



CALIFORNIA STATE UNIVERSITY CHANNEL ISLANDS ADMINISTRATIVE POLICY MANUAL

Finance & Administration

Approved By: Richard R. Rush
President

Policy Number: FA.31.003

Effective Date: 5/21/04

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Policy on Prohibition of Sexual Harassment

Purpose: California State University Channel Islands University is committed to maintaining an environment free of discrimination and all forms of coercion that impede the academic freedom or diminish the dignity of any member of the University community. The University emphasizes this policy specifically as it pertains to the prevention of sexual harassment and to the obligations of male and female students, faculty, administrators, and staff.

Background:

Chancellor's Executive Order 345; Section 703 of Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Title V, Sections 41301-41303 and Executive Order 628 as they relate to students.

Accountability:

This policy is administered through the Associate Vice President, Human Resources Programs for staff, by the Associate Vice President for Faculty Affairs & Academic Resources for faculty and the Judicial Affairs Officer for students. Questions, concerns, suggestions, or complaints should be directed to (805) 437-8423 for staff and (805) 437-8482 for faculty and to (805) 437-8961 for students. The Associate Vice President, Human Resources Programs is responsible for assisting staff, the Associate Vice President for Faculty Affairs & Academic Resources for assisting faculty and the Judicial Affairs Officer for assisting students regarding alleged sexual harassment and resolving situations in which sexual harassment occurs or is perceived as occurring; educating CSU Channel Islands staff, faculty and students regarding the issue of sexual harassment and developing strategies for its elimination; and conducting investigations and responding to allegations of sexual harassment made against personnel of CSU Channel Islands. These responses may include an appropriate action to remedy the complainant's loss, if any.

If a mutually satisfactory resolution cannot be reached at this level, employees may file a complaint utilizing the complaint procedures in the appropriate collective bargaining agreement or Executive Order 675.



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Applicability:

Employees: Harassment on the basis of sex is defined by Section 703 of Title VII of the Civil Rights Act of 1964 as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) 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.

Students: Sexual harassment of students is a violation of Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education. Academic sexual harassment is the use of authority to emphasize the sexuality of a student in a manner which prevents or impairs that student's full enjoyment of educational benefits, environment, or opportunities.

Policy:

California State University Channel Islands will take action to prevent and eliminate sexual harassment, as mandated by the Chancellor's Executive Order No. 345. Sexual Harassment is conduct subject to disciplinary action, including termination. Sexual harassment may also result in legal action against the individual and university. Sexual harassment includes but is not limited to:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature;
- Conduct of a sexual nature that is unwelcome and contributes to a workplace or learning environment that is hostile, intimidating, offensive, or adverse to persons;
- Conditioning an academic or employment act, decision, evaluation, or recommendation on the submission to or tolerance of any act of a sexual nature.

Although this policy focuses on the treatment of persons lacking or holding lesser authority by persons possessing greater authority, it does not preclude the possibility that sexual harassment may also be perpetrated by persons lacking or holding lesser authority e.g., employee, student, applicant or vendor.



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In determining whether conduct constitutes sexual harassment, all of the circumstances surrounding the conduct are considered.

The prohibition against sexual harassment applies to all transactions of University business, whether on or off campus.

Individuals with supervisory authority are responsible for reporting any complaint about sexual harassment to the Associate Vice President, Human Resources Programs. Failure to do so may lead to appropriate administrative action.

CSU Channel Islands will not tolerate any retaliatory action or other reprisals against those persons who: (a) oppose practices prohibited by this policy; (b) file complaints of sexual harassment; or (c) assist with or participate in a sexual harassment investigation, proceeding, or hearing conducted by CSU Channel Islands or the State of California, Department of Fair Employment and Housing

The terms of the Collective Bargaining Agreement shall prevail. If there is any conflict between this policy and the Collective Bargaining Agreement, the Collective Bargaining Agreement is controlling.

*The parameters of 'sexual harassment' are legally defined by State and Federal statutes and Court decisions. While the policy set forth above describes actions which fall generally within the scope of 'sexual harassment,' all CSU employees and students are required to conduct themselves in a manner that avoids harassment as defined by State and Federal law.