

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
APPENDIX F**

**POLICY ON UNLAWFUL HARASSMENT AND UNLAWFUL
DISCRIMINATION**

I. Policy Statement

Santa Clara University is dedicated to:

- an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth;
- being a community enriched by men and women of diverse backgrounds, respectful of difference and enlivened by open dialogue, caring and just towards others, and committed to broad participation in achieving the common good.

Unlawful harassment and unlawful discrimination subvert these University ideals. The University does not tolerate unlawful harassment or unlawful discrimination and will take prompt and effective corrective action including, where appropriate, disciplinary action up to and including dismissal or expulsion.

Any behavior constituting unlawful harassment or unlawful discrimination by any employee or student of the University, or by any other person engaged in a University activity, toward any employee or student of the University, or any other person engaged in a University activity, is prohibited. This prohibition applies to both: (1) behavior, whether on or off campus, in the course of any University administered class, program, job, or activity; and (2) behavior in any other context, whether on or off campus, if at the time of the behavior the person engaging in the behavior knows that the other person is an employee or student of the University or a person engaged in a University activity.

II. Nature of prohibited conduct

Unlawful harassment and unlawful discrimination are defined and prohibited by federal and California law, as amended from time to time.

A. Unlawful harassment

Harassment is conduct that has the natural effect of demeaning, ridiculing, insulting, stigmatizing, frightening, intimidating, or impeding the work or movement of a person to whom the conduct is directed. The form of conduct may be verbal (either oral or written words or symbols), such as epithets, insults, and derogatory comments. The form of conduct may be physical, such as assault or

battery, impeding or blocking movement, or any physical interference with normal work or movement. The form of conduct may be visual, such as derogatory posters, cartoons, or drawings.

Unlawful harassment is harassment that refers to or is based upon the protected status of the person or persons being harassed, including race, color, national origin, ancestry, sex, sexual orientation, age, religious creed, physical or mental disability, medical condition as defined by California law, marital status, citizenship status, or other status protected by law.

Unlawful harassment also includes sexual harassment. Sexual harassment includes any of the following conduct: explicit or implicit requests by one person for sexual favors from another person that condition employment, academic progress, or other University benefit upon the performance of those sexual favors; other unwelcome sexual advances, touching, or propositions; continual verbal expression about an individual's body; sexually degrading words used to describe an individual; the offensive display in the workplace or educational environment of sexual objects or pictures. Sexual harassment also includes other physical, verbal, or visual conduct based on gender when: (1) it has the natural effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, offensive, or abusive environment; or (2) submission to the conduct is an explicit or implicit term or condition of employment, academic progress, or student activity and/or submission to or rejection of the conduct is used as the basis for an employment or academic decision.

B. Unlawful discrimination

Unlawful discrimination consists of some kinds of conduct that deny equal opportunities, privileges, or benefits to individuals based upon race, color, national origin, ancestry, sex, sexual orientation, age, religious creed, physical or mental disability, medical condition as defined by California law, marital status, citizenship status, or other status protected by law.

1. Adverse decisions regarding conditions of employment, including recruitment, hiring, placement, transfer, promotion, and termination, decisions regarding recruitment, retention, and participation in programs by students, and academic decisions are unlawful if based on the aforementioned characteristics or status.
2. Except to the extent permitted by law (for example, bona fide occupational qualifications) University administration of personnel policies, programs, and activities (such as compensation, promotion, termination, benefits, training, and recreational programs), and University administration of student-related policies, programs, and activities (such as admissions, extracurricular, and recreational

programs or activities), are unlawful if based on the aforementioned characteristics or status.

C. Retaliation

Retaliation by the University, its employees, or its students, against any person who in good faith reports, complains of, files or pursues a complaint about, or requests assistance with respect to unlawful harassment or unlawful discrimination, or against any person who provides evidence as a witness in connection with a claim of unlawful harassment or unlawful discrimination, is prohibited and will be subject to appropriate disciplinary action by the University.

III. Procedures relating to complaints or requests for assistance

A. Application of procedures to faculty, staff, and students

The procedures specified in this policy apply to all faculty and staff. A member of the faculty or staff participating in a University class or other activity as a student shall nonetheless be considered a member of the faculty or staff, respectively, for purposes of applying this policy to conduct allegedly occurring in such class or other activity.

The Judicial Procedures applicable to enforcement of the Student Conduct Code apply to students, except that the procedures specified in this policy apply to the following cases involving students:

1. When a student alleges unlawful harassment or unlawful discrimination by a faculty member or staff member or a faculty member or staff member alleges unlawful harassment or unlawful discrimination by a student.
2. When a student alleges unlawful harassment or unlawful discrimination by another student if the student respondent is an employee of the University and the student complainant is not an employee of the University, unless the Director of Affirmative Action determines that it is more appropriate for the case to be resolved by Judicial Procedures applicable to enforcement of the Student Conduct Code.
3. When a student alleges unlawful harassment or unlawful discrimination by another student if both are employees of the University at the time of the alleged harassment or discrimination and the student complainant is subordinate in the employment relationship to the student respondent, whether or not the complaint is about harassment or discrimination in the workplace.
4. When a student alleges unlawful harassment or unlawful discrimination by another student if both are employees of the University at the time of the alleged harassment or discrimination, if the student complainant is not subordinate in the employment relationship to the student respondent, and if the complaint relates to behavior of the respondent in the workplace.

If there is doubt about whether cases involving students are covered by either of the two preceding paragraphs (numbered 3 and 4), the Director of Affirmative Action shall make a binding decision, not subject to appeal, as to whether the procedures specified in this policy or the Judicial Procedures applicable to enforcement of the Student Conduct Code shall apply. In reaching such a decision, the Director of Affirmative Action shall begin with the presumption that the procedures specified in this policy apply.

For purposes of applying this policy, a student receiving compensation from the University for teaching responsibilities (including tutoring) shall be considered a student employee rather than faculty or staff.

B. Initiation of complaint or request for assistance

Any faculty member, staff member, student, or other person protected by this policy who believes that he or she has been the subject of unlawful harassment or unlawful discrimination may lodge a complaint or request for assistance. A request for assistance may be made even if the person making the request is uncertain whether, or does not believe that, the conduct of another rises to the level of unlawful harassment or unlawful discrimination. To lodge a complaint or request for assistance, the person with a complaint or request for assistance (hereafter "complainant") should submit a complaint or request for assistance as soon as possible following the incident or incidents of alleged harassment or discrimination for which a complaint is filed or assistance is sought. The complainant may submit the complaint or request for assistance to his or her department head or supervisor, other higher-level University officer, or the University Director of Affirmative Action. A complaint against or request for assistance relating to a department head or supervisor, a higher-level University officer, or the Director of Affirmative Action should be submitted to one of the other persons identified in the preceding sentence. The complaint or request ordinarily should be in writing and ordinarily should include the name of the complainant, the date of the complaint or request, details of the incident(s), the name of the person or persons alleged to have engaged in the conduct (the respondent(s)), the names of any witnesses, and a description of the type of remedy or assistance sought. If the complaint or request for assistance is oral, the person to whom the complaint or request for assistance is made should make and preserve notes identifying the facts specified in the previous sentence to the extent related in the conversation.

University supervisors and managers, including academic personnel with managerial authority on behalf of the University, have the following duties: (1) to report promptly to the Director of Affirmative Action any conduct that they observe that they believe may constitute unlawful harassment or unlawful discrimination; and (2) to communicate promptly to the Director of Affirmative Action any report of, complaint of, or request for assistance with respect to unlawful harassment or unlawful discrimination made to them. This duty applies even in cases in which the supervisor or manager is asked to or desires to participate in an attempted informal resolution of a complaint or request for assistance. Failure to comply with these duties may result in disciplinary action by the University.

C. Initial evaluation by Director of Affirmative Action

When a person has filed a complaint or request for assistance, the Director of Affirmative Action shall select the appropriate response from among the following options:

1. If the Director of Affirmative Action determines that alleged conduct does not amount to harassment or discrimination that is unlawful, the Director will not initiate informal or formal resolution of the complaint or request for assistance but may nonetheless attempt to assist the parties in resolving the issues presented or refer them to others on campus for assistance. However, the Director may later initiate informal or formal resolution for sufficient reason, such as by virtue of a subsequent complaint or request for assistance with respect to conduct of the same respondent(s) or when additional information comes to light. If the Director of Affirmative Action determines that alleged conduct does not amount to harassment or discrimination that is unlawful, the Director of Affirmative Action shall so inform the complainant and the respondent of that determination in a writing that specifies the reason for the determination.
2. If the Director of Affirmative Action determines that alleged conduct, if proven, may constitute harassment or discrimination that is unlawful, the Director shall recommend either informal or formal resolution as more fully described below. When deemed necessary for the protection of others or for the general welfare of the University, the Director of Affirmative Action may require formal resolution even if the person making the complaint or request for assistance does not wish to pursue the complaint or request for assistance or wishes only to pursue informal resolution.
3. If the Director of Affirmative Action determines that the conduct complained of requires corrective action through means other than informal or formal resolution, or if the University has knowledge of prior charges of unlawful harassment or unlawful discrimination against the respondent(s), the Director need not begin or may discontinue informal or formal resolution and the University may take other appropriate action.

D. Informal resolution

If the Director of Affirmative Action determines that alleged conduct, if proven, may constitute unlawful harassment or unlawful discrimination, the Director of Affirmative Action may recommend an attempt at informal resolution to be facilitated by the Director of Affirmative Action, by an appropriate supervisor or manager, or by a neutral third party chosen and agreed to by the complainant, the respondent, and the Director of Affirmative Action. However, any party may decline to participate in or to continue to participate in an attempt to informally resolve the problem. Any party may decline to accept a recommended informal resolution of the problem.

One of the goals of the informal resolution process is to encourage and foster early action to prevent and/or correct conduct that the complainant believes is in violation of

University policy. Accordingly, the fact of a respondent's agreement to undertake an informal resolution shall not constitute, shall not be used as, and shall not be construed as an admission that the respondent has violated University policy against unlawful harassment and unlawful discrimination, and the fact of a complainant's agreement to undertake an informal resolution shall not constitute, shall not be used as, and shall not be construed as an admission that the respondent has not violated University policy against unlawful harassment and unlawful discrimination.

The Director of Affirmative Action is an experienced facilitator of informal resolution of these types of matters and the parties are encouraged to accept the Director of Affirmative Action's participation if the Director of Affirmative Action so suggests. The Director of Affirmative Action may also decline to serve as facilitator. If the complainant and respondent desire informal resolution to be facilitated by someone other than the Director of Affirmative Action, the Director of Affirmative Action shall advise them concerning the most appropriate and effective ways to proceed.

If, during informal resolution, the Director of Affirmative Action, a supervisor or manager, or other neutral third person mutually chosen facilitates communication between the complainant and respondent in an attempt to resolve the complaint or request for assistance by agreement, the facilitation process constitutes mediation subject to the protections of confidentiality and against compelled disclosure, and the exceptions to those protections, that are stated in sections 1115 through 1128, inclusive, of the California Evidence Code.

An attempt at informal resolution shall be initiated, if at all, within 10 working days of receipt of the complaint or request for assistance, and should proceed to conclusion (whether successful or unsuccessful) within 20 working days of initiation of the informal resolution process. The facilitator may extend the deadline for informal resolution for one succeeding period of 10 working days if the facilitator reasonably believes that a successful informal resolution is possible within the extended time.

The following are examples of informal resolution:

- discussions that resolve misunderstandings or exchange perceptions
- the complainant concludes that there is no cause, or no further cause, for complaint or assistance
- the respondent reads or listens to a statement made by the complainant
- the respondent apologizes to the complainant
- the respondent agrees to end conduct that is or is perceived by the complainant to be harassing, discriminatory, or otherwise offensive to or unwelcome by the complainant

- the respondent agrees to participate in educational programs aimed at changing behavior that is or is perceived to be harassing, discriminatory, or otherwise offensive to or unwelcome to the complainant.

If the Director of Affirmative Action has not participated in achieving an informal resolution, the parties, the supervisor or manager, or other neutral third person shall inform the Director of Affirmative Action in writing of the results of any attempt at informal resolution within 5 working days of conclusion of those efforts and shall attach any written agreement between the parties.

E. Formal Resolution

If either the complainant, the respondent, or the Director of Affirmative Action does not agree to informal resolution, if an attempt at informal resolution is unsuccessful, or if the Director of Affirmative Action concludes that appropriate informal resolution is not likely to be reached in a timely fashion, the Director of Affirmative Action shall so inform both parties in writing and specify in writing the charges to be investigated through a formal resolution process.

If the Director of Affirmative Action has not previously attempted to facilitate an informal resolution, the Director of Affirmative Action shall initiate a formal investigation within 10 working days of the decision to do so and shall serve as the investigator. If the Director of Affirmative Action has previously attempted to facilitate an informal resolution, the President of the University or his designee (or the Chair of the Board of Trustees if the complaint is against the President) shall promptly name an alternative qualified person to undertake the investigation. The investigator so chosen must be able to and shall initiate the investigation within 10 working days of being named.

Investigation of the complaint or request for assistance will be thorough and proceed to conclusion within 30 working days of the initiation of the investigation. When the investigation is completed, the investigator will promptly report in writing to the appropriate University officer. The report shall include the investigator's evidentiary findings of the occurrence or non-occurrence of the alleged conduct and the investigator's legal conclusion as to whether conduct that occurred amounted to unlawful harassment or unlawful discrimination. The appropriate University officer will then promptly decide upon the resolution, including, if appropriate, a remedy and prompt and effective corrective action.

The appropriate University officer is determined by the role of the parties in the University community (faculty, staff, or student) at the time of the alleged conduct.

1. Except for cases described in paragraph E.2 immediately below

- if the respondent was a faculty member (even if holding an administrative appointment) at the time of the alleged conduct, the appropriate University officer is the Provost
 - if the respondent was a staff member at the time of the alleged conduct, the appropriate University officer is the Assistant Vice President for Human Resources, except that the appropriate University officer is the Provost if the complainant is a student, the respondent is a staff member with a faculty appointment that is not a continuing faculty appointment, and the complaint arises by virtue of the staff member's alleged conduct in the role of instructor
 - if the respondent was a person holding both a staff appointment and a continuing faculty appointment at the time of the alleged conduct, the appropriate University officer is
 - the Assistant Vice President for Human Resources if the complainant was a staff member at the time of the alleged conduct
 - the Provost if the complainant, at the time of the alleged conduct, was a student, a faculty member, or a person holding both a staff appointment and a continuing faculty appointment
 - if the respondent was a student at the time of the alleged conduct, the appropriate University officer is the Assistant Dean of Student Life
2. If the Assistant Vice President for Human Resources is the respondent or is a complainant in a case in which a staff member is a respondent, the appropriate University officer is the Vice President for Administration and Finance. If the Provost or a vice president is the respondent, the appropriate University officer shall be the President. If the President is the respondent, the appropriate University officer is the Chair of the Board of Trustees.
 3. In a case involving multiple respondents with different roles in the University community at the time of the alleged conduct (e.g. one respondent is a faculty member and one respondent is a staff member), the investigator shall report to the appropriate University officer for each respondent. The appropriate University officers shall consult with one another prior to deciding upon a resolution, remedy, or corrective action to assure that any differences in their decisions will be reasonably related to differences in the conduct of the respondents.

Subject to legal constraints on disclosure (e.g. Family Educational Rights and Privacy Act) and to the extent appropriate considering the privacy of individuals involved, the appropriate University officer will inform the complainant and respondent(s) in writing of the evidentiary findings of the investigator and the resolution of the matter, including any remedy or corrective action to be taken. The complainant, respondent, and the University shall act in conformity with the resolution. An appeal shall stay such action

unless the University determines that such action is necessary to prevent additional harm to an aggrieved party or other persons.

F. Appeal of formal resolution

When a formal investigation is concluded, either the complainant or the respondent may appeal the evidentiary findings of the investigator, the remedy or corrective action, if any, ordered by the appropriate University officer, or both. To appeal, the appealing party, whether complainant or respondent, must submit a written appeal to the appropriate appellate decision maker (with a copy to the other party or parties, a copy to the investigator, and a copy to the University officer to whom the investigator reported) within 10 working days of being informed of the findings and resolution.

The appropriate appellate decision maker is identified in paragraphs F.1 through F.5 immediately below.

1. Except for cases described in paragraphs F.2, F.3, and F.4 immediately below,
 - if the appeal is from a decision of the Provost, appeal is to the Hearing Committee of the Faculty Judicial Board
 - if the appeal is from a decision of the Assistant Vice President for Human Resources, appeal is to the Vice President for Administration and Finance
 - if the appeal is from a decision of the Assistant Dean of Student Life, appeal is to the Dean of Student Life

2. Except for cases described in paragraphs F.3 and F.4 immediately below, appeal is to the President in the following cases (in which, at the time of the alleged conduct, the role of the complainant (e.g. staff) and the role of the respondent (e.g. faculty) in the University community differed):
 - From a decision of the Provost if the complainant was either a student or a staff member at the time of the alleged conduct
 - From a decision of the Assistant Vice President for Human Resources if the complainant was either a student or a faculty member at the time of the alleged conduct
 - From a decision of the Assistant Dean of Student Life if, at the time of the alleged conduct, the complainant was either a faculty member, a staff member, or a person holding both a staff appointment and a continuing faculty appointment

Prior to rendering his decision, the President may consult with any person who participated in the formal resolution process, including the complainant and respondent, and with any other person whose advice he deems relevant, and shall consult with the following persons:

- The Vice President for Administration and Finance and a member of the Faculty Judicial Board selected by the President if at the time of the alleged conduct
 - the complainant was a faculty member and the respondent was a staff member, or
 - the complainant was a staff member and the respondent was a faculty member
- The Vice President for Administration and Finance and the Dean of Student Life if at the time of the alleged conduct
 - the complainant was a student and the respondent was a staff member, or
 - the complainant was a staff member and the respondent was a student
- The Dean of Student Life and a member of the Faculty Judicial Board selected by the President if at the time of the alleged conduct
 - the complainant was a student and the respondent was a faculty member or a person holding both a staff appointment and a faculty appointment (whether or not a continuing faculty appointment), or
 - the complainant was a faculty member or a person holding both a staff appointment and a continuing faculty appointment and the respondent was a student

3. An appeal may be taken instead to neutral arbitration only if all of the following conditions are met: both the complainant and the respondent were staff members at the time of the alleged conduct; the complainant did not hold a continuing faculty appointment at the time of the alleged conduct; the complainant and respondent both agree to neutral arbitration. The arbitrator shall be a qualified professional labor/employment arbitrator who is not employed by or affiliated with the University. In cases of agreed referral to a neutral arbitrator, the staff member and the University will promptly choose any arbitrator by mutual agreement. If the staff member and the University are unable to agree on the identity of the arbitrator, the staff member shall request a panel of names from JAMS/Endispute of Santa Clara County. The arbitrator shall be chosen from the panel of names by alternate striking of names, beginning with the staff member, until one is left, who shall serve as arbitrator. The University shall be responsible for the professional fees of the arbitrator, unless the staff member objects, in which case the University and the staff member shall each be responsible for 50% of the professional fees of the arbitrator. The arbitrator will be authorized to award appropriate

remedy under law as to the specific issues submitted; however, the arbitrator shall have no power to add to, subtract from, change, alter, or ignore the provisions of the Staff Policy Manual or any other University policy. The decision of the arbitrator shall be binding upon the complainant and respondent(s) and upon the University.

4. If the Assistant Vice President for Human Resources is the respondent or is a complainant in which a staff member is a respondent, appeal shall be to the President. If the Provost or a vice president is the respondent, appeal shall be to the Chair of the Board of Trustees. If the President is the respondent, appeal shall be to the Board of Trustees.

5. In a case involving multiple respondents with different roles in the University community at the time of the alleged conduct (e.g. one respondent is a faculty member and one respondent is a staff member not holding a faculty appointment) an appeal shall be taken to the appellate decision maker designated above for each respondent involved in an appeal. If, as a consequence, there is more than one appellate decision maker, such decision makers shall consult with one another prior to a decision to assure that any differences in their decisions will be reasonably related to differences in the conduct of the respondents.

Appeals shall be heard. Ordinarily, decisions should be rendered not more than 10 working days after the appellate decision maker has received all evidence and argument. Subject to legal constraints on disclosure (e.g. Family Educational Rights and Privacy Act) and to the extent appropriate considering the privacy of individuals involved, the appellate decision maker shall immediately inform the complainant and respondent of the decision in writing.

If a student covered by these procedures is a respondent, the appeal shall not be subject to the appellate screening mechanisms applied to alleged violations of the Student Conduct Code.

If a person appeals an investigator's evidentiary findings, the appellate decision maker shall affirm the evidentiary findings unless it concludes that those findings were clearly erroneous. If it decides that the investigator's evidentiary findings of the occurrence of conduct found to constitute unlawful harassment or unlawful discrimination were clearly erroneous, it shall so inform the parties in writing, shall dismiss the matter, and no further action shall be taken against the respondent(s). If it decides that the investigator's evidentiary findings of the non-occurrence of alleged conduct were clearly erroneous, it shall so inform the parties in writing, and shall refer the matter for resolution (including remedy and corrective action, if any) by the University officer to whom the investigator reported.

If a person appeals the remedy or corrective action ordered by the appropriate University officer, the appellate decision maker shall affirm the remedy or corrective action unless it finds the remedy or corrective action to be arbitrary or manifestly unreasonable. If it finds the remedy or corrective action to be arbitrary or manifestly unreasonable, it shall decide upon the remedy or corrective action if any.

In either case, its decision shall be final, shall be communicated to the parties in writing, and shall be implemented promptly.

G. Definition of "working days" and extension of deadlines

"Working days" means the weekdays of Monday through Friday except for such days that are University administrative holidays. Any of the deadlines specified in these procedures may be extended by the Director of Affirmative Action (or, in her absence, her designee) if and only to the extent that the Director deems such extension required by exigent circumstances.

H. Compliance

Failure of the respondent(s) to comply with the informal or formal resolution of a complaint or request for assistance and failure of a designated witness to cooperate with a facilitator in an informal resolution or an investigator in a formal resolution of a complaint may result in disciplinary action by the University, including the possibility of dismissal or expulsion.

I. Documentation

For every case in which the Director of Affirmative Action has received notification of a complaint or request for assistance, the Director of Affirmative Action shall maintain a file that includes the complaint or request for assistance and documentation of the resolution of the matter, including any written agreement between the complainant and respondent(s). The Director of Affirmative Action shall maintain such documentation in the Affirmative Action Office.

J. Rank and tenure decisions

Notwithstanding any of the foregoing procedures, a faculty member claiming unlawful discrimination in the denial of promotion in rank or in the denial of tenure shall pursue that complaint with the Faculty Judicial Board, which shall follow the procedures specified in 3.10.2.3 of the Faculty Handbook.

K. Confidentiality

1. The complainant and respondent(s) are strongly encouraged to preserve the confidentiality of information that in any way relates to the existence, nature, and resolution of a complaint or request for assistance, except to the extent that they wish to share such information in communications that are privileged by law (such as lawyer/client or priest/penitent communications). They should be aware of the damage that unproven allegations might cause another as well as the potential of liability for defamation.

2. University personnel and students (other than the complainant and respondent) participating in the resolution of a complaint or request for assistance shall preserve the confidentiality of information that in any way relates to the existence, nature, and resolution of a complaint or request for assistance, except: (a) to the extent necessary to pursue resolution or appeal of a complaint or request for assistance; (b) to the extent that disclosure is required by law; (c) to the extent that disclosure, including disclosure that exculpates, is required by the ordered remedy or corrective action; (d) to the extent that the Director of Affirmative Action reasonably deems disclosure appropriate to effectuate a remedy or corrective action for the benefit of the complainant, other members of the University community, or the University. Failure to maintain confidentiality may result in disciplinary action by the University.

Persons involved in the resolution or appeal of a complaint or request for assistance shall give due consideration to a complainant's request that his or her identity not be disclosed. However, such disclosure may be necessary to resolve the complaint. In such an event, the complainant shall be so notified in advance of the disclosure.

L. Urgent Action

If at any point the Director of Affirmative Action determines that conduct of a respondent is likely to recur and cause harm to others, the University may take reasonable steps to prevent such result prior to the initiation or conclusion of the procedures set forth above.

M. Designee in lieu of Director of Affirmative Action

The President shall designate a qualified disinterested person or persons to fulfill the responsibilities otherwise assigned by this policy to the Director of Affirmative Action if the Director of Affirmative Action is either a complainant or respondent, if the Director of Affirmative action is unable to fulfill responsibilities assigned to her by this policy, or if the President for good cause determines that the Director of Affirmative Action should not fulfill those responsibilities.

IV. Responsibilities

To achieve the goals of this University policy, each member of the University community must understand and accept responsibility for fulfilling the ideals of the University Statement of Purpose and for honoring its Guiding Principles. The President, Provost, vice presidents within their areas, together with vice provosts, deans, program chairs, Director of Affirmative Action, managers, and supervisors, are responsible for promoting progress on the ideal of building a diverse, nondiscriminatory community, initiating creative actions to increase diversity, and promoting an environment of mutual respect. Academic deans (for faculty), the Dean of Student Life (for students), and the Assistant Vice President for Human Resources (for staff) are responsible for monitoring implementation of this policy. The Director of Affirmative Action is responsible for responding to inquiries regarding federal and state laws as well as filing reports required by federal and state law.

As appropriate, the University will make available educational programs concerning unlawful harassment and unlawful discrimination.

The University will offer reasonable accommodation to qualified individuals with disabilities to the extent required by law.

V. Resources

For more information about this policy, including information about the nature of unlawful harassment and unlawful discrimination, contact the Director of Affirmative Action. The Director of Affirmative Action is Conchita Franco Serri. Her office is Benson Center 12. Her phone number is 408/554-4113.

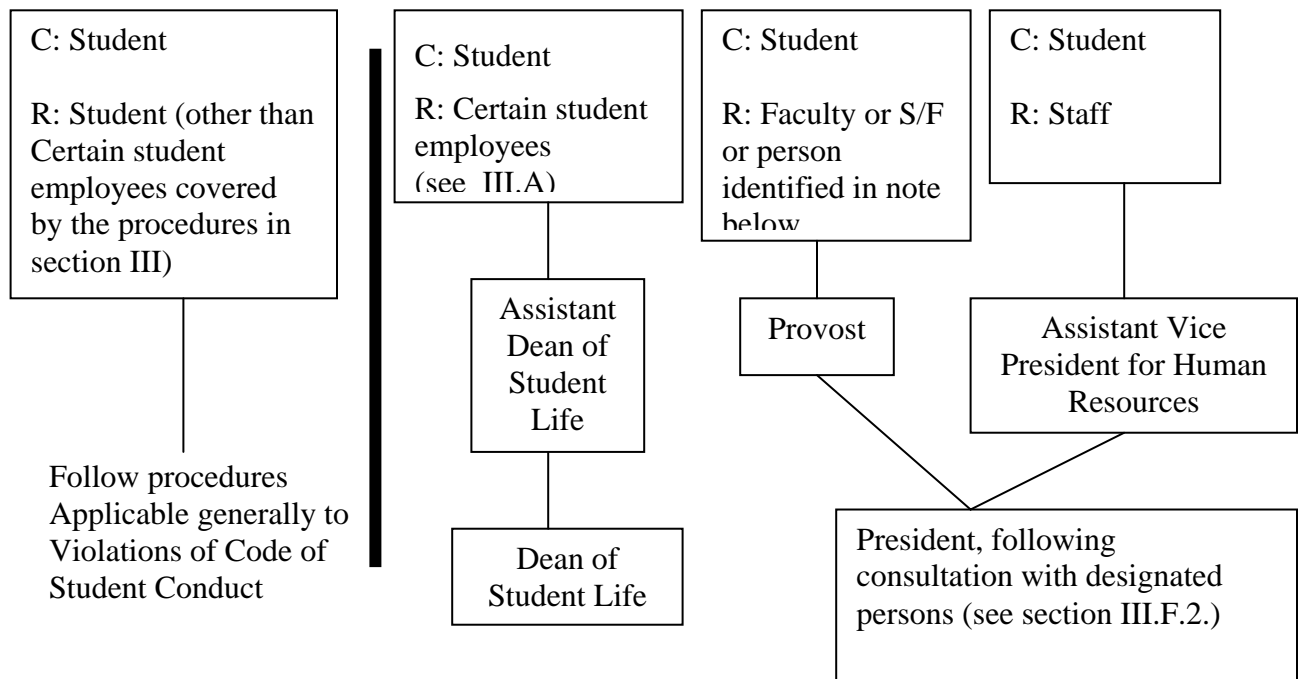
A person aggrieved by unlawful harassment or unlawful discrimination may file a complaint within the time required by law with the appropriate federal or state agency. Depending upon the nature of the complaint, the appropriate agency may be the federal Equal Employment Opportunity Commission (EEOC), the federal Office of Civil Rights (OCR), or the California Department of Fair Employment and Housing (DFEH).

Flow charts depicting lines of formal resolution

Notes:

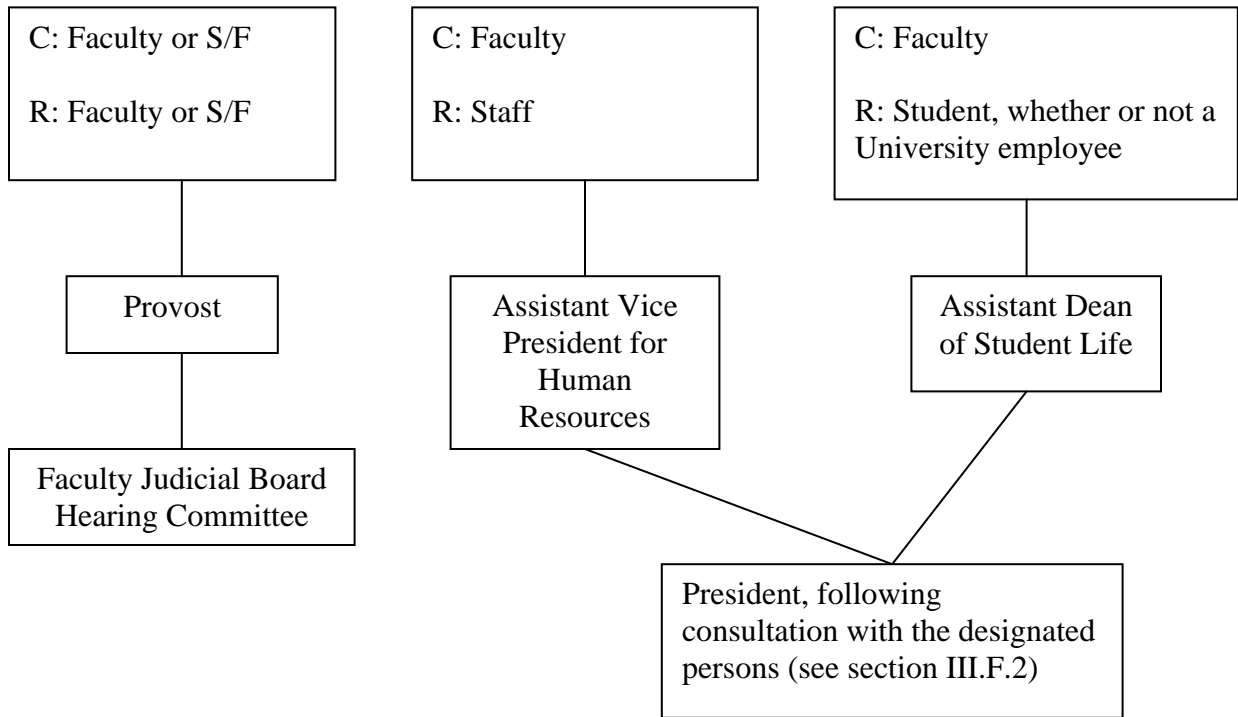
- The first row identifies the role of the complainant (C) and respondent (R) in the University community at the time of the alleged conduct; the second row identifies the initial decision maker; the third row identifies the appellate decision maker
- The symbol "S/F" refers to a person holding both a staff appointment and a continuing faculty appointment
- These charts do not depict lines of formal resolution for certain cases involving selected administrators (see sections III.E.2 and III.F.4)

A. Complaints by students (whether or not the student complainant was also an employee of the University)

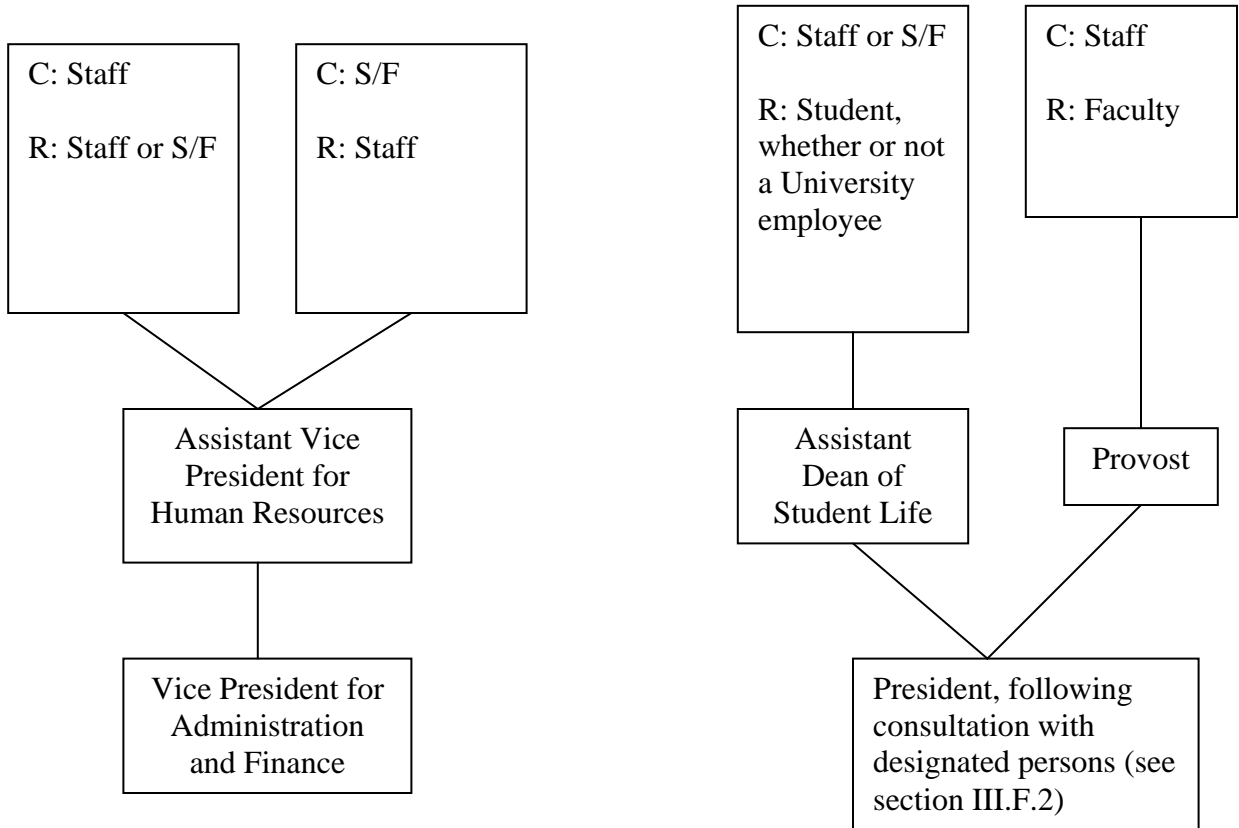


Note: The Provost is the initial decision maker and the President is the appellate decision maker in the following additional case: the complainant is a student, the respondent is a staff member with a faculty appointment that is not a continuing faculty appointment, and the complaint arises by virtue of staff member's alleged conduct in the role of instructor.

B. Complaints by faculty (including some by S/F)



C. Complaints by staff (including some by S/F)



Revised by vote of the Faculty Senate in April 2003 and the Board of Trustees on May 9, 2003.