

SEXUAL HARASSMENT POLICY

It is the policy of HSU Sponsored Programs Foundation to provide a work environment free from sexual harassment. Any behavior determined to constitute sexual harassment will be viewed as neither complimentary nor humorous, and will be subject to disciplinary action.

DEFINITION AND CLASSIFICATION OF SEXUAL HARASSMENT

HSU Sponsored Programs Foundation defines sexual harassment in the following manner in accordance with The California State University Chancellor's Office Executive Order 345, Prohibition of Sexual Harassment.

Sexual harassment includes such behavior as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed towards an employee, student, or applicant when one or more of the following circumstances are present:

Submission to or toleration of the conduct is an explicit or implicit term or condition of appointment, employment, admission or academic evaluation.

Submission to or rejection of such conduct is used as a basis for a personnel decision or an academic evaluation affecting an individual.

The conduct has the purpose or effect of interfering with an employee's work performance, or creating an intimidating, hostile, offensive or otherwise adverse working environment.

The conduct has the purpose or effect of interfering with a student's academic performance, creating an intimidating, hostile, offensive or otherwise adverse learning environment, or adversely affecting any student.

HSU Sponsored Programs Foundation recognizes that the perception of sexual harassment behavior is often subjective, and that the circumstances surrounding the conduct, as well as its pattern, frequency and severity need to be considered in assessing the behavior. Although statistical analyses have shown that sexual harassment is usually committed by an individual in a position of power or influence, sexual harassment can occur between any two individuals regardless of gender, employment status, work relationship or academic association. Sexual harassment may be verbal, graphic, written or physical in nature, any of which may be grounds for disciplinary action.

The Department of Fair Employment and Housing (DFEH) for the State of California has provided clarification of actions and/or behavior that have been determined to constitute sexual harassment. Sexual harassment includes, but is not limited to:

1. Making unsolicited written, verbal, physical and/or visual contact with sexual overtones. (Written examples: suggestive or obscene letters, notes, invitations; verbal examples: derogatory comments, slurs, jokes, epithets; physical examples: assault, touching, impeding or blocking movement;

visual examples: leering, gestures, display of sexually suggestive objects or pictures, cartoons, or posters.)

2. Continuing to express sexual interest after being informed that the interest is unwelcome (Reciprocal attraction is not considered sexual harassment.)
3. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. (Examples: either implying or actually withholding support for an appointment, promotion or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.)
4. Engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, and/or work environment of another employee.
5. Offering favors of employment benefits such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, reclassification, etc., in exchange for sexual favors.

Sexual harassment against students is addressed under Title IX of the 1972 Education Amendments and several of the examples identified under the DFEH guidelines are also applicable to students.

COMPLAINT PROCEDURES

HSU Sponsored Programs Foundation is aware that sexual harassment is a difficult subject to address with sensitivity and objectivity. HSU Sponsored Programs Foundation is concerned with the rights of all members of the organization. All parties to a complaint are entitled to due process in the handling of the complaint. It is HSU Sponsored Programs Foundation policy to handle all complaints with sensitivity, swiftness and, if at all possible, within the organization.

Procedure:

1. All employees will be notified of the HSU Sponsored Programs Foundation policy on sexual harassment through their appointment proceedings.
2. Any intentional sexual harassment is considered to be a violation of company policy and will be dealt with accordingly by corrective counseling and/or suspension or termination depending upon the severity of the violation.
3. Because HSU Foundation is organized on a project basis, with projects functioning in numerous geographical locations and functioning as limited autonomous entities (having their own budgets, conducting their own employee searches, etc.), the primary level for reporting of and resolution of sexual harassment issues is the project level. Instances of sexual harassment should therefore be reported to the project director, who will, in turn, report the incident and then its

subsequent resolution to HSU Foundation management. If it is impractical to report an incident to the project director, or if the incident cannot be resolved at the project level, the report should be made directly to HSU Foundation Management, Student Business Services Building, Suite 295, Humboldt State University, Arcata, CA 95521.

4. Both project directors and the management of HSU Sponsored Programs Foundation will keep detailed records on all aspects of each investigation including records of all conversations and personnel actions. In instances where the issue cannot be resolved informally, employees will be informed of their rights to follow the HSU Foundation grievance procedure as well as procedures of external regulatory agencies.
5. High standards will be maintained to protect the privacy of the employee and complainant during investigative procedures; however, all parties must realize that due diligence investigation can compromise anonymity.