeh.ca.gov
Santa Ana District Office
28 Civic Center Plaza, Room 538
Santa Ana, CA 92701-4010
Telephone (714) 558-4159

Additional information:

TTY (800) 700-2320, or call toll free at (800) 884-1684

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

3.0 Retaliation

No employee shall be subject to any form of retaliation for reporting any violation or participating in any investigation under this policy truthfully and in good faith. Employees who believe they have been retaliated against in violation of this policy may utilize the above procedure.

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

Forms

There are no forms associated with the execution of this policy.