

POLICY CONCERNING HARASSMENT

PURPOSE

It is the policy of the Associated Students, CSUF, Inc. (ASI) to maintain a work environment free from sexual harassment, as well as other unlawful harassment based on such factors as gender, race, religion, color, sex, creed, national origin or ancestry, physical or mental disability, medical condition, age, sexual orientation, gender identity, pregnancy, marital status, covered veterans status, or any other basis protected by federal, state or local law or regulation. The ASI maintains a strict policy that prohibits unlawful harassment by managers, supervisors, co-workers, or unlawful harassment of students by any ASI employee. Visitors to the campus, and workers employed by the University, by other auxiliaries, or by other public or private organizations engaged in business with the ASI, are expected to comply with this policy. The purpose of this policy is to: (1) familiarize ASI’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 the ASI’s employees; and (3) make clear that employees who engage in unlawful harassment are subject to possible disciplinary action which may include discharge. The ASI also provides regular training to its supervisors and managers regarding this policy.

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WHO SHOULD KNOW THIS POLICY

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| <ul style="list-style-type: none"> ■ Budget Area Administrators ■ Management Personnel ■ Supervisors ■ Elected/Appointed Officers | <ul style="list-style-type: none"> ■ Volunteers ■ Grant Recipients ■ Staff ■ Students |
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DEFINITIONS

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

Terms	Definitions
Harassment	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.

Sexual Harassment	Includes, 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/or suggestions that submission to or rejection of sexual advances will affect decision regarding such matters as an individual's work assignments, status, salary, benefits or other terms or conditions of employment.
Retaliation	Retaliation includes any adverse action taken against an employee for filing a complaint or supporting another employee's complaint under a variety of laws.
Corrective Action	Actions that are reasonably calculated to stop harassment.

REGULATIONS

1. DEFINITION

For the purpose 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 ASI at the time the harassment occurs. Subject to this general definition, unlawful harassment may include unwanted, unwarranted, or unsolicited verbal, physical, or visual conduct that unreasonably interferes with an employee's performance or that creates an intimidating, offensive, or hostile working environment. This may occur where:

- Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment or education.
- Submission to or rejection of the conduct by the individual is used as the basis of employment or education decisions affecting the individual.
- 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 that 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. However, a supervisor or manager cannot condition receipt of work hours, wages, salary or income, or your continued employment on submission to sexual advances or to any sexual or other offensive activity.

2. EXAMPLES OF HARASSMENT

Harassment may 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/or suggestions that submission to or rejection of sexual advances will affect decision regarding such matters as an individual's work assignments, status, salary, benefits or other terms or conditions of employment. Conduct that is part of a consensual relationship is not considered harassment. Nevertheless, a prior consensual relationship does not permit subsequent unwelcome or unwanted harassment.

3. REPORTING AND COMPLAINT PROCESS

Employees 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 ASI employee or any other person conducting business with ASI, should be reported promptly to the employee's supervisor or manager and/or to the Human Resources Director, 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 Director. An employee may contact Human Resources directly and is not required to complain first to their 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 ASI 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. This is why ASI 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.

When the investigation has been completed, ASI will normally communicate the results of the investigation to the complaining employee, to the alleged harasser and, if appropriate, to others who are directly involved. If ASI's policy against harassment is found to have been violated, appropriate correcting action, up to and including termination, will be taken against the harasser so that further harassment will be prevented. 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 ASI's complaint procedure to report unlawful harassment. Retaliation by an ASI 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 shall 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 Director.

4. CORRECTIVE ACTION

If unlawful harassment of, or by, an ASI employee is established, ASI will take action that is reasonably calculated to stop the harassment. In cases in which the alleged harasser is not an employee, ASI will take action to minimize the recurrence of any unlawful behavior.

Discipline that ASI or the University may impose on an employee's behavior that violates this policy (or for other unprofessional conduct by an ASI employee) may include, but is not limited to, reprimand, mandatory attendance at an unlawful harassment training program, suspension, demotion, or termination. Unlawful harassment by non-employees may result in restricting the harasser's access to campus.

DATE APPROVED: 05/09/2017