

## The Procedure (cont.)

is terminated. Any such termination by the Director is final.

Whether the complaint is accepted or denied, the complainant shall be mailed written notification of the outcome of the preliminary review within the twenty (20) working day period stipulated above.

### Investigation of a Complaint

When a preliminary review establishes that the complaint meets all jurisdictional requirements, the administrative investigations officer shall immediately initiate a thorough review of the situation. This investigation shall be completed within forty-five (45) working days after concluding the preliminary review. During this forty-five (45) day period the respondent(s) will be notified of the investigation process and will have an opportunity to provide any relevant information.

The investigation period may be extended, with the consent of the complainant, when the administrative investigation officer believes this is necessary for an equitable resolution of the situation.

### Findings and Recommendations of the Administrative Investigations Officer

The administrative officer investigating the complaint will forward any recommendations, along with findings of the investigation, within three (3) working days of the completion of the investigation to the campus Vice President(s) in whose area(s) the complaint originated.

### Formal Disposition of a Complaint

Upon receipt of the findings and recommendations of the administrative investigations officer, the campus Vice President(s) in whose area(s) the complaint originated shall review and may

accept, reject, or modify the findings, conclusions, and recommendations presented.

The Vice President(s) shall mail notice to all parties of the final disposition within ten (10) working days after receiving the findings.

### Appeal to the President of the university

Any party may appeal the decision of the Vice President(s) to the President of the university. Such appeal must be received by the President's Office within fifteen (15) working days of the mailing of the Vice President(s) decision. The appeal must be in writing and it must be based upon either a claim of the denial of adequate due process during the initial investigation or the existence of substantial new evidence that was unavailable during the initial investigation. The President of the university, or designee, shall mail to all parties a written decision on any appeal within ten (10) working days of the deadline for receipt of such appeals. The President's decision is final.

### Retaliation Prohibited

Retaliation against a complainant for any complaint filed under this policy is strictly prohibited. A complaint of retaliation may be investigated and sanctioned under this policy as a separate and additional offense.



## OFFICE OF EMPLOYEE RELATIONS AND COMPLIANCE

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**Campus Procedures for Student  
Complaints Involving Discrimination,  
Sexual Harassment, Accommodation  
for Disabilities, and/or Student  
Records Access and Disclosure**

*SDSU Guidelines  
for Student  
Complaints*

## OFFICE OF EMPLOYEE RELATIONS AND COMPLIANCE

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## The Facts

San Diego State University is committed to maintaining a campus environment free from sexual harassment and from discrimination on the basis of race, color, religion, gender, age, disability, marital status, sexual orientation, alienage and national origin. San Diego State University is also committed to providing reasonable accommodations to students with disabilities, and to ensuring student privacy and access rights with regard to educational records. Accordingly, students who believe that they have been subjected to such discrimination or sexual harassment or that they have been denied accommodation to which they are entitled for qualified disabilities are encouraged to bring the matter to the attention of the university. Likewise, students are urged to notify the university if they believe that they have been wrongfully denied access to their own records or that their records have been inappropriately disclosed to others.

## The Procedure

### Eligibility for Filing a Complaint

In order to be eligible to file a complaint under this policy, the complainant must be an SDSU student or applicant or must have filed an application or been enrolled in SDSU course work within 180 calendar days prior to filing the complaint.

### Time Limit for Filing a Complaint

The university will not review any allegations that are based on events, which occurred more than 180 calendar days prior to the date the complaint was filed. However, if the complainant did not know, and did not have reason to know of the event when it occurred, the 180 calendar days shall begin as of the date the complainant learned or reasonably should have learned of the occurrence of the event. In no case, will an allegation be reviewed if it arises out of events that occurred more than one year prior to the date the complaint was filed.

### Scope of Authority

These procedures apply to discrimination and sexual harassment complaints initiated by SDSU students for actions occurring on campus property or in the areas of admissions, program access, student employment and treatment in official university programs and activities.

These procedures apply to discrimination, harassment and retaliation complaints against students, visitors, vendors or independent contractors who are not CSU employees. Complaints against CSU or CSU employees are to be filed under the procedures in [Executive Order 1045](#).

Alleged discrimination and sexual harassment in connection with services or activities provided by an auxiliary corporation of the university, or its employees, are specifically excluded from coverage by these procedures. Complaints involving auxiliary corporations, or their employees, should be referred to the respective auxiliary corporation.

### Offices for Filing a Formal Complaint

Students who believe that they have a valid complaint appropriate for this process may go to the Office of Employee Relations and Compliance or the Office of the Ombudsmen where they may file a Complaint Form to begin a formal investigation of their complaint. Students who do not wish to access the Office of Employee Relations and Compliance or the Office of the Ombudsmen may file a Complaint Form at the Office of the Vice President for Student Affairs. Students at the Imperial Valley Campus (IVC) may also access this process through the IVC Assistant Dean for Student Affairs. These are the only offices at which a student may initiate formal action.

In the formal complaint process the university must notify the alleged offender of the identity of the complainant and the substance of allegations made in the complaint. Students who wish to discuss their concerns in a confidential environment may contact the Office of Counseling and Psychological Services.

### Steps for Filing a Complaint

A. Students should obtain a copy of the *Campus Procedures for Student Complaints Involving Discrimination, Sexual Harassment, Accommodation For Disabilities, And/Or Student*

*Records Access And Disclosure* and complete and file the [Complaint Form](#) with the SDSU Office of Employee Relations and Compliance, Office of the Ombudsmen or the Office of the Vice President for Student Affairs, or, for IVC students, the IVC Assistant Dean for Student Affairs.

B. If submitted to the Office of the Ombudsmen or the Office of the Vice President for Student Affairs, the receiving office will sign and date the form and within one day forward it to the Office of Employee Relations and Compliance.

C. Upon receipt of the complaint, the Office of Employee Relations and Compliance will determine if the Complaint appears to be subject to the procedures of the university. If the complaint appears to be within the jurisdiction of the university, the Director of the Office of Employee Relations and Compliance will within three days appoint an administrative investigations officer to review the complaint.

### Informal Disposition of a Complaint

At any time from the initiation of a complaint to the conclusion of the campus investigation, a complaint may be resolved informally provided the complainant, respondent and appropriate university Vice President(s) mutually agree to the terms and conditions of the proposed settlement.

At any time from the initiation of a complaint to the conclusion of the campus investigation, either party or the university may suggest a confidential, non-binding mediation of the dispute. Both parties and the university must agree to any mediation and any resolution that arises therefrom.

### Preliminary Review of a Complaint

No later than twenty (20) working days after receipt of the complaint, after meeting personally with the complainant, the administrative investigations officer shall determine whether the complaint meets all jurisdictional requirement.

When the complaint does not meet this requirement, the administrative officer investigating the complaint shall recommend to the Director of the Office of Employee Relations and Compliance that the investigation cease. If the Director of the Office of Employee Relations and Compliance concurs, the complaint process