

A C A D E M I C   S E N A T E  
O F  
C A L I F O R N I A   S T A T E   U N I V E R S I T Y  
S A C R A M E N T O

Minutes

Issue #25

May 16, 1991

**ROLL CALL**

**Present:** Al-Kazily, Bach, Barrena, Bauerly, Bourg, Brackmann, Brown, Cajucom, Carlson, Cook, Cooper, Curry, De Haas, Decious, Elfenbaum, Gelus, Glovinsky, Gonzalez, Hayashigatani, Hernandez, Holl, Huff, Jakob, Jensen, Kelly, Kornweibel, Lonam, D. Martin, L. Martin, Maxwell, McClure, Meier, Miller, Mrowka, Muller, Navari, Pacholke, Palmer, Pyne, Quade, Radimsky, Reinelt, Schuster, Serrano, Shannon, Steward, Sullivan, Summers, Tobey, Toder, Tooker, Weissman, Wheeler, White, Whitesel, Wright

**Absent:** Amos, Barnes, Harriman, Johnson, Mattos, Michael, Novosel, Shek, Sutherland, Winters, Yousif

**INFORMATION**

1. A Moment of Silence was observed in memory of:

SASHAI DAWN

Masters in Social Work, 1989

National Guard Captain killed in Honduras helicopter accident.

2. Richard Crable, Chair of the ad hoc Committee on Scholarship, reported that, as charged, the Committee will submit its report to the Senate Chair by the end of the semester.
3. Meeting Schedule--THAT'S ALL FOLKS--HAVE A GREAT SUMMER!

**ACTION ITEMS**

\*AS 91-15/Ex., Flr.                      NEW ACADEMIC DEPARTMENTS, CRITERIA FOR ESTABLISHING

The Academic Senate recommends adoption of the following policy statement on the establishment of academic departments:

Policy on Establishment of New Academic Departments

### Policy on Establishment of New Academic Departments

The following guidelines are established in recognition that disciplines evolve, and the university's academic programs grow and change. The faculty who administer and teach in an academic program may, therefore, seek changes in the administrative status of the program. Most frequently, the change sought is department status. Adjustments in administrative status of programs must be based on both programmatic and fiscal considerations.

An academic department is defined as an entity within a school, created around a subject area, that administers academic programs, develops curriculum and makes personnel decisions, subject to school and university approval processes.

#### Process for evaluation of applications for department status:

1. Applications for department status shall be submitted to the relevant school and university curriculum committees, in accordance with procedures for program change proposals.
2. Applications shall be considered on a case by case basis in accordance, with established procedures for review and approval of program change proposals.<sup>a</sup>
3. Applications shall include information relative to the criteria specified below, which shall be used at all levels of review in deciding whether to recommend approval or disapproval of requests for department status.
4. The evaluations shall be qualitative, not simply quantitative. That is, department status may be recommended if most, but not all, criteria are satisfied; and approval of department status is not guaranteed if all criteria are satisfied.

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<sup>a</sup>The proposal shall first be reviewed by the appropriate school committee(s) and School Dean whose recommendations shall be forwarded to the Office of the Vice President for Academic Affairs for distribution to the appropriate Senate committees (Graduate Policies and Programs, Curriculum, and Fiscal Affairs). The Senate committees shall review the proposal and School recommendations, evaluate the proposal in relation to the specified criteria, and forward their recommendations to the Academic Senate. As in all cases of program change proposals, the Academic Senate shall consider the proposal and make its recommendations to the President on approval or disapproval.

## Criteria for Evaluation:

At all levels, requests for department status shall be evaluated in relation to the following criteria.

1. The program(s) represents a distinct subject area.

*Are the courses offered under a separate Hegis code? Do the faculty teaching in the program(s) hold degrees or specializations in the discipline? Are there journals, textbooks, and/or bodies of research and analysis pertaining to the discipline?*

2. The number and size of the academic program(s) is sufficient to generate the resources needed to support a department office.

*Is a major or minor offered? Are graduate programs offered? What is the FTES and FTEF for each program?*

3. There is a group of faculty who will assume major responsibility for this program(s).

*How many faculty are teaching/advising in the program? How many faculty are teaching part-time in the program, and what percentage of them hold appointments in other programs/departments?*

4. A significant number of department functions are being executed by the program faculty at the present time.

*Does the program prepare and manage its own budget? Are program faculty responsible for primary level RTP decisions? recommendations on faculty appointments? curriculum development? student advising? Does the coordinator/director of the program(s) report directly to the school dean?*

5. Department status would enable faculty teaching in the program to achieve greater parity with colleagues in areas such as academic freedom and participation in ARTP decisions.

*How are curriculum decisions for the program(s) made under the current administrative entity? How are faculty currently involved in the ARTP processes?*

6. Department status for the program(s) would be appropriate to the organizational structure of the school.

7. Budget adjustments required by the granting of department status for the program(s) would not have a negative fiscal impact on other programs within the school.
8. Establishment of the new department would result in a clear, significant improvement in the delivery of the program(s) to students, and would enhance the mission of the university.

Carried.

\*AS 91-39/CC, GPPC, Ex. CURRICULUM REVIEW--DEPARTMENT OF JOURNALISM

The Academic Senate receives the commendations and recommendations of the Curriculum Committee and the Graduate Policies and Programs Committee on the program review of the Department of Journalism (**Attachment A<sup>1</sup>, 5/2/91 Senate Agenda**) and recommends that the Bachelor of Arts degree program in Journalism be approved for six years or until the next scheduled program review.

<sup>1</sup>At its meeting of May 7, 1991, the Executive Committee referred the "Recommendation to the Dean of the School of Arts and Sciences" (see page 2, Attachment A, 5/2/91 Senate Agenda) to the Graduate Policies and Programs and Curriculum committees for reconsideration.

Carried unanimously.

\*AS 91-40/CC, GPPC, Ex. CURRICULUM REVIEW--DEPARTMENT OF GOVERNMENT

The Academic Senate receives the commendations and recommendations of the Curriculum Committee and the Graduate Policies and Programs Committee on the program review of the Department of Government (**Attachment B<sup>1</sup>, 5/2/91 Senate Agenda**) and recommends that:

1. the Bachelor of Arts degree program in Government be approved for six years or until the next scheduled program review.
2. the Bachelor of Arts degree program in Government-Journalism be approved for six years or until the next scheduled program review.
3. the Master of Arts degree program in Government be approved for six years or until the next scheduled program review.

Further, the Academic Senate receives recommendation #1 to the Academic Senate, as follows: "1. The Academic Senate consider, and the Dean of Arts and Sciences and Academic Affairs consult about (a) formulating a more precise definition of faculty currency and devising ways of measuring currency, and (b) finding ways of promoting faculty currency." from the program review for the Department of Government and will consider this item within the context of the report of the ad hoc Committee on Scholarship.

<sup>1</sup>At its meeting of May 7, 1991, the Executive Committee amended the recommendations to the department to decrease the number of reports the department is requested to submit to Curriculum and Graduate Policies and Programs committees by April 1, 1992. Specifically, the department is requested to submit reports on recommendations 3, 4, 8, 11 and 19 and to consider all other recommendations prior to the next program review.

Carried unanimously.

\*AS 91-49/CODE/AA, Ex., Flr. SEXUAL HARASSMENT POLICY [Amends PM 85-17]

The Academic Senate recommends amendment of the CSUS "Policy Against Sexual Harassment" [PM 85-17], as follows [strikeover = deletion; underline = addition]: (See Attachment)

Further, while the Academic Senate deleted the sentence "The above guidelines also apply to consensual relationships outside the supervisory context for all faculty, students, staff and administrators." (recommended as an addition to the policy on page 4, Attachment D, 5/16/91 Senate Agenda), the Senate requests that the Committee on Diversity and Equity/AA provide alternate language to express more precisely the intent of the language of the deleted sentence.

In addition, the Academic Senate endorses the following statement from the Committee on Diversity and Equity/AA (CODE) and forwards it to the President for consideration:

"The Committee [CODE] notes that the document includes a 'policy of ensuring that an educational awareness program exists for all supervisors/managers and all faculty, full-time, part-time, temporary and permanent' (p. 2). The Committee's prime concern is that such an educational program be allocated sufficient staff and resources to accomplish its directive. The Committee further notes that present staff and resources should be augmented to meet this directive, thereby establishing education and prevention as priority considerations."

Carried.

\*AS 91-50/Ex., Flr. FACULTY PROFESSIONAL ETHICS, STATEMENT  
OF (In response to AS 90-9)

- WHEREAS, On April 7, 1988, the Chairs of all University academic departments expressed the need for a statement to address ethics issues; and,
- WHEREAS, On February 8, 1990, the Academic Senate passed AS 90-9 (CSUS Policy on Faculty Professional Ethics), which included a recommendation to establish an ad hoc Committee to develop a more specific statement of ethics for the CSUS campus; and,
- WHEREAS, An ad hoc Committee to address Faculty Ethics was created in October of 1990 and has met frequently since that time; and,
- WHEREAS, A document has been prepared to provide guidance to all faculty as to the policy on Faculty Ethics; therefore, be it
- RESOLVED, That the Academic Senate adopt the following policy as the policy on Faculty Professional Ethics at CSUS, with AS 90-9 (**Attachment E, 5/9/91 Senate Agenda**) as an addendum.

STATEMENT ON FACULTY PROFESSIONAL ETHICS

It is the purpose of this document to affirm the tenets of ethical professional conduct for faculty at California State University, Sacramento and to provide guidance to faculty in following those tenets.

The academic community of faculty, students and staff at CSUS shares a dedication to and a responsibility for protecting the right to free inquiry and autonomy, stimulating intellectual growth, and protecting the well-being of all its members. At times, a faculty member may need to make a choice between fulfilling a responsibility to him/herself and fulfilling his/her responsibility to the academic community. The decision made in such a circumstance may cause the faculty member's professional ethics to be called into question.

This statement affirms three main tenets of professional conduct which provide the basis of assessment of an individual's professional ethics. First, a faculty member bases evaluations and judgments regarding students and colleagues on observable evidence and equitable applied standards. Thus, the faculty member avoids exploitation, harassment, or discriminatory treatment of members of the

academic community. Second, a faculty member gives priority to the fulfillment of his/her obligation to the academic community over off-campus activities other than those associated with one's ordinary duties and responsibilities. Third, a faculty member honors his/her academic debt to the work of other scholars.

The responsibility for abiding by these tenets lies with the individual faculty member. It is the responsibility of the University to inform the faculty member if the perception has been created that a possible breach of ethics has occurred.

Listed below are some examples of situations in which the choice made by a faculty member could make him/her vulnerable to the accusation that he/she has committed a breach of professional ethics.

1. Making decisions regarding other members of the academic community with whom there is an intimate relationship or when there is unresolved conflict regarding scholarly, pedagogical or other matters between the faculty member and the other individual. Such decisions may include but are not limited to:
  - Evaluating or influencing the evaluation of performance;
  - Assigning or influencing the assignment of work, including faculty teaching loads, schedules, staff responsibilities, and student assignments;
  - Awarding compensating time off to faculty and staff, including "assigned time";
  - Distributing professional development funds, including travel money.
2. Persistently failing to honor obligations of the teaching profession, such as meeting classes, being accessible to students during office hours, providing a course syllabus for students and adhering to it, providing students with timely and relevant feedback, or violating existing campus policy such as giving a final examination during the last week of instruction.
3. Undertaking off-campus commitments other than those associated with one's ordinary duties and responsibilities when these commitments conflict with one's obligations to meet classes, hold office hours, and fulfill responsibilities to department and campus committees and projects.

4. Establishing a significant financial or contractual obligation with another member of the academic community when the possibility exists that one member may have influence over the other's evaluation.
5. Choosing whom to credit for significant contributions to one's research/scholarly activity.
6. Revealing confidential, sensitive or negative information regarding any member of the academic community.

A member of the faculty who is found, after an investigation, to be in violation of the tenets of professional ethics is subject to the appropriate disciplinary action as described in the Agreement Between the Board of Trustees of the California State University and the California Faculty Association, Unit 3--Faculty.

Carried.

\*AS 91-51/AP, Ex. ASSESSMENT POLICY, CSUS

The Academic Senate recommends adoption of the following Assessment Policy:

#### ASSESSMENT POLICY

##### Overview

Assessment at CSUS is a University wide unit\* based process to determine how well and in what ways individual units and the University are meeting their individual and collective goals. It was established by the Administration and the Academic Senate in response to a directive and guidelines from WASC. Assessment is an ongoing process, done by all units in the University and done by the members of each unit. This evaluation will become part of the program review process (this includes both Academic Program Review and Support Services Review), and as part of the program review process it will tie into the planning of the unit. The primary goal of assessment is to improve education at CSUS.

Each unit shall define its goals, and then shall evaluate the following:

- i) its goals and progress towards its goals
- ii) the interaction between its academic programs, student services, the campus environment--and how these relate to its goals
- iii) the results/effects of its goals on students.



Assessment is not done to justify funding. The results of assessment shall not be compared with results obtained in other units at CSUS or with units at other universities, and assessment shall be done by and for the unit.

\*Unit is used in a generic sense. This policy applies to departments, Schools, programs (e.g., G.E.), and other units (e.g., Student Services).

#### Assessment Plan

Each unit at CSUS shall be asked to define its methods of assessment and to explore new methods. This assessment/evaluation must be an ongoing process that is done by the members of the unit and which addresses the results of the programs, policies, and the planning of the unit. Specifically:

- a. Units shall consider methods for evaluating the results of the programs, policies, and the planning of the unit (these methods should go beyond grades, and should result in giving information to the individual members of the unit, the unit as a whole, and to students). A copy of "Achieving Institutional Effectiveness through Assessment" (from WASC), and copies of the related WASC standards, shall be provided to all units, and the units shall address the guidelines from WASC in their assessment efforts.

This consideration shall include both a review of current evaluation practices, and consideration of alternative approaches - and this shall be done at the level of the unit and at the level of the members of the unit. Furthermore, units shall be encouraged to develop assessment methods that generate qualitative information rather than only quantitative data.

- b. Faculty and Student Services advisors shall assess the interaction between academic programs, student services and the campus environment (based on their relationships with their advisees). Again, this assessment shall generate qualitative information rather than only quantitative data.
- c. The Office of Institutional Studies shall assist units in using data that is currently collected by CSUS. Furthermore, the Office of Institutional Studies shall conduct a "census" to determine the types of data that are already being collected, and to determine the types of assessment models (and the analysis of the models) that are being used, and provide units with this information.

- d. Units shall incorporate assessment efforts in the program review process (this includes both Academic Program Review and Support Services Review), and as part of the program review process, assessment will tie into unit planning. Furthermore, program review shall address the effectiveness of the self-assessment that is done by units.

Some units are not reviewed as part of any review process that is defined by CSUS (e.g., Schools and the University).

For such units, Accrediting agencies (such as WASC, ABET) will be regarded as the means for outside review.

- e. The Dean of each School will have the responsibility of ensuring that each unit in the School develop and implement an assessment plan, and of cataloguing the information that is thereby obtained. Furthermore, the Dean of each School shall determine (through the program review process) if the School's goals are addressed by the units in the School.
- f. The Vice President for Academic Affairs will have the responsibility for ensuring that each University unit (e.g., G.E., Student Services, Hornet Foundation, University Media Center) develop and implement an assessment plan, and of cataloguing the information that is thereby obtained. Furthermore, the Vice President for Academic Affairs shall determine (through the program review process) if the University's goals are addressed by the units in the University.
- g. Units shall submit their assessment plans to an "Assessment Advisory Subcommittee" of the Academic Policies Committee, and this committee shall review these plans to determine if they are consistent with the spirit of this policy. The Assessment Advisory Committee will inform the unit and those involved with the program review of its recommendations.

Carried.

AS 91-56/Flr. ATHLETICS, PRIORITIES IN

Withdrawn.

\*AS 91-57/Ex. NAMING OF BUILDINGS (RESIDENCE HALL)

The Executive Committee, on behalf of the Senate, endorses the recommendation that a residence hall be named in honor of former State Senator Earl Desmond.

Carried.

AS 91-58/Ex. CURRICULUM REVIEW--HISTORY DEPARTMENT [responds to AS 88-49]

The Executive Committee, on behalf of the Academic Senate, receives the response [available for review in the Academic Senate Office] of the History Department to recommendation #2 to the department in the academic program review.

Carried.

AS 91-59/Flr. MINUTES

Approval of Minutes of April 25 (#22) and May 2 (#23), 1991.

Carried.

\*AS 91-60/CC, FisA, Ex. PROGRAM CHANGES

The Academic Senate recommends approval of the School Psychology Program changes (shown in **Attachment A, 5/16/91 Senate Agenda**) and forwards the Fiscal Affairs Committee evaluation [available for review in the Academic Senate Office].

Carried unanimously.

\*AS 91-61/AP, Flr. ACADEMIC CALENDARS FOR 1992-93 and 1993-94

The Academic Senate recommends that the proposed 1992-93 and 1993-94 academic calendars (**Attachment B, 5/16/91 Senate Agenda**) be adopted.

Carried.

\*AS 91-62/UARTP, Ex. UNIVERSITY ARTP POLICY

Resolved: To amend the currently approved statement of University ARTP policy as follows:

1. Section 5.01.A

To delete:

- A. ~~All personnel actions shall be based solely upon the candidate's ability, qualifications, experience, and fitness for the position to be filled without regard to the race, religion, color, national origin, ancestry, sex, handicapped status, marital status, creed, age, or sexual orientation of the applicant.~~

To add:

- A. "It is the policy of the CSU to prohibit discrimination against faculty unit employees on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age, disability, or veteran's status." (M.O.U. 16.1)

2. Section 6.04.A

To insert immediately following item 1:

2. "Temporary faculty unit employees (excluding coaches) employed during the 1990-91 academic year and possessing six or more years of service on that campus since July 1, 1983 shall be offered a two year temporary contract commencing with academic year 1991-1992. In addition to other provisions of this Agreement, the following special conditions shall apply:" (M.O.U. 12.18)

"a. For purposes of this section, one year of service shall be considered employment of one (1) semester or two (2) quarters in the bargaining unit on a single CSU campus during a single academic year. In calculating the six year eligibility period service need not be continuous, but the entire six (6) year period must have been worked on a single campus in a single department." (M.O.U. 12.18.a)

"b. Two year contracts will be issued for employment on each campus and in each department where the temporary faculty member has established eligibility." (M.O.U. 12.18.b)

"c. The time base of appointments provided here shall be as established under terms of the "similar assignment" language and precedents of Article 12.3 of this Agreement." (M.O.U. 12.18.c)

"d. "The President shall decide the type and extent of course offerings for the department, consistent with current policies and procedures on each campus." (M.O.U. 12.18.d)

23. ...  
34. ...  
45. ...  
56. ...

3. Section 6.06.B.3

To amend as follows:

3. "Each departmental peer review committee recommendation report shall be approved by a simple majority of the membership of that committee ~~casting a vote. An abstention shall count as a negative vote.~~" (M.O.U. 12.11.b)
4. To authorize the University ARTP Committee's presiding member to conform to the new M.O.U. all citations to the M.O.U. currently appearing in the University document.

Carried unanimously.

\*AS 91-63/UWC, Ex. WRITING PROFICIENCY POLICY, PROPOSED AMENDMENT TO (Amends AS 77-118 amended by AS 79-61, AS 79-91, AS 80-17 and compiled in AS 91-42)

The Academic Senate recommends that the Policy on Writing Proficiency (statement appears on pages II-4 and 5 of the May 9, 1991, Senate approved "Policies Pertaining to the General Education Program and Course/Proficiency Requirements for Graduation with the Baccalaureate Degree") be amended (rationale and implementation procedures shown in **Attachment C, 5/16/91 Senate Agenda**) as follows [underscore = addition]:

...  
B. Writing Proficiency Examination

...

7. Any student who fails the examination may meet with one of the examination readers to seek advice regarding appropriate instruction in composition and/or to ask for a reevaluation of the student's examination essay. (Reevaluation procedures will be designed and supervised by the Coordinator of Writing Proficiency Examinations.)
8. Any student who fails the Writing Proficiency Examination two times must meet with a WPE counselor to have her/his examination evaluated--before the student will be allowed to take another WPE.
9. Any student who fails the Writing Proficiency Examination three times must take English 109, Writing for Proficiency, before the student will be allowed to take another WPE.

Carried.

\*AS 91-64/Ex. "INSTRUCTIONAL PROGRAM PRIORITIES: GUIDELINES FOR ACADEMIC PLANNING, RESOURCE ALLOCATION, AND ENROLLMENT MANAGEMENT" (AS 91-16C), GUIDELINES FOR IMPLEMENTATION OF THE POLICY ON

The Academic Senate recommends adoption of the "Guidelines for Implementation of the Policy on 'Instructional Program Priorities: Guidelines for Academic Planning, Resource Allocation, and Enrollment Management'" (distributed under separate cover).

Carried.

AS 91-65/Flr. ROTC

The Academic Senate expresses its disappointment in the President's decision on ROTC (AS 91-40).

Carried.

The meeting was adjourned at 4:35 p.m.

  
Janice McPherson, Secretary

\*President's approval requested.

POLICY AGAINST SEXUAL HARASSMENT

It is the policy of California State University, Sacramento to maintain a working and learning environment free from sexual harassment of students, staff and faculty and those who seek such status. All students, staff and faculty should be aware that this University is concerned and will take action to eliminate sexual harassment. Sexual harassment is not only a unprofessional conduct and a violation of the law, it is also conduct subject to disciplinary action at the campus level.

The University's commitment to ethical standards and academic freedom prohibits any exploitation of faculty, staff, and students. Specifically, the University is required by law and by system policy to take all steps necessary to prevent sexual harassment. These steps include informing individuals of their rights and responsibilities, developing educational programs to sensitize the campus community to the issue, and developing sanctions against harassment. The University is also legally liable for sexual harassment perpetrated by its employees. Additionally, employees may also be held personally liable for acts of discrimination or sexual harassment.

Since sexual harassment is a complex, emotionally charged topic which raises questions about the nature of relationships among and between ~~women and men~~ persons of the same or opposite gender in academic and work environments, the University ~~establishes a will~~ continue its policy of ensuring the development of that an educational awareness program ~~in~~ which ~~all~~ exists for all supervisors-managers and all faculty, full-time and part-time,

temporary and permanent. ~~will be required to participate, beginning with mandatory participation in educational awareness workshops.~~ With education and strict enforcement, the University expects that incidents of sexual harassment will be reduced and that there will be a change in the attitudes and expectations that perpetuate it. The Affirmative Action Officer is responsible for leading this University effort. The ~~Associate Vice President for~~ Dean of Faculty and Staff Affairs is the President's designee for purposes of this policy.

DEFINITION (of Sexual Harassment)

An individual's behavior constitutes sexual harassment when it is sexual in nature and unwanted by the person toward whom it is directed. A finding of sexual harassment will be made when one or more of the following circumstances are present:

1. Submission to or toleration of the conduct is an explicit or implicit term or condition of appointment, employment, admission, or academic evaluation;
2. Submission to or rejection of such conduct is used as a basis for a personnel decision or an academic evaluation affecting an individual;
3. The conduct has the purpose or effect of interfering with the work performance of faculty or staff or creating an intimidating, hostile, offensive or otherwise adverse working environment; or
4. 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.

Examples of sexual harassment might include: inappropriate personal attention (including comments on personal appearance) by an instructor or person with power or authority over another, inappropriate touching, personal questions or comments of a sexual nature, pressure for dates or sexual activity, attempted sexual relations, sexual relations, sexual cartoons or posters and sexual jokes or comments.

#### AMOROUS RELATIONSHIPS IN THE INSTRUCTIONAL AND SUPERVISORIAL CONTEXT

No person who has instructional responsibilities (faculty, instructor, graduate assistant, adjunct, undergraduate assistant, tutor) shall have an amorous relationship (consensual or otherwise) with a student who is enrolled in a course taught by that person when the student's academic work (including work as a teaching assistant, internship supervision, etc.) is being supervised by that person.

No person (faculty, student, staff and/or administrator) who has supervisory or evaluative responsibilities shall have an amorous relationship (consensual or otherwise) with anyone with whom they have supervisory responsibility.

Persons in pre-existing close personal relationships (including spousal) need to be aware of perceived or real conflicts of interest and should withdraw from participation in activities or decisions that may reward or

penalize anyone with whom they have instructional or supervisory responsibility.

#### AMOROUS RELATIONSHIPS OUTSIDE THE INSTRUCTIONAL AND SUPERVISORIAL CONTEXT

Amorous relationships between faculty members and students occurring outside the instructional context may lead to difficulties. Particularly when the faculty member and student are in the same academically allied or in units that are academically allied, relationships that the parties view as consensual may appear to others to be exploitive. Further, in such situations (and others that cannot be anticipated), the faculty member may face serious conflicts of interest and should be careful to distance himself or herself from any decisions that may reward or penalize the student involved. A faculty member who fails to withdraw from participation in activities or decisions that may reward or penalize a student with whom the faculty member has or has had an amorous relationship will be deemed to have violated his or her ethical obligation to the student, to other students, to colleagues, and to the University.

#### COMPLAINT PROCEDURE

Prevention is the best tool for the elimination of sexual harassment. The University will take all steps necessary to prevent sexual harassment from occurring, by affirmatively raising the subject, expressing strong disapproval, applying appropriate sanctions, informing employees and students of their rights and how to raise the issue of harassment under Titles VII and IX, raising the consciousness of would-be victims,



and developing methods to sensitize all concerned. It is the legal responsibility of department heads, deans, supervisors, and managers to take all necessary and appropriate steps to prevent and correct sexual harassment problems. The first corrective step should be informal. If informal steps are unsuccessful, the matter will be pursued via the formal corrective action or complaint process.

A determination of sexual harassment must consider two (2) factors:

1. The conduct itself; and
2. The context in which it occurred.

#### Informal Process

As stated above, whenever possible, complaints should be resolved informally. Students may receive informal advice and assistance by contacting advisors in the offices of the campus Affirmative Action Office, the A&I, the Counseling Staff, Sierra Hall, Student Health Center, the Student Service Center, any of the schools Deans, the Women's Resource Center, or the Office of the Dean of Students. ~~or from a trained sexual harassment resource person. The sexual harassment resource persons will be members of the academic community appointed by the President or his/her designee. Names of such resource persons will be published periodically.~~ Faculty and employees may receive advice and assistance by contacting the offices of their immediate supervisors, Faculty and Staff Affairs, or the campus Affirmative Action Office Union representatives, ~~or any one of the sexual harassment resource persons.~~

#### Formal Process - Internal

If informal discussion does not resolve the problem, then a formal written complaint procedure may be initiated. The Affirmative Action Officer is responsible for maintaining the files on all reported cases and will act as a consultant on all investigations, thus providing support for this policy.

1. Employees covered by discrimination complaint procedures in their Memorandum of Understanding (i.e. Units 2, 5, 7, 9) will follow their contract procedures;
2. All other CSUS employees (permanent, probationary and temporary) will follow the procedures as outlined in Executive Order 419;
3. Students and non-CSUS employees will use the following procedures when they are charging a faculty or staff member with sexual harassment. Other issues of sexual harassment between students will be handled through the ~~office of the Vice Provost for Student Affairs~~ Office of the Dean of Students.

#### a. The Filing of a Written Complaint

The written signed complaint must include the following:

- 1) The specific act(s) or circumstances that are the basis of the complaint, including the time and place of the alleged action, and

2) The remedy or action requested.

Each complainant is entitled to only one formal written complaint for review arising out of a single set of facts.

b. Time Limits for the Complaint

A formal complaint will be considered if it is filed with the Affirmative Action Office within ninety (90) calendar days of the alleged act. If the act(s) are continuous, then the time for filing may be within 90 calendar days of the most recent occurrence of the act.

If circumstances arise which might deter the victim from timely filing, the time may be extended by the President or his/her designee or the Affirmative Action Officer. Any time limit that expires on a day observed as a day off by the University shall be extended to the next regular work day. Once the formal complaint has been filed, the President's designee or the Affirmative Action Officer may extend any other time limits; however, a written reason for the extension must be given. The President's designee for this policy will be the ~~Associate Vice-President~~ for Dean of Faculty and Staff Affairs.

c. Acceptance of Complaint

The complaint shall be reviewed by the Affirmative Action Officer to determine whether the alleged act(s) are within the scope of this procedure. If the complaint meets the above criteria and is acceptable, it shall receive an

administrative review. A copy of the complaint shall be forwarded to the accused and to his/her supervisor(s) (department chair, dean, or administrator of the accused).

d. Administrative Review

The Affirmative Action Officer shall review the complaint and, if appropriate, institute an investigation. After the investigation, the Affirmative Action Officer shall make a written recommendation to the President, or his/her designee, as to any action to be taken.

If disciplinary action is recommended against a faculty or staff member by the Affirmative Action Officer, procedures outlined in the appropriate M.O.U. or other CSU policy shall be followed.

If disciplinary action is recommended against a student, procedures as outlined in the Students Rights Handbook shall be followed.

e. Representation

The complainant and/or the University may be self-represented or represented by another person at any stage of the formal process.

f. Written Response to the Complaint

Following the Affirmative Action Officer's review, a written response to the complaint shall be sent by the Affirmative Action Officer to all persons involved. This shall be done no

ater than thirty (30) calendar days from receipt of the written complaint by the administrator. The time may be extended by the President's designee.

If the complainant is not satisfied with the written response by the President/designee and/or Affirmative Action Officer, she/he may initiate formal external procedures.

#### REGULATIONS AND LIABILITY

Sexual harassment has been defined for faculty and staff by the Equal Employment Opportunity Commission as a violation of Sec 703 of Title VII of the Civil Rights Act of 1964, as amended.

1. Under Title VII, the University is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment. This responsibility is imposed on the University regardless of whether the specific acts complained of were authorized or even forbidden by the University and regardless of whether the University knew or should have known of their occurrence. The University will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

2. With respect to persons other than those mentioned in subsection (1) above, the University is responsible for acts of sexual harassment in the workplace where the University, or its agents or supervisory employees, knew or should have

known of the conduct. The University may rebut apparent liability for such acts by showing that it took immediate and appropriate corrective action.

3. Individuals are also liable for their acts. Such liability may include tort or criminal liability for assault and battery.

#### Students

Students' complaints against a faculty member or staff are covered under Title IX of the Civil Rights Act of 1964. Title IX prohibits discrimination based on sex in all federally assisted educational programs. Title IX requires the institution to adopt and publish a procedure for prompt and equitable resolution of the students' complaints. (The impact of sexual harassment on students has great potential for harm. They may fear academic reprisals such as lower grades or denial of recommendations.)

#### FORMAL EXTERNAL REVIEW

A formal external review\* may be done by any of the following:

Fair Employment and Housing Commission  
- 365 days from last incident

Equal Employment Opportunity Commission  
- 300 days (10 months) from last incident

Office of Federal Contract Compliance  
- Compliance must be met on a day-to-day basis in accordance with Executive Order 11246

U. S. Department of Education

- 180 days from last incident or outcome of grievance

Civil Courts

- One year from date of discovery

Criminal Courts

- Misdemeanor, 1 year
- Felony, 3 years

\*Procedures and time limits are subject to change and the complainant is responsible to determine his/her rights and the agencies' procedures.

AS 91-49 adopted by the Academic Senate on May 16, 1991.