

A. POLICY AGAINST HARASSMENT

1. Purpose

The purpose of this provision is to communicate SUA's position on the subject of harassment; to set forth guidelines for handling violations of the policy; and to specify the related complaint handling procedure.

2. Scope

This policy applies to all SUA employees, which includes staff, faculty, supervisors, administrators, agents and other individuals doing business with SUA who have contact with SUA employees and students during working hours.

3. Definition

a. Harassment in General

Verbal, physical or visual conduct based on race, ethnicity or other protected characteristic under federal, state, or local law, which, is unwelcome, disruptive, interferes with an employee's ability to perform his/her job, and/or which creates an intimidating, offensive or hostile environment.

b. Sexual Harassment

Sexual harassment includes, but is not limited to, the commission of unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature where:

- 1.) Submission to such conduct is made an explicit or implicit term or condition of employment;
- 2.) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual;
- 3.) Such conduct has the purpose or effect of substantially interfering with an individual's work or school performance; and/or
- 4.) Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment.

Examples of sexually harassing or offensive conduct include, but are not limited to, committing or encouraging the following:

- 1.) Sexual flirtation, touching, advances or propositions;
- 2.) Sexual comments including sexual gestures, jokes or comments made in the presence of any employee or student;
- 3.) Graphic or suggestive comments or gestures about an individual or his or her dress or body;

- 4.) Visual conduct, such as leering, or the display of nude, sexually oriented or explicit pictures, posters, calendars, graffiti, objects or other materials in the workplace, on university property, or in or on personal property used for SUA business.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females.

4. Policy

Harassment, including sexual harassment, is contrary to the basic standards of conduct between individuals. It is also illegal and prohibited by the Equal Employment Opportunity Commission and State regulations.

SUA will not tolerate any conduct by any employee or person doing business with SUA that constitutes harassment under this policy. SUA will promptly investigate any claim of harassment and take appropriate disciplinary action up to and including discharge.

No supervisor, administrator or faculty member is to threaten or insinuate, either explicitly or implicitly, that an employee's or student's refusal to submit to sexual advances will adversely affect the employee's employment, performance evaluation, compensation, opportunities for advancement, assigned duties, shifts or any other condition of employment or career development; or the student's grades, class selection or other aspect of educational opportunity. In addition, no supervisor, administrator, or faculty member is to favor, in any way, any applicant, employee or student due to that person's having performed or willingness to perform sexual favors for the supervisor, administrator or faculty member.

5. Internal Complaint Procedure

a. Reporting

- 1.) Any employee who believes s/he has been the subject of harassment from a supervisor, administrator, fellow employee or other person doing business with SUA should report the incident to his or her direct supervisor or the Director of Human Resources. While it is often helpful to speak directly to the person believed to be violating the policy against harassment, SUA does not require an employee to do so.
- 2.) If a supervisor, administrator or faculty member is aware of, or has been told of a situation that could involve harassment; s/he must immediately report this information to the Director of Human Resources.
- 3.) Employees reporting such incidents or complaints will be assured that every effort will be taken to maintain a discreet investigation, to the extent possible. They will also be assured that no retaliation will be permitted against the employee for informing the supervisor or the Director of Human Resources of good faith allegations of harassment.

b. Investigation

- 1.) The Director of Human Resources will conduct the investigation and, as appropriate, designate an individual to interview all persons involved, including any person(s) who may have witnessed or have knowledge relating to the complaint.
- 2.) The investigation will begin promptly upon notification of the allegations and will be done impartially and in as confidential a manner as is possible.
- 3.) Written documentation of the investigation and any resulting action taken will be maintained throughout the process by the Director of Human Resources and retained in a confidential file.
- 4.) Appropriate members of management will be kept informed and involved in the investigation by the Director of Human Resources. After completing the investigation, the Director of Human Resources will recommend appropriate corrective or disciplinary action.
- 5.) Any employee who, after investigation, is found to have engaged in harassment will be subject to appropriate disciplinary action, up to and including discharge.
- 6.) Any employee who, after investigation, is found to have filed a false or unjustified harassment complaint in bad faith will be subject to disciplinary action, up to and including discharge.
- 7.) If an employee is not satisfied with the handling of a complaint or the action taken by the supervisor and/or the Director of Human Resources, the employee may then bring the matter to the attention of the President.
- 8.) The employee accused of harassment, and the employee making the complaint will be informed of the results of the investigation and any resulting action taken.
- 9.) A brief summary of the investigation and resulting action will be placed in the personnel files of the employee accused of harassment, and the employee making the complaint.
- 10.) Under no circumstance will SUA tolerate retaliatory action against any employee reporting in good faith harassment or sexual harassment or for cooperating in an investigation.
- 11.) Any vendor, agent or other non-employee doing business with SUA who, after investigation, is found to have violated this policy will be reported to his or her employer for appropriate action and, depending on the circumstance, may be prohibited from continuing to do business with SUA.

6. External Complaint Procedure (DFEH/EEOC)

SUA urges all employees to use the internal complaint reporting procedure described in Section 5, and is confident that this procedure will result in fair and timely resolution of complaints. Additionally, persons who feel they may have been subjected to unlawful harassment may also file a charge with either or both the California Department of Fair Employment and Housing (DFEH) and the United States Equal Employment Opportunity Commission (EEOC). The DFEH and EEOC serve as neutral fact finders and attempt to help the parties voluntarily resolve disputes. If the EEOC or DFEH finds that unlawful harassment occurred, they can order remedies, including monetary penalties, fines, damages for emotional distress, reinstatement, back pay, promotion, and/or changes in the policies or practices of the university.

California Department of Fair Employment and Housing (DFEH)

The location and contact information of the DFEH may be found in the telephone directory under the State of California.

United States Equal Employment Opportunity Commission (EEOC)

The location and contact information of the local branch of the EEOC may be found in the telephone directory under the Federal Government section.

Under no circumstances will SUA tolerate retaliatory action against any employee filing a complaint with SUA, the DFEH or EEOC, or for filing a judicial or arbitration proceeding. After obtaining a Right to Sue authorization from the DFEH or EEOC, employees may seek relief through arbitration or judicial relief, based on the employee's agreement with SUA. An arbitrator or court can award unlimited relief if it finds harassment or discrimination occurred.