

RESPONSIBILITIES

- Defining, publishing and disseminating SJSU nondiscrimination policies and procedures;
- Investigating and resolving complaints alleging violations of state, federal and university non-discrimination regulations;
- Preparing and communicating the University's position in matters involving complaint investigations conducted by governmental regulatory agencies;
- Compiling, maintaining and updating information necessary to plan, set objectives, and monitor the success of SJSU's Affirmative Action Program;
- Monitoring all recruitment and selection activities related to the appointment process for all regular full-time academic and non-instructional positions;
- Providing diversity training and compliance strategies to the University community through workshops and a monthly newsletter;
- Working together with various University departments to ensure physical and program accessibility for the disabled to University facilities, programs, services and benefits.

San José State University recognizes the value of diversity and is committed to celebrating the richness of ideas, traditions, and understandings that it brings to our campus community. We believe a diverse campus community enriches the lives of our students by providing an opportunity for learning among people with different backgrounds, abilities, and perspectives. This is an integral part of the SJSU college experience.

The **Office for Equity & Diversity** at San José State University provides leadership and support toward achieving and sustaining a diverse and pluralistic community of students, faculty and staff. The Office is committed to promoting a working and learning environment free of discrimination on the basis of protected classes such as race, color, national origin, religion, gender, age, disability, sexual orientation, veteran status, marital status or pregnancy.

MISSION STATEMENT

The **Office for Equity & Diversity** endeavors to ensure that University related programs and activities are made available to all qualified individuals on a nondiscriminatory basis.

OFFICE FOR EQUITY & DIVERSITY



San José State
UNIVERSITY

UNLAWFUL DISCRIMINATION

San José State University maintains and promotes a policy of nondiscrimination on the basis of membership in a protected class, including but not limited to race, religion, color, disability, sex, sexual orientation, marital status, pregnancy, national origin, ancestry, age, or veterans status. Conduct that discriminates against, disparages, humiliates, or stigmatizes individuals or groups of individuals based upon membership in a protected class is prohibited by state and federal law and CSU Executive Order, and will not be tolerated at SJSU.

Unlawful discrimination and harassment are defined as conduct based on membership in a protected class that has the intent or effect of unreasonably interfering with an individual's education or work performance or creates an intimidating, hostile, or offensive environment. Members of our campus community are protected from decisions based on their protected class that:

- Create an environment which interferes with an open educational process;
- Threaten their ability to secure, continue, or advance in employment; or
- Impede full participation in the extracurricular activities of the institution.

San José State University takes great pride in its reputation as a place where individuals are treated fairly and equally. Discrimination and harassment are illegal and the university has a responsibility to maintain a working and learning environment free from such behavior. Students, faculty, and staff should contact the **Office for Equity & Diversity at 924-1115** for information on filing a complaint of discrimination or harassment.

RETALIATION

In accordance with state and federal law, SJSU is committed to protecting members of the campus community from unlawful retaliation related to their filing of discrimination complaints or participating in the investigation process. The **Office for Equity & Diversity** will treat retaliatory behavior as a separate act of unlawful discrimination.

SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that is prohibited by law and SJSU Policy. Sexual harassment is any unwelcome sexual or gender-based behavior that adversely affects a person's working or learning environment. It can occur without conscious intent and is not limited to explicit demands for sex. Depending on the frequency and severity of the conduct, sexual harassment can occur 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 negatively 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.

EXAMPLES OF SEXUAL HARASSMENT

Although not comprehensive, the following list illustrates conduct that may be considered sexual harassment depending on its frequency and severity:

- Demeaning references to one's gender
- Comments about one's body or clothing
- Repeated and unwanted staring, comments, or propositions of a sexual nature
- Jokes about sex or gender-specific traits
- Questions about one's sexual behavior
- Display or transmittal of sexually suggestive posters, objects, or messages
- Repeated non-reciprocated demands for dates or sex
- Request for sex in exchange for grades, letters of recommendation, or employment opportunity

STOP SEXUAL HARASSMENT

It is possible to stop sexual harassment. You have a right to learn and work in an environment free from unwanted harassment. Most complaints can be solved through mediation and confidential intervention. For assistance in dealing with possible sexual harassment, contact the **Office for Equity & Diversity at 924-1115**.

COMPLAINT PROCEDURE

While all university management and supervisory personnel have the responsibility and authority to resolve complaints of discrimination, any faculty, staff member or student, who feels that he or she has been the victim of unlawful discrimination should contact the **Office for Equity & Diversity** for information about filing a complaint.

INTERNAL COMPLAINT PROCEDURES

- **Students and applicants for admission** may utilize the complaint procedure outlined in Presidential Directive 96-04.
- **Non-Bargaining unit employees** may utilize the Executive Order 675 to address alleged violations of campus nondiscrimination policies.
- **Bargaining unit employees** have the option of filing a complaint using the grievance procedures available under their respective collective bargaining agreement.

Copies of complaint forms and procedures are available upon request in the **Office for Equity & Diversity**.

COMPLAINT RESOLUTION

Initial attempts are made to resolve complaints informally, exploring remedies aimed at stopping the harassment or discrimination in its earliest stages. If the complaint cannot be resolved informally, the **Office for Equity & Diversity** will conduct an investigation that meets the university's standard of due process to determine if harassment or discrimination has occurred.

- Information received in connection with a complaint is considered confidential and is discussed only with individuals involved.
- Every attempt is made to resolve complaints expeditiously.
- The aggrieved individual may appeal any determination made by the **Office for Equity & Diversity** to the President of SJSU or CSU Chancellor's Office.

EXTERNAL COMPLAINT PROCEDURES

Although the university encourages faculty, staff and students to first use the internal process of resolving complaints before exploring external means, individuals may also seek assistance from outside agencies such as:

- California Department of Fair Employment and Housing
- Equal Employment Opportunity Commission
- Office for Civil Rights
- U.S. Department of Education
- Office of Federal Contract Compliance Programs