

Discrimination, Harassment and Retaliation

BACKGROUND AND PURPOSE	1
POLICY STATEMENT	2
WHO SHOULD KNOW THIS POLICY	2
DEFINITIONS	2
STANDARDS AND PROCEDURES	4
1.0 CONDUCT CONSTITUTING HARASSMENT	4
1.1 <i>Sexual Harassment</i>	5
2.0 CONDUCT CONSTITUTING DISCRIMINATION	6
3.0 COMPLAINT PROCEDURES	6
3.1 <i>Persons Eligible to Use this Procedure</i>	6
3.2 <i>Informal Resolution</i>	7
3.3 <i>Formal Complaints</i>	8
3.4 <i>General Provisions for Investigation/Review of Complaints</i>	10
3.5 <i>External Complaints</i>	12
4.0 RETALIATION.....	12
5.0 POLICY IMPLEMENTATION AND COMMUNICATION.....	13
5.1 <i>Training</i>	13
ADMINISTRATION	14
FORMS	14

Background and Purpose

Associated Students, Incorporated (ASI) provides equal opportunity for all persons regardless of race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and veteran status. With respect to employees, this policy extends to all employment practices, including recruitment, selection, hiring, promotion, training, compensation, benefits, transfer, separation, and other terms, conditions, or privileges of employment. It also includes full and equal accommodations, advantages, facilities, privileges and services for all participants in ASI program and services, as well as third parties as defined below.

ASI provides reasonable accommodation to qualified persons with disabilities unless doing so would impose an undue hardship. Reasonable accommodation will be determined by ASI through an interactive process with the complainant to identify the nature and extent of the complainant's restrictions and the appropriate reasonable accommodation.

The Associated Students, Incorporated (ASI) is committed to maintaining an inclusive organization that values diversity and fosters tolerance and mutual respect. Through this policy, ASI reaffirms its commitment to providing equal opportunities and maintaining an environment free of discrimination, harassment and retaliation in accordance with applicable state and federal laws.

This policy statement brings together in one document ASI's nondiscrimination, anti-harassment, and anti-retaliation policies and procedures. It also covers employee and third-party discrimination, harassment and retaliation complaints and training requirements for all employees.

This policy supersedes all previous discrimination, harassment and retaliation policies and/or procedures.

Policy Statement

It is the policy of the Associated Students, Incorporated to prohibit all forms of unlawful discrimination, harassment and retaliation. This policy is established in compliance with Title VII of the Civil Rights Act of 1964, Section 503 of the Rehabilitation Act of 1973, Title I of the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, the Age Discrimination Act of 1975, Title II of the Genetic Information Nondiscrimination Act of 2008, the Vietnam-Era Veterans Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, the California Fair Employment and Housing Act (Cal. Govt. Code §12940 et seq.) and Unruh Civil Rights Act (Cal. Govt. Code §51 et seq.), among other applicable laws and policies.

Except in the case of a privilege recognized under California law, any employee who knows of, or has reason to know of, allegations or acts that violate this policy, must promptly inform the ASI Human Resources Manager.

Employees who violate this policy may be subject to disciplinary action up to and including termination. If discipline is appropriate, it will be administered in a manner consistent with applicable ASI policies and legal requirements.

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
Accused	An employee, volunteer, or third party against whom an allegation of discrimination, harassment or retaliation has been made.

Term	Definition
Adverse action	An action that has a substantial and material adverse effect on the complainant's employment or ability to participate in an ASI program or activity free from discrimination, harassment or retaliation. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a complainant do not constitute an adverse action.
Advisor	A person accompanying the complainant and/or the accused to any meeting or interview regarding the allegations. The advisor may be anyone, provided the advisor is not a person with information relevant to the allegations who may be interviewed by the investigator during the investigation. The advisor may not answer questions for the complainant or the accused. However, the advisor may observe and consult with the complainant or the accused and take actions to ensure that the investigation does not violate applicable laws or policies.
Age	The chronological age of any complainant who has reached his or her 40th birthday
Complaint	A written communication alleging discrimination, harassment or retaliation
Complainant	An individual who reports being subjected to discrimination, harassment or retaliation. It also includes the alleged victim of discrimination, harassment or retaliation in cases where some other person has made a report on his/her behalf.
Disability	<ol style="list-style-type: none"> 1. Having a physical or mental condition that limits a major life activity; or 2. Having a known history of a qualifying impairment; or 3. Being regarded or treated as having or having had a qualifying impairment; or 4. Being regarded or treated as having or having had such an impairment that has no presently disabling effects but may become a qualifying impairment in the future.
Discrimination	Adverse action taken by ASI or an ASI employee because of a protected status
Employee	A person legally holding a position in ASI. This term includes full-time, part-time, probationary, temporary, intermittent, casual, and per-diem positions. This term does not include other third parties.
Gender	A person's sex, gender identity, or gender expression.
Gender expression	A person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
Genetic information	<p>Information about any of the following with respect to any person:</p> <ol style="list-style-type: none"> 1. The person's genetic tests. 2. The genetic tests of family members of the person. 3. The manifestation of a disease or disorder in family members of the person. 4. Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a person or any family member of the person. <p>Genetic information does not include information about the sex or age of any person</p>
Sexual violence	Physical sexual acts (such as unwelcome sexual touching, sexual assault, sexual battery and rape) perpetrated against a complainant who did not give consent or is incapable of giving consent due to age, Disability or use of drugs or alcohol. It is a form of Sexual Harassment.
Investigator	The person tasked with investigating a complaint provided that he/she is an MPP Employee or an outside consultant.

Term	Definition
Medical condition	<ol style="list-style-type: none"> 1. A health impairment associated with a diagnosis or history of cancer; or 2. A gene or chromosome that is a known cause of a disease or disorder in a person or the person's offspring, or that is associated with an increased risk of developing a disease or disorder although there are no present symptoms of the disease or disorder.
Preponderance of the evidence	The greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than the evidence on the other side. The preponderance of the evidence is the applicable standard for demonstrating facts in an investigation conducted pursuant to this policy.
Protected status	Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran status.
Religion	All aspects of religious belief, observance, and practice, including agnosticism and atheism. Religious dress and grooming practices, such as wearing religious clothing, head or face covering, jewelry, and artifacts, are part of a complainant's religious observance or belief.
Remedies	Action(s) taken to correct a violation of the prohibitions against discrimination, harassment and retaliation set forth in this policy. Interim remedies are those that may be offered prior to conclusion of informal resolution and/or an investigation in order to stop the alleged wrongdoing and/or reduce or eliminate negative impact, when appropriate. Examples may include offering the complainant the option of psychological counseling services, changes to work area, work assignments, or supervisory reporting relationship, or any measure as appropriate to stop further alleged discrimination, harassment or retaliation until an investigation or informal resolution is completed.
Sex	Includes but is not limited to gender, pregnancy, childbirth or medical condition(s) related to pregnancy or childbirth.
Sexual orientation	Heterosexuality, homosexuality, or bisexuality.
Student	An applicant for admission to CSULB, an admitted CSULB student, an enrolled CSULB student, a CSULB extended education student, a CSULB student between academic terms, a CSULB graduate awaiting a degree, and a CSULB student who withdraws from school while a disciplinary matter is pending.
Third party	A person other than an employee or a student. Examples include volunteers, independent contractors, vendors and their employees, and visitors.
Working days	Monday through Friday, excluding all official holidays or Corporate Holidays.

Standards and Procedures

1.0 Conduct Constituting Harassment

Under state and federal law, harassment is defined as unwelcome conduct committed against a complainant based on his or her protected status in which:

- Submission to, or rejection of, such conduct is made a term or condition of employment; or

- Submission to or rejection of such conduct by the complainant is used as the basis, or threatened to be used as the basis, for employment actions or decisions affecting the complainant; or
- The conduct is sufficiently severe or pervasive that its effect, whether or not intended, could be considered intimidating, hostile or offensive by a reasonable person in the shoes of the complainant, and is in fact considered such by the complainant.

Harassment includes, but is not limited to, verbal harassment (e.g., epithets, derogatory comments, or slurs), physical harassment (e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement), and visual forms of harassment (e.g., derogatory posters, cartoons, drawings, symbols, or gestures).

The following are examples of behavior that could be interpreted as harassment. These examples are meant to be illustrative only and are not an inclusive list.

- Written communications, such as sending inappropriate jokes or comments in print or electronically;
- Verbal communications, such as making graphic or degrading comments about an individual and/or his/her body or personal characteristics, or using epithets, derogatory comments or slurs;
- Physical acts, such as unwanted touching, physical interference, or event assault;
- Visual acts or displays, such as derogatory cartoons, drawings, or posters, or inappropriate gestures;
- Making unwelcome sexual advances or propositions, or offering benefits or giving preferential treatment in exchange for sexual favors;
- Making or threatening reprisals after a negative response to unwelcome conduct.

1.1 Sexual Harassment

Sexual harassment is defined as non-sexual conduct based on sex or sex-stereotyping as well as conduct that is sexual in nature. It includes unwelcome sexual advances or propositions, offering employment benefits or giving preferential treatment in exchange for sexual favors, and other verbal, visual, or physical conduct of a sexual nature where:

- Submission to, or rejection of, the conduct by the complainant is explicitly or implicitly used as the basis for any decision affecting a term or condition of the complainant's employment; or
- Submission to or rejection of such conduct by the complainant is used as the basis, or threatened to be used as the basis, for employment decisions or actions affecting the complainant; or
- The conduct is sufficiently severe or pervasive that its effect, whether or not intended, could be considered intimidating, hostile or offensive by a reasonable person in the shoes of the complainant, and is in fact considered such by the complainant.

2.0 Conduct Constituting Discrimination

Discrimination is defined as an action taken by ASI or an ASI employee against an individual based on his or her protected status in which the action has a substantial and material adverse effect on the complainant's employment or ability to participate in an ASI program or activity.

The following are examples of behavior that could be interpreted as prohibited discrimination. These examples are meant to be illustrative only and are not an inclusive list.

- Denying access or equally effective access to student programs or information technology
- Verbiage that could be interpreted as being offensive, such as comments about someone's race, sex, gender/gender identity, ancestry, color, age, physical or mental disability, mental status, religion, sexual preference, or veteran status.
- Not allowing an employee the time away from work to observe a religious holiday, or not allowing him or her to make up the time of work lost due to observance of religious holiday
- Screening a person out of a job on the basis of age
- Treating a student or employee differently because of her/his race
- Constantly commenting or kidding about someone's ancestry
- Not providing assistance to an employee or student because of a physical or mental disability when you provide this assistance to everyone else
- Not being sensitive to others' needs because of their gender identity
- Not listening to, or not taking seriously, suggestions or ideas from someone because of her/his gender
- Not giving credit to someone for a well-done effort because of her/his race
- Not considering someone for a position because of her or his covered military service

Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a complainant do not constitute an adverse action.

3.0 Complaint Procedures

3.1 Persons Eligible to Use this Procedure

The individuals listed below may use the procedure in this policy to address discrimination, harassment or retaliation. Whenever the Human Resources Office determines that a complaint is outside the scope of this policy, they will promptly notify the complainant of such in writing.

- 1) Employees may use the procedure described in this policy to address discrimination, harassment or retaliation by ASI, another ASI employee, or a third party. As used in this section, the term "employee" includes former employees.

- 2) Applicants for employment may use the procedure outlined in this policy to address discrimination, harassment or retaliation that occurred during their application process.
- 3) Student-employees. At times, a person may be employed by ASI and also be a student at CSULB. If an allegation of discrimination, harassment or retaliation arose out of the person's status as a student and not their status as an employee, the allegation will be handled under Executive Order 1074 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students) or a superseding policy. An allegation arising out of the person's work environment (while they are acting as an employee) will be handled under this policy.
- 4) Allegations of discrimination, harassment, or retaliation by third parties against an ASI employee will be investigated and resolved in accordance with the procedure outlined in this Policy.

3.2 Informal Resolution

A complainant who believes he/she may have been subjected to discrimination, harassment or retaliation may initiate the Informal Resolution process prior to or instead of filing a Formal Complaint. However, at no time will ASI require the complainant to "work out the problem" directly with the accused; and in no event should any meeting between the complainant and the accused be directed to occur without appropriate involvement by the Human Resources Manager. The complainant, the accused or ASI may at any time elect to terminate the Informal Resolution process.

During the Informal Resolution process, the timeline to file a Complaint will be extended for a period of no longer than 20 working days. Thus, a Complaint may be filed no later than 50 working days after the occurrence of the most recent alleged act of discrimination, harassment or retaliation.

The complainant will be notified in writing of the following:

- His/her concerns are being handled pursuant to the Informal Resolution process;
- He/she may end the Informal Resolution at any time
- He/she has an option to file a Formal Complaint within 50 working days after the occurrence of the most recent alleged act of discrimination, harassment or retaliation; and
- The date that option expires.

Upon receipt of the complainant's concern(s), the Human Resources Manager will promptly meet with the complainant to discuss the concern(s). The Human Resources Manager will also discuss reasonable interim remedies with the complainant, as appropriate. In cases where Sexual Violence is alleged, the complainant will also be advised to immediately file a Formal Complaint. Informal resolution is not appropriate when Sexual Violence is alleged.

The Human Resources Office will attempt to promptly and effectively resolve the complainant's concern(s), keeping in mind, should resolution fail, the complainant has a maximum of 50 working days after the occurrence of the most recent alleged act of discrimination, harassment

or retaliation to file a Formal Complaint. The Human Resources Office will meet with the complainant, the accused, and any other person(s) or witness(es) determined to be necessary for a resolution, to review the allegations and any responses. Informal resolution may take the form of a negotiated resolution facilitated by the Human Resources Office, subject to the approval of the Executive Director.

If informal resolution is reached, a written record of the resolution will be signed by the complainant and maintained in accordance with applicable recordkeeping policies. The matter will be considered closed and the complainant is precluded from filing a Formal Complaint concerning the same incident, except where the terms of the informal resolution have been violated or have been ineffective in stopping the alleged discrimination, harassment, or retaliation.

If resolution is not reached, the Human Resources Office will promptly notify the complainant, the accused, and their advisors (if any) in writing that the Informal Resolution process is terminated, and the effective date of the termination. The complainant will be provided written notification about how to file a Formal Complaint and the timeline for doing so.

Both the complainant and the accused will keep the details of the Informal Resolution process confidential until the process is concluded. If the matter is not resolved informally and an investigation is conducted, the complainant and the accused will maintain confidentiality until the conclusion of the Formal Complaint process.

3.3 Formal Complaints

3.3.1 Filing a Complaint

A Formal Complaint must be submitted in writing to the Human Resources Manager. The date of receipt will be deemed to be the complaint filing date. The Human Resources Manager will offer reasonable accommodation to complainants who are unable to submit a written complaint because of a disability.

3.3.2 Timeline for Filing a Complaint

To be timely, a complaint must be filed no later than 30 working days after the occurrence of the most recent alleged act of discrimination, harassment or retaliation, unless extended pursuant to Section 3.2 above.

3.3.3 Complaint Requirements

The complainant should complete the "Complaint Form for Discrimination, Harassment, or Retaliation Complaints" or, in the alternative, the complainant will submit a written signed statement containing the following information:

- 1) The complainant's full name, relationship to ASI, and contact information;
- 2) The name of the accused and relationship to ASI, if known;
- 3) The protected status that is the basis for the alleged discrimination or harassment, or the complainant's activity that is the basis for the alleged retaliation;

- 4) A clear, concise statement of the facts that constitute the alleged discrimination, harassment, or retaliation, including pertinent date(s) and sufficient information to identify any individuals who may provide relevant information during the course of any investigation;
- 5) A statement verifying that the information provided is true and accurate to the best of the complainant's knowledge;
- 6) The full name and contact information of the complainant's advisor, if any;
- 7) The specific harm resulting from the alleged discrimination, harassment or retaliation;
- 8) The specific remedy sought;
- 9) The complainant's signature; and
- 10) The date on which the complaint is submitted.

3.3.4 Intake Interview

The Human Resources Manager will promptly meet with the complainant after receiving the complaint. The complainant will make himself/herself available for this meeting. The meeting will serve as the initial intake interview and will acquaint the complainant with the investigation procedure and timelines; inform the complainant of his/her rights (including having an Advisor); provide the opportunity for the complainant to complete and sign a complaint form, if not already done; and discuss reasonable interim remedies, as appropriate.

3.3.5 Advisor

The complainant may elect to be accompanied by an advisor to any meeting or interview regarding the allegations.

3.3.6 Confidentiality

Information regarding the Complaint will be shared with other ASI employees and legal counsel exclusively on a "need to know" basis. ASI employees will endeavor to honor any complainant's request for confidentiality; however, ASI must also weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory work environment. Confidentiality, therefore, cannot be ensured.

3.3.7 Investigation Procedure

The Human Resources Manager will promptly investigate the Complaint or assign this task to another investigator on a case-by-case basis. An investigator will have relevant experience or will receive appropriate training regarding such issues as the investigatory process and the laws governing discrimination, harassment and retaliation. If delegated, the Human Resources Manager will oversee the investigation to ensure that it is conducted in accordance with the standards, procedures and timelines set forth herein.

The investigation will be completed no later than 60 working days after receiving the Formal Complaint, unless the timeline has been extended pursuant to Section 3.4, E or F.

On occasion, a criminal investigation may be initiated by a law enforcement agency over the same allegations that are reported in a Complaint filed under this Policy. A pending (Campus or local) police investigation is a separate investigation and it does not relieve ASI of its responsibility to handle complaints under this Policy. Thus, ASI may not wait until the conclusion of a police investigation to commence its own investigation under this Policy. Although it may be necessary to temporarily delay the fact-finding portion of an investigation while the police are gathering evidence, once notified that the police have completed the fact gathering portion of their investigation, ASI must promptly resume and complete its own investigation.

Upon inquiry, the complainant and the accused will be advised of the status of the investigation.

3.3.8 Investigative Report

Within the investigation period stated above, the investigator will prepare an investigative report. The report will include a summary of the allegations, the investigative process, the Preponderance of the Evidence standard, the evidence considered, the findings of fact, and a determination as to whether this policy was violated. The report will be promptly provided to the Human Resources Manager.

3.3.9 Notice of Investigation Outcome

If the Human Resources Manager performed the investigation, he or she will notify the complainant in writing of the investigation outcome within 10 working days of completing the report. Otherwise, within 10 working days of receiving the report, the Human Resources Manager will review the report and notify the complainant in writing of the outcome of the investigation.

Written notice of the investigation outcome will include a summary of the allegations, the investigative process, the Preponderance of the Evidence standard, the evidence considered, the findings of fact, a determination as to whether this policy was violated, and if so, any remedies to be afforded to the complainant. If the outcome is that this policy was not violated, the notice will inform the complainant of his/her right to pursue remedies with outside government agencies. A copy of the notice will be provided to the complainant's advisor, if any.

A separate written notice will be provided to the accused indicating whether the allegations were substantiated. If the investigation outcome is that this policy was not violated, the accused will also be informed of the complainant's right to pursue remedies with outside government agencies. A copy of the notice will be provided to the accused's advisor, if any.

3.4 General Provisions for Investigation/Review of Complaints

- A. All investigations and reviews will be conducted impartially and in good faith.
- B. All persons (including the complainant, the accused, and the witnesses) are required to cooperate with the investigation and other processes set forth in this Policy, including but not limited to attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review. If any person refuses to cooperate, ASI may draw all reasonable inferences and conclusions on the basis of all available evidence and conclude the investigation/review.

- C. A complainant will proceed with a complaint in good faith. An employee who knowingly and intentionally files a false complaint or knowingly gives false statements will be subject to disciplinary action in accordance with applicable ASI policies and legal requirements. Such disciplinary action will not be deemed to be retaliation.
- D. Both the complainant and accused will have the right to identify witnesses and other evidence for consideration; however, ASI will decide what evidence (if any) is relevant and significant to the issues raised.
- E. If the complainant, the accused, a witness, the investigator, or other necessary person involved in the Complaint process is unavailable due to any reason deemed to be legitimate by the investigator, the timelines stated herein will be automatically adjusted by the length of time the person is unavailable. The complainant and accused will be provided written notification of any period of extension.
- F. Timelines set forth herein may also be extended by mutual agreement between the investigator and the complainant for a reasonable time period. If ASI requests a time extension in order to conduct an effective investigation or review, and the complainant does not agree or does not respond to ASI's request, ASI will respond to the complaint within the timelines set forth herein. Any such response will be interim in nature as it will be based upon the information available at the time. The interim response will note that the investigation or review is continuing. The interim response will include a summary of the allegations, a description of the investigative or review process, and will also provide the complainant with an anticipated date of completion. The investigation or review will continue until ASI is satisfied that its duty to respond to the Complaint has been appropriately discharged, provided the investigation or review is completed no later than an additional 60 working days.
- G. ASI is not obligated to investigate under the provisions of this policy when no complaint is filed, or when a complaint is not timely filed. Nevertheless, if ASI determines the circumstances warrant an investigation, ASI may in its discretion investigate the underlying allegations of any discrimination, harassment or retaliation complaint. In that event, any such investigation will be subject to the provisions of this policy. ASI may also in its discretion waive the time limits for filing a complaint and choose to process the complaint under this policy. If ASI determines such facts do not warrant an investigation, then the reasons for that decision will be reduced to writing and retained by ASI according to appropriate record retention policies.
- H. Taking into account operational needs, ASI may provide the complainant and advisor, if any, three working days off for preparing and presenting the initial complaint upon their request.
- I. Where it is necessary for the complainant or his/her advisor to have access to specific information for the purpose of filing a complaint, the complainant or his/her advisor will make a written request for such information to the Human Resources Office. The complainant or his/her advisor will have access to information within the policies and procedures and laws governing confidentiality and privacy that are relevant to any issue raised in the complaint. This provision does not authorize a complainant access to the personnel files of another without the written consent of that person.

3.5 External Complaints

A complainant may choose to pursue remedies with outside government agencies at any time without waiting for the conclusion of the ASI complaint process under this policy.

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. 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.

4.0 Retaliation

Retaliation is defined as any adverse action taken against a person because he/she has or is believed to have:

- 1) Exercised rights under this Policy;
- 2) Reported or opposed conduct which he/she reasonably and in good faith believes is discrimination, harassment or retaliation;
- 3) Participated in a discrimination, harassment or retaliation investigation/proceeding; or
- 4) Assisted someone in reporting or opposing discrimination, harassment or 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.

5.0 Policy Implementation and Communication

The ASI Human Resources Manager will be responsible for the implementation of, and compliance with, this policy. He/She is responsible for publicizing this policy, developing training policies, conducting training, and establishing an administrative structure that facilitates the prevention and elimination of discrimination, harassment and retaliation. His/Her contact information will be made available to employees as well as third parties and will be updated, as necessary.

5.1 Training

To prevent discrimination, harassment and retaliation, and to encourage reporting of such conduct, training will be provided to all employees, including student assistants. Such training will be provided within 12 months of the effective date of this policy, and on a two-year basis thereafter.

New employees will receive training within 6 months of their initial hiring. Such training will explain, but not be limited to:

- What constitutes discrimination, harassment and retaliation under applicable law;
- The rights and responsibilities of each employee relating to workplace discrimination, harassment and retaliation;
- The protection against retaliation for employees who report discrimination, harassment or retaliation;
- The procedure provided in this policy for filing, investigating and resolving a complaint; and
- The option and method for filing a harassment complaint with external government agencies such as the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC).

Supervisory employees will be provided with at least two hours of interactive sexual harassment training within six months of the Employee's assignment to a supervisory position and every two years thereafter. The Human Resources Office will maintain documentation of the delivery and completion of these trainings.

The Human Resources Office will distribute a copy of the following documents to all Employees:

- The Department of Fair Employment and Housing (DFEH) information sheet on sexual harassment (Form DFEH-185, or any superseding document); and
- This policy

In addition, the Human Resources Office will post the DFEH poster on employment discrimination (Form DFEH-162, or any superseding document) in prominent and accessible

locations where other employment notices regarding rules, regulations and procedures are posted.

Administration

The Human Resources Manager and the Director of ASI Administrative Services are responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed no less than every three years and revised as needed, unless earlier revisions are necessitated by changes in state or federal law or the regulations of CSULB or the California State University Office of the Chancellor.

Forms

The following forms are to be used in the execution of this policy.

Form Name	Purpose	Responsible Office	Approved By	Timeline for Submission
Complaint Form for Discrimination, Harassment or Retaliation Complaints	To file a formal complaint of discrimination, harassment, or retaliation in violation of this policy	Human Resources Office	N/A	No later than 30 working days after the occurrence of the most recent act of discrimination, harassment or retaliation, unless extended pursuant to Section 2.2 of this policy.