October 8, 1981

MEMO TO: All Employees

FROM: Gail Fullerton
President

SUBJECT: SEXUAL HARASSMENT POLICY AND PROCEDURES

The attached policy and procedures statement has been adopted by San Jose State University and is now in effect.

This should be retained for future reference.

GF:ea

Enclosure
San Jose State University is committed to maintaining a learning and working environment free from sexual harassment of its students, employees, and those who apply for employee or student status. Sexual harassment is conduct subject to disciplinary action.

CSUC policy defines sexual harassment to include "such behavior as sexual advances, request 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;
- 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 had 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."

All complaints dealing with sexual harassment will be carefully investigated. The initial investigation will be confidential and will protect fully the rights of both the individual lodging the complaint and the person against whom the complaint is being lodged. At the end of the initial investigation, if further action is deemed warranted, the investigating officers shall make appropriate recommendations to the proper campus authority.

All complaints dealing with sexual harassment should be directed to Dr. Charles Whitcomb, Ombudsman, ADM 201, and Dr. Sybil Weir, Associate Dean for Faculty Affairs, ADM 146, who have been designated to investigate such allegations.

Fall Semester 1981
March 21, 1985

TO:    Dan Buerger
       Executive Administrative Assistant
       President's Office

RE:    Faculty Handbook Project

In preparing the faculty handbook, Bob Woodward noted that P81-21
(attached) omits a clause included in EO 345 (see marked attachment.)

If the omission is unintentional, and the President so wishes, might
you direct Woodward to run the campus policy including the omitted clause? And,
might the President issue an addenda correcting P81-21?

In any case, will you please let Woodward and me know what the Presi-
dent decides to do?

Thanks.

Selma Burkom
Associate Dean/Faculty Affairs

cc:    AVP Gruber
       AAVP/FA Noble
       Dr. Woodward
Executive Order No.: 345

Title: Prohibition of Sexual Harassment

Effective Date: June 1, 1981

Supersedes: No Prior Executive Order

It is the policy of The California State University and Colleges that each campus and the Office of the Chancellor maintain a working and learning environment free from sexual harassment of its students, employees and those who apply for student or employee status. All students and employees should be aware that The California State University and Colleges is concerned and will take action to eliminate sexual harassment. Sexual harassment is conduct subject to disciplinary action.

Sexual harassment includes such behavior as sexual advances, request 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.

In determining whether conduct constitutes sexual harassment the circumstances surrounding the conduct should be considered.

In order to ensure adherence with The California State University and Colleges policy, the President and the Chancellor shall designate those responsible for receiving complaints of sexual harassment. Once selected, the names and titles of those persons shall be publicized.

Established California State University and Colleges disciplinary, grievance or other complaint procedures, as appropriate, will serve as the mechanism for resolving complaints of sexual harassment.

Efforts should be made to publicize such procedures and their application to sexual harassment complaints.
To maintain a learning and working environment free from sexual harassment, the campuses are encouraged to educate the campus community, students, and employees regarding sexual harassment. The Office of the Chancellor will make available training for persons designated to receive complaints of sexual harassment.

Date: June 1, 1981
SAN JOSE STATE UNIVERSITY

SEXUAL HARASSMENT POLICY AND PROCEDURES

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