Title: POLICY AGAINST UNLAWFUL HARASSMENT FOR CSU STANISLAUS AUXILIARY AND BUSINESS SERVICES

Effective: October 7, 2003

Responsible Office: Associated Students, Inc. Director

Approved: By ASI Student Senate

The California State University, Stanislaus Associated Students Incorporated is committed to providing a work and educational environment that is free of sexual harassment, as well as other unlawful harassment based on such factors as race, color, gender, religion, national origin, ancestry, age, medical condition, marital status, sexual orientation, physical or mental disabilities, or veteran status. In keeping with this commitment, the California State University, Stanislaus Associated Students Incorporated maintains a strict policy that prohibits unlawful harassment of employees by managers, supervisors, or co-workers and students by teachers, coaches, counselors, and peer advisors. Visitors to the campus and workers employed by the University, other auxiliaries, and other public or private organizations engaged in business with the California State University, Stanislaus Associated Students Incorporated are expected to comply with this policy. The purpose of this policy is to: (1) familiarize California State University, Stanislaus Associated Students Incorporated’s employees with the definition of unlawful harassment and the forms it can take; (2) confirm that unlawful harassment will not be tolerated and is contrary to the standards of conduct expected and required of California State University, Stanislaus Associated Students Incorporated’s employees; and (3) make clear that employees who engage in unlawful harassment are subject to possible disciplinary action which may include discharge.

DEFINITION OF HARASSMENT

For the purposes of this policy, unlawful harassment means harassment on the job that is in fact prohibited by provisions of state or federal law applicable to the California State University, Stanislaus Associated Students Incorporated at the time the harassment occurs. Subject to this general definition, unlawful harassment may include unwelcome verbal, physical, or visual conduct that unreasonably interferes with an employee’s or student’s performance or that creates an intimidating, offensive, or hostile working or educational environment. This may occur where:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual’s employment or education.

2. Submission to or rejection of the conduct by the individual is used as the basis of employment or educational decisions affecting the individual.

3. The conduct has the purpose or effect of having a negative impact upon the individual’s work performance or of creating an intimidating, hostile, or offensive work or educational environment.

Under most circumstances, harassment refers to the type of conduct that is pervasive, repetitive, and that is sufficiently severe to alter the conditions of an employee’s employment or a student’s education or employment. It also may refer to a single incident that is sufficiently outrageous or harmful, in and of itself, that it substantially alters the conditions of an employee’s employment or interferes with that individual’s ability to perform job related responsibilities.
Employees also should not confuse harassment with supervision. Supervisors have the right and responsibility to define the job that they want an employee to perform, as well as the manner in which an employee must perform the job. Thus, close supervision of an employee (which includes, but is not limited to, counseling and warnings about job performance, inappropriate conduct, or other performance issues) is not considered to be an example of unlawful harassment.

**EXAMPLES OF HARASSMENT**

Harassment can take many forms and will vary with the particular circumstances. Examples of unlawful sexual harassment prohibited by this policy may include, but are not limited to, the following: unwanted flirtations, advances and/or propositions of a sexual nature; deprecating remarks, insults, humor, jokes and/or anecdotes that belittle or demean an individual’s body or clothing; unwelcome and/or offensive displays of sexually suggestive objects or pictures; unwelcome and offensive touching, such as patting, pinching, hugging or repeated brushing against an individual’s body; sexual assault; and/or suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual’s work assignments, status, salary, benefits or other terms or conditions or employment.

Conduct that is part of a consensual relationship is not considered harassment, but only if the relationship is freely and mutually agreed by both individuals. A prior consensual relationship does not permit subsequent unwelcome or unwanted harassment.

**REPORTING AND COMPLAINT PROCEDURE**

Employees and students are encouraged to report incidents of inappropriate or unwelcome conduct whenever it occurs. Employees and students are not required to wait for the conduct to be repeated or to worsen. Any incident of unlawful harassment, by any California State University, Stanislaus Auxiliary and Business Services employee or other person, should be reported promptly to the employee’s supervisor or manager and/or to the Human Resources Officer, who will arrange for an investigation of the matter. Managers who receive complaints or who observe harassing conduct are required to immediately inform the Human Resources Officer. An employee or student may contact Human Resources directly and is not required to complain first to his or her supervisor.

All complaints of unlawful harassment are taken seriously, and are promptly and objectively investigated. For example, an investigation may include interviews of individuals who might have information pertaining to the alleged harassment. If the California State University, Stanislaus Associated Students Incorporated begins an investigation, we will endeavor to keep the investigation confidential to the extent possible, including the names of complaining employees and witnesses. In the same way, anyone involved in an investigation of harassment has an obligation to keep all information about the investigation confidential. That is why the California State University, Stanislaus Associated Students, Incorporated will only share information about a complaint of harassment with those who need to know about it. Failure to keep information about an investigation confidential may result in disciplinary action.

In some instances, an employee or a student may approach Human Resources and informally discuss whether certain conduct might constitute unlawful harassment, but without filing a formal complaint. Nevertheless, even if a formal complaint has not been filed, it is the California State University, Stanislaus Associated Students Incorporated’s policy that reported complaints of unlawful harassment be investigated.

When the investigation has been completed, the California State University, Stanislaus Associated Students Incorporated will normally communicate the results of the investigation to the complaining employee or student, to the alleged harasser and, if appropriate, to others who are directly involved. If the California State University, Stanislaus Associated Students Incorporated’s Policy Against Unlawful
Harassment is found to be have been violated, appropriate corrective action, up to and including termination, will be taken against the harasser so that further harassment will be prevented. In some situations, mediation may be the appropriate remedy. Mediation includes, but is not limited to, steps that will enable everyone involved to find a mutually agreeable solution that stops the harassing behavior. Both the rights of the alleged harasser and the complainant will be considered in any investigation and subsequent action.

**NO RETALIATION**

It is the obligation of all employees to cooperate fully in the investigation process. In addition, disciplinary action may be taken against any employee who is uncooperative or who attempts to discourage or prevent an employee from using the California State University, Stanislaus Associated Students Incorporated’s complaint procedure to report unlawful harassment. Retaliation by a California State University, Stanislaus Associated Students Incorporated employee against any individual who makes a complaint of unlawful harassment is strictly prohibited. Similarly, any person who participates or cooperates in any manner in an investigation or any other aspect of the process described herein will not be retaliated against. Retaliation is itself a violation of this policy and is a serious offense. Complaints regarding allegations of reprisal should be immediately brought to the attention of the Human Resources Officer.

**SUPPORT**

There are many support services available to employees and students who feel they have been, or are being, unlawfully harassed. At the California State University, Stanislaus Associated Students Incorporated, such support services for non-student employees may include the Employee Assistance Program or Campus Police. Students at the University who are also employees of the California State University, Stanislaus Associated Students Incorporated may also seek assistance from the Counseling and Career Services Department, Student Health Services and the Office of Equal Opportunity and Internal Relations. The California State University, Stanislaus Auxiliary and Business Services which the Associated Students Incorporated contracts for Human Resource Services provides training programs, including mandatory on-line training, aimed at preventing unlawful harassment through proper education of its employees and supervisors.

*Please note that conversations with persons other than the professional staff in the California State University, Stanislaus Associated Students Incorporated’s Human Resources Officer does not constitute notice to the California State University, Stanislaus Associated Students Incorporated of unlawful harassment.*

**CORRECTIVE ACTION**

If unlawful harassment of or by a California State University, Stanislaus Associated Students Incorporated employee is established, the California State University, Stanislaus Associated Students Incorporated will take action that is reasonably calculated to stop the harassment. In cases in which the alleged harasser is not an employee or student, the California State University, Stanislaus Associated Students Incorporated will take action to minimize the recurrence of any unlawful behavior.

Discipline that the California State University, Stanislaus Associated Students Incorporated or the University may impose on employees for behavior that violates this policy (or for other unprofessional conduct by a faculty, teacher, coach, counselor, or staff member) may include, but is not limited to, reprimand, mandatory attendance at an unlawful harassment training program, suspension, demotion, or
dismissal. Unlawful harassment by non-employees may result in restricting the harasser’s access to campus.

**FURTHER INFORMATION**

The California State University, Stanislaus Associated Students Incorporated provides its employees the policy on unlawful harassment annually. The California State University, Stanislaus Auxiliary and Business Services Human Resources Officer provide Associated Students Incorporated employees with a pamphlet concerning information on sexual harassment in the workplace. If you have any questions concerning this policy or pamphlet, please feel free to contact the California State University, Stanislaus Auxiliary and Business Services Human Resources Office.

**IN WITNESS WHEREOF**, this policy has been executed by the party hereto as of the date first written above.

Associated Students, Inc.  
California State University, Stanislaus

By ________________________________  
Cesar Rumayor  
ASI President

Date: ________________________________

Associated Students, Inc.  
California State University, Stanislaus

By ________________________________  
Angelina Cunha  
ASI Vice President/Senate Speaker

Date: ________________________________