

RESOLUTION ON PROCEDURE FOR PROCESSING COMPLAINTS  
OF UNLAWFUL DISCRIMINATION  
(#16-92/93-FA)

- WHEREAS, The Academic Senate of Humboldt State University has been asked to review the attached revised procedure for processing complaints of unlawful discrimination; and
- WHEREAS, This revision brings the campus into compliance with existing federal, state, and collective bargaining agreements; and
- WHEREAS, This revision streamlines and simplifies the procedure; therefore, be it
- RESOLVED: That the Academic Senate of Humboldt State University endorses the proposed procedures (P 92-3) and recommends to the President that they be adopted. (Attachment)

P 92-3  
(Supersedes P 85-6)

SUBJECT: PROCEDURE FOR PROCESSING COMPLAINTS OF UNLAWFUL  
DISCRIMINATION

## I. Intent of the Procedure

(a) To implement all appropriate civil rights legislation and Humboldt State University policy, and to make a good faith effort to ensure that no person shall, on the basis of race, color, religion, national origin, gender, sexual orientation, marital status, pregnancy, age, disability, disabled veteran's or Vietnam era veteran's status be subjected to discrimination under any program or activity offered under the control of Humboldt State University.

(b) It is the intent of the procedure to include sexual harassment as a prohibited aspect of sexual discrimination and racial harassment as a prohibited aspect of racial discrimination.

A complete listing of all relevant legislation and policies is available at the Affirmative Action Office.

## II. General Provisions

These procedures apply to the processing of complaints arising from alleged unlawful discriminatory actions. Any student (or student at the time of the alleged discrimination), applicant for admission, employee (or employee at the time of the alleged discrimination), or applicant for employment who believes that he or she is a victim of discriminatory action may file a complaint under these procedures. Where there are conflicts between the provisions of this document and the current applicable MOU, the MOU shall prevail.

Any retaliatory action of any kind by an employee or student of the University against any other employee or student of the University as a result of that person's seeking redress under these procedures, cooperating in an investigation, or other participation in these procedures is prohibited, and may be regarded as the basis for disciplinary action.

**THE COMPLAINT PROCESS IS CONSIDERED CONFIDENTIAL.**

### III. Processing of a Complaint

Any person who believes that he or she has been discriminated against may file a complaint. For a complaint to be processed, the complaint must be filed within 120 days of the alleged unlawful discriminatory action.

### IV. Procedure

#### A. Informal Process - No Written Records will be Retained

(1) The complainant may first discuss the complaint with appropriate campus officials, including, but not limited to: student counselor, advisor, supervisor, department chair, ombudsperson, sexual/racial harassment prevention consultant, Disabled Students Coordinator, appropriate Dean or appropriate Vice President.

The complainant may proceed to lodge a complaint with the accused's appropriate supervisor. (In cases where the accused and the complainant are students in a nonworking setting the appropriate supervisor would be the Vice President for Student Affairs.) The appropriate supervisor will make every good faith effort to resolve the complaint. Attempts at resolution will include the supervisor notifying the accused of the complaint as well as discussion with the accused. The campus official responsible for attempts at resolution is encouraged to consult with the Affirmative Action Officer regarding process.

(2) If circumstances of the complaint prevent using step (1) or if the supervisor or other University officials do not resolve the complaint within 10 calendar days of the date the complaint was lodged, the complainant may proceed to contact the Affirmative Action Officer. The Affirmative Action Officer will follow procedures as outlined in step (1).

#### B. Formal Procedure - Written Records will be Retained

If the complaint is not resolved at the informal level the complainant may file a formal grievance through established California State University disciplinary, grievance or other complaint procedures, including those found in various collective bargaining agreements. If no other formal complaint procedures exist Executive Order 419 (system-wide grievance procedure for complaints of discrimination) will be utilized. In addition, complaints may be filed through Federal and State agencies including the Equal Employment Opportunity Commission, Office of Civil Rights, the Department of Labor and the Department of Fair Employment and Housing.