

The Procedure (cont.)

Complaints Against the CSU and/or CSU Employees - Formal Level II - Appeal to Office of the Chancellor (CO)

A. Timing for Appeal to CO. If the student/applicant is not satisfied with the decision made at Formal Level I, he/she may file a Formal Level II Appeal with the Office of the Chancellor no later than ten (10) work days after the receipt of the Formal Level I decision.

Formal Level II Appeals shall be addressed to: Office of the Chancellor, Equal Employment Opportunity & Whistleblower Compliance Unit, Systemwide Human Resources, 401 Golden Shore 4th Floor, Long Beach, CA 90802.

B. Appeal Request. The appeal shall be in writing and shall detail the specific disagreements with the Formal Level I response. The issues raised on appeal shall be limited to those issues raised during the Formal Level I process.

C. CO Review. The CO designee (and Academic Affairs, where admission criteria are at issue) shall carefully review the issues raised on appeal and issue a response pursuant to this executive order. The review shall be limited in scope to the student's/applicant's specific disagreements with the Formal Level I response.

D. CO Response. The CO designee shall respond to the student/applicant no later than sixty (60) work days after receipt of the Formal Level II filing, unless the timeline has been extended.

E. Closure. The CSU review of the complaint filed by a student/applicant under this executive order shall end following a final decision by the CO designee.

To access the ***Student/Applicant for Admission discrimination/harassment/retaliation complaint form*** (EO-1045) go to the Office of Employee Relations and Compliance webpage: <http://www.calstate.edu/eo/EO-1045-Attachment1.pdf>.



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Student/Applicant for Admission Discrimination/ Harassment/Retaliation Complaint Process

*Executive Order
No. 1045*

OFFICE OF EMPLOYEE RELATIONS AND COMPLIANCE

Telephone: 619-594-6464

The Facts

Executive Order No. 1045 ***Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation Against Students and Applicants for Admission AND Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students and Applicants for Admission Against the CSU and/or CSU Employees*** was established to provide students and applicants for admission ("applicants") a systemwide procedure to file complaints alleging violations of the California State University (CSU) systemwide policy prohibiting discrimination, harassment and retaliation against students and applicants by the CSU and/or CSU employees. Students or applicants who file a complaint are required to cooperate with the investigation/review, including but not limited to, attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review.

Statement of Policy

The California State University (CSU), through its chancellor and presidents, is committed to creating an atmosphere in which all students have the right to participate fully in CSU programs and activities free from unlawful discrimination, harassment and retaliation.

This policy is established in compliance with the California Equity in Higher Education Act, California Education Code Sections 66250 et seq., among other applicable state and federal laws. It is the policy of the CSU that no student or applicant for admission as a student shall, on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or age, be unlawfully excluded from participation in or be denied the benefits of any CSU program or activity. Nor shall a student or applicant for admission as a student be otherwise subjected to unlawful discrimination, harassment, or retaliation for exercising his/her rights under this executive order.

The Procedure

Complaints Against the CSU and/or CSU Employees - Informal Resolution - Campus Level

Students/applicants who believe they are or may have been victims of discrimination, harassment or retaliation by the CSU and/or a CSU employee may request that the Informal Resolution process be initiated prior to or instead of filing a formal complaint.

During the Informal Resolution process, the University will attempt to resolve the student's/applicant's concern(s) quickly and effectively. The designated MPP employee will meet with the student/applicant, the accused, and any other person(s) or witness(es) determined to be necessary for a resolution of the matter, to review the allegations and any responses.

At any time during the Informal Resolution process, the student/applicant, may elect to terminate the process and proceed with Complaints Against the CSU and/or CSU Employees - Formal Level I - Campus Level.

Both the student/applicant and the accused will be expected to keep the details of the informal resolution process confidential until the process is concluded.

If resolution is reached by these informal means, the matter will be considered closed and the student/applicant will be precluded from subsequently filing a formal complaint or appeal on the same incident under this executive order.

If resolution is not reached by these informal means, the student/applicant will be informed about how to file a formal complaint pursuant to this executive order.

Complaints Against the CSU and/or CSU Employees - Formal Level I - Campus Level

A. Filing a complaint. The student/applicant shall file a written complaint with the University employee designated to receive discrimination/harassment/retaliation complaints from students/applicants. The date of receipt shall establish the complaint filing date.

B. Timeline for filing a complaint. To be timely, the student/applicant must file a complaint no later than twenty (20) work days after the end of the academic semester in which the most recently alleged discriminatory/harassing/retaliatory act occurred.

C. Requirements of a Complaint. The student/applicant should complete the "CSU Student/Applicant for Admission Discrimination/Harassment/Retaliation Complaint Form".

D. Intake interview. An interview with the student/applicant shall occur as soon as possible, but no later than ten (10) work days after the student/applicant has submitted a formal complaint. Students/applicants must make themselves available for this meeting.

E. Advisor. The student/applicant may elect to have an advisor accompany him/her to any meeting(s) and/or interview(s) with the University regarding the complaint. The advisor may be an attorney. The advisor's role in such meetings and/or interviews is limited to observing and consulting with the student/applicant.

F. Notice Regarding Complaint. Only those persons with a legitimate need to know will be apprised of the filing of and disposition of a complaint.

G. Investigation Procedure and Report of Findings of Fact and Conclusions. Upon inquiry or during the course of an investigation, the student/applicant shall be advised of the status of the investigation. The investigation shall be completed no later than sixty (60) work days after the intake interview, unless the timeline has been extended. The timeline for the investigation shall not be extended for a period longer than an additional thirty (30) work days from the original due date.

H. Notice of Finding. The investigator shall provide the student/applicant with notification of the outcome of the campus investigation within ten (10) work days of completing the report.

