

Information concerning San Francisco State University's policies, procedures, and facilities for students and others to report criminal actions or other emergencies occurring on campus may also be obtained from the Department of Public Safety.

COMPUTER SECURITY

Legitimate computing for educational uses is encouraged. However, some may be tempted to abuse this privilege but not be aware of the legal aspects of computer crime. If San Francisco State University computers are illegally used, California Penal Code 502 states that the offender may be found guilty of a felony which is punishable by a fine not exceeding \$10,000, or by imprisonment for 16, 24, or 36 months, or by both fine and imprisonment. Any student who illegally uses the SFSU computer system may be subject to suspension or expulsion from the university.

Computer security is the responsibility of everyone. All computing users should read the SFSU Computing Services Security Guide which covers policies, procedures, proper uses, and misuses of computing systems. The Computing Services Security Guide is accessible from the World Wide Web at www.sfsu.edu/~helpdesk/docs/rules/security.htm.

SEXUAL ASSAULT

San Francisco State University does not tolerate acts of sexual assault. All reported instances of sexual assault are investigated and appropriate disciplinary, criminal, and/or legal action is taken, with consent of the victim. Appropriate support services are made available to students, faculty, or staff who are victims of sexual assault. For complete text of the statement, please consult www.sfsu.edu/~safe_plc/.

SEXUAL HARASSMENT POLICY AND PROCEDURES

University Executive Order #95-18 (Supersedes University Executive Order #85-09)

PREAMBLE

This policy provides a definition of sexual harassment. It specifies pre-disciplinary, pre-grievance procedures for reporting and resolving complaints of sexual harassment and recommends that an education program be initiated. Formal disciplinary and grievance procedures are already defined by existing policies, executive orders, codes, and collective bargaining contracts pertinent to university employees and students. (NOTE: If the physical safety of any university individual is in question, the President will act immediately, within the authority of Title 5, Section 41301, the Education Code Sec. 22505 or the Penal Code Sec. 626.4 to protect the threatened party. Formal proceedings may be initiated immediately by the President in consultation with the Sexual Harassment Officer(s), and the appropriate grievance/disciplinary action officer.)

This Sexual Harassment Policy and Procedures applies to complaints of sexual harassment filed against a faculty member, administrator, staff person, or student. Information regarding where and how to file complaints is available from any Sexual Harassment Adviser or Officer.

No individual shall be subject to reprisal for using this policy, nor shall its use preclude subsequent disciplinary or grievance measures. All units of the campus community are expected to comply with this policy.

Except as needed in processing the complaint, both the Sexual Harassment Advisers and Sexual Harassment Officers are required to maintain confidentiality in dealing with sexual harassment complaints.

DEFINITION OF SEXUAL HARASSMENT

Sexual Harassment is one person's distortion of a university relationship by unwelcome conduct which emphasizes another person's sexuality. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are forms of sexual harassment when:

1. submission to such conduct is made an explicit or implicit condition of instruction, employment, or participation in any university activity; or
2. submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting the individual; or
3. such conduct has the purpose or effect of hindering performance by creating or allowing sexually intimidating, hostile, or offensive behavior to occur in the university or in a university-related setting.

Sexual harassment is unethical and unprofessional conduct, illegal, and against San Francisco State University policy. It may occur in written, spoken, physical, and visual forms. The university will act to eliminate sexual harassment within its jurisdiction.

The university will evaluate each incident of alleged sexual harassment and apply appropriate remedies.

The university can dismiss employees or expel students for sexual harassment.

The university recognizes that any member of the campus community might be called upon to listen to a complaint of alleged sexual harassment. The listener should be objective and attentive, while discouraging use of names. No records should be kept, nor should promises for specific action or final decisions be made. The listener should refer the complainant to a Sexual Harassment Adviser or to a university Sexual Harassment Officer. Complainants may go to the Sexual Harassment Officer without first consulting a Sexual Harassment Adviser and may request an investigation at any time.

SEXUAL HARASSMENT ADVISERS (SHA)

All SHA's are volunteers. The Sexual Harassment Officers shall arrange for a course for training of advisers. People who have successfully completed the course may serve as SHA's. Advisers will be available to serve as sources of initial information to any individual who has a complaint or who needs information about sexual harassment.

The names of the advisers shall be published at the beginning of each semester and are available in the following offices: Dean of Students, Director of Affirmative Action, and the Office of Graduate Division. Advisers will have information about applicable laws, university policies and procedures, and options available for resolution of complaints. The Advisers shall:

1. Serve as resource persons to individuals with complaints or inquiries which may involve sexual harassment;
2. Advise the complainant regarding applicable university policies and procedures and outline various informal and formal options.
3. Inform the appropriate sexual harassment officer if a complaint is received which is deemed sufficiently serious to warrant further action.

Discussion between complainants and Sexual Harassment Advisers can occur without a written complaint and without identification of the person bringing the complaint and shall not imply guilt or innocence. No written record of specific complaints or actions taken to this point in the procedures shall be kept.

However, a simple tally of the number and type of complaints shall be kept and reported to the appropriate Sexual Harassment Officer at the end of each semester.

If further action is requested by the complainant, the SHA shall refer the complainant to a Sexual Harassment

Officer (SHO) and explain the responsibilities and duties of those officers. In addition, SHA's have an obligation to notify SHO's when it appears the university should act, even if the complainant has not requested further action. The SHA is not authorized to notify either the accused or any supervisor of the accused.

SEXUAL HARASSMENT OFFICERS (SHO)

Sexual Harassment Officers are presidential designees and in that capacity are accountable directly to the President. The SHO's shall be the Dean of Students, Director of Affirmative Action, and the Associate Dean of Graduate Division. SHO's are empowered to hear and evaluate each complaint of alleged sexual harassment and to attempt resolution. SHO's shall observe basic standards of due process and confidentiality in all actions.

The Sexual Harassment Officers shall pursue complaints promptly through the stages outlined below.

Any discussion, investigation, or action taken under these procedures shall not conflict with student grievance procedures, regulations governing student affairs, collective bargaining contracts, and Executive Order 419.

PRE-FORMAL RESOLUTION OF COMPLAINTS

The complainant may choose to enter into a pre-formal discussion or to request that the SHO conduct an investigation immediately (see Pre-formal Investigation and Reporting below).

Pre-formal Discussion

Pre-formal discussion or resolution does not require a written complaint. Any SHO will hear complaints, determine the remedy sought, and review options for resolution. The review shall include a discussion of applicable university policies and procedures as well as external options for resolution. The SHO(s) shall aid the complainant in identifying ways in which further harassment might be prevented. university policy requires that the SHO keep written records of all complaints. Such records need not identify complainant or alleged harasser by name nor shall they be part of any individual's official file at this stage of the procedure.

At the request of the complainant, the SHO(s) may attempt to resolve the situation by taking some or all of the following steps:

1. Informing the alleged harasser directly or through an appropriate administrator or supervisor that a problem has been raised concerning that person's conduct.
2. Informing the alleged harasser of university policy regarding sexual harassment.
3. Assisting the alleged harasser in identifying behaviors which might lead to complaints and ways in which that behavior might be changed to avoid further complaints.
4. Recommending that an oral or written warning or reprimand be issued to the alleged harasser.

Pre-formal Investigation and Reporting

At the request of the complainant and upon receipt of a written and signed complaint, the appropriate SHO shall initiate an investigation. If the SHO determines that circumstances so warrant, the SHO shall initiate an investigation with or without the consent of the complainant. The SHO shall notify the President, all the appropriate grievance/disciplinary officers for faculty or staff or students and the alleged harasser that an investigation is underway, and give the names of the parties involved.

The appropriate SHO shall conduct a prompt, full, and impartial investigation. The complainant shall have an opportunity to present evidence and a list of relevant and material witnesses.

A complaint for sexual harassment shall be filed within 180 days (six months) from the conduct giving rise to the complaint. The investigation shall generally be completed within 120 days (four months) of the receipt of the complaint. The time period for investigation may be extended by mutual consent of the parties or for good cause, including the complexity of the issues under investigation and the unavailability of relevant witnesses due to semester recess. Both the complainant and the accused will be informed of any extension of the investigation.

At the conclusion of the investigation, the appropriate SHO shall submit a written report to the President. The report shall include a description of the facts, the remedy sought by the complainant, and recommendations for further action if deemed necessary by the SHO. These recommendations shall be based upon the strength of evidence against the accused, the seriousness of action(s) that led to the complaint, and the remedy sought by the complainant. If formal disciplinary action is initiated, copies of the report shall be sent to the appropriate grievance/disciplinary action officer for faculty or staff or students.

If harassment is found, the university will implement such action as is necessary to correct the situation and to prevent it from recurring.

The complainant and the accused will receive written notice of the university's proposed determination regarding whether or not harassment occurred, and of the disposition of the complaint. The complainant or the accused may request reconsideration of the university's proposed determination by submitting additional relevant evidence, identifying errors of fact or of standards applied in the investigation or determination, or showing that further investigation is necessary.

A request for reconsideration of the university's proposed determination must be made to the President in writing within 10 calendar days of receipt of the Notice of Proposed Determination. The request for reconsideration must clearly specify the basis for making the request. Within 5 calendar days of receiving a request for reconsideration from either the complainant or the accused, the university will provide written notice to the other party that such a request has been made.

In processing a request for reconsideration, the university will review the information submitted, consider additional relevant evidence, correct errors of fact or of standards applied in the investigation or determination, and/or conduct further investigation if pertinent to the final determination.

If a request for reconsideration has been made, the complainant and the accused shall receive written notice of the university's final determination within 15 calendar days of the request. If there is no request for reconsideration, the complainant and the accused shall receive written notice that the university's proposed determination has become final within 15 calendar days of the Notice of Proposed Determination.

FORMAL GRIEVANCE AND DISCIPLINARY PROCEDURES

Formal complaint, reprimand, grievance, or disciplinary procedures are governed by the policies, codes, executive orders, or contracts applicable to the bargaining unit or employment category to which the alleged harasser belongs.

Should it become necessary to invoke formal reprimand or disciplinary procedures, sexual harassment will be viewed as unprofessional conduct.

Formal disciplinary procedures will be pursued by the appropriate grievance/disciplinary action officer.

STUDENT CONDUCT

§ 41301. Standards for Student Conduct