

**MAY 2001**

## **Office For Equity & Diversity**

### **What is Racial Discrimination?**

Conduct directed at an individual's race or national origin that degrades, humiliates, differentiates, or stigmatizes, has the intent or effect of unreasonably interfering with that individual's education or work performance, or creates an intimidating, hostile, or offensive environment is unlawful racial discrimination and will not be tolerated at San José State University.

Members of the campus community are protected from conduct that:

- Creates an environment which interferes with an open educational process;
- Threatens the ability to secure, continue, or advance in employment; or
- Impedes full participation in the extracurricular activities of the institution.

### **What laws protect us from Racial Discrimination?**

Title VII of the Civil Rights Act of 1964 protects individuals at SJSU against employment discrimination on the basis of race, color, and national origin. In addition, California state laws, including The Fair Employment and Housing Act and California Civil Code Section 51, prohibit racial discrimination in employment.

Titles IV and VI of the Civil Rights Act of 1964 protect students at institutions of higher learning like SJSU from discrimination and harassment on the basis of race, color, and national origin.

### **What types of behavior are prohibited at SJSU?**

- Harassment on the basis of race, color, or national origin on the job or in the classroom is both unlawful and in violation of SJSU policy. Ethnic slurs, racial "jokes," offensive or derogatory comments, use of hurtful stereotypes, offensive pictures or drawings, or other verbal or physical conduct based on race are prohibited on campus.
- It is unlawful to discriminate against any employee or applicant for employment because of his or her race or color in regard to hiring, termination, promotion, compensation, job training, or any other term condition, or privilege of employment. Employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups are also prohibited at SJSU.
- Equal employment opportunity or student status may not be denied because of marriage to or association with an individual of a different race, membership in or association with ethnic based organizations or groups, or attendance or participation in schools or places of worship generally associated with certain minority groups.
- Discrimination on the basis of an immutable characteristic associated with race, such as skin color, hair texture, or certain facial features, violates both applicable law and SJSU policy.

Whenever such behavior occurs, the University itself suffers and its reputation as a place where all individuals are treated equally and fairly is endangered. In addition, since discrimination and harassment are illegal, the University has a legal, as well as a moral, responsibility to stop them. Students, faculty, and staff should contact the Office for Equity & Diversity at 924-1115 for more information about addressing and resolving instances of racial discrimination.