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POLICY/PROCEDURE NUMBER: 05-P.A.-003

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SUBJECT: DISCRIMINATION, HARASSMENT AND RETALIATION

EFFECTIVE DATE: March 21, 2022

REVIEW DATE: March 21, 2023

AMENDS/SUPERSEDES: Sexual Harassment 100-37, 9/19/01; March 16, 2005 version; February 26, 2008 version; January 27, 2010 version; February 16, 2011 version; January 8, 2014 version; January 7, 2015 version; December 19, 2019 version.

IACLEA STANDARD: 4.1.1, 4.1.2

CSU POLICE SYSTEMWIDE POLICY– NO

APPROVED: Alfredo B. Fernandez, Chief of Police

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## I. PURPOSE

To affirm California State University, Northridge (CSUN) Department of Police Services' intent to maintain a working and learning environment free from discrimination and harassment for students and employees.

## II. POLICY

The California State University (CSU) is committed to maintaining a work environment where every employee is treated with dignity and respect. CSU will not tolerate unlawful harassment based on race, color, religious creed, national origin, ancestry, age, sex, sexual orientation, gender, gender identity, gender expression, marital status, veteran status, physical disability, mental disability, genetic information or medical condition.

Individuals who believe they have been subjected to, knows of, or has reason to know of, allegations or acts of harassment should promptly report it to a supervisor, manager, Office of Equity and Diversity (designated campus DHR Administrator), Human Resources or other designated campus administrators.

## III. DEFINITIONS

### **Harassment**

Harassment occurs when unwelcome conduct is engaged in because of a protected status of an individual, which include race, color, religious creed, national origin, ancestry, age,

sex, sexual orientation, gender, gender identity, gender expression, marital status, veteran status, physical disability, mental disability, genetic information or medical condition, **and:**

- (1) Submission to, or rejection of, the conduct is made a term or condition of an individual's employment; **or**
- (2) Submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment actions or decisions affecting an individual; **or**
- (3) Such conduct is so severe or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the individual, and is in fact considered by the individual, as intimidating, hostile or offensive.

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).

**Sexual Harassment** consists of both non-sexual conduct based on sex or sex-stereotyping and 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.

**Sexual Violence** is a form of sexual harassment and means physical sexual acts (such as unwelcome sexual touching, sexual assault, sexual battery, and rape) perpetrated against an individual who did not give consent or incapable of giving consent due to age, disability or use of alcohol or drugs.

#### IV. APPLICATION

The California State University (CSU) systemwide policy prohibits: 1) harassment of any employee; and 2) retaliation against such an individual for reporting conduct the individual reasonably and in good faith believes is harassment or participating in any investigation of harassment.

**CSU Executive Order 1096**, System-wide Policy Prohibiting Discrimination, Harassment and Retaliation Against Employees and Third Parties describes the CSU policy, emphasizing the importance of training the CSU community on nondiscrimination, anti-harassment and anti-retaliation policies and procedures in order to prevent and correct discrimination and harassment. CSU Executive Order 1096 also provides extensive definitions of terms, and procedures for handling discrimination, harassment, and retaliation allegations/complaints by employees and third parties.

**CSU Executive Order 1097**: System-wide Policy Prohibiting Discrimination, Harassment & Retaliation (DHR) Against Students describes the CSU policy, emphasizing the importance of training the CSU student community on nondiscrimination, anti-harassment and anti-retaliation policies and procedures in order

to prevent and correct discrimination and harassment. CSU Executive Order 1097 also provides extensive definitions of terms, and procedures for handling discrimination, harassment, and retaliation allegations/complaints by students.

In addition, CSU Executive Orders 1096 and 1097 provide that any employee who knows of, or has reason to know of, allegations or acts that violate this policy, shall promptly inform the DHR Administrator in the Office of Equity and Diversity.

In accordance with Title IX of the Education Amendments of 1972, CSUN prohibits discrimination on the basis of sex in all of its education programs and activities. This includes sexual harassment and sexual violence. CSUN has designated the Director for the Office of Equity and Diversity as its Title IX Coordinator to monitor and oversee Title IX compliance. The Title IX Coordinator is available to discuss one's right to file a criminal complaint as well as a university complaint and assist with obtaining available resources.

Refer to Department Policy 02-S.O.-001 - SEXUAL VIOLENCE RESPONSE, INVESTIGATION, AND TITLE IX for further details of department employee response and reporting of Title IX incidents.

#### V. TRAINING

All employees of the Department of Police Services are required to undergo periodic training on CSUN's nondiscrimination and anti-harassment policy (as specified by the statewide system) and may obtain further information from the CSUN Office of Equity and Diversity. See also the Equity and Diversity website for more information and links to the electronic version of the system-wide policy: <http://www.csun.edu/eqd>. Title IX training and Non-discrimination and Anti-harassment training (formerly referred to as sexual harassment training) for all Department of Police Services personnel will occur upon initial hiring and on an annual basis.