

SUPERCEDED BY HR 2005-32

The California State University
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Date: June 3, 2002 **Code:** TECHNICAL LETTER
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To: Human Resources Directors
Equal Employment Opportunity Directors

From: Maria Santos 
Senior Director
Employee Relations

Subject: Employee Discrimination Complaint Processing

It is the policy of the California State University that allegations by employees of discrimination and harassment based on race, ethnicity, national origin, gender, marital status, sexual orientation, covered veteran status, religion, age and disability be responded to in an appropriate and timely manner. It makes no difference whether they are filed formally or presented in a less formal manner. They must be taken seriously and addressed.

Employees who want to file a formal complaint of discrimination and who are covered by a collective bargaining agreement must be directed to the grievance or complaint provisions that cover allegations of discrimination in their respective labor contracts if such provisions exist. CSU employees who are either not in a bargaining unit, or whose labor contract does not provide any complaint or grievance procedure for civil rights claims or for the specific kind of civil rights claim at issue (*e.g.*, co-worker harassment), should use the procedures set forth in Executive Order 675. Employee Relations has developed a table that sets forth these provisions. The table can be found at <http://www.calstate.edu/HR/complaintprocedures.pdf>. All of these procedures provide for a review by the Chancellor's Office.

Some civil rights complaints may require investigation before proceeding with the grievance or complaint procedures. Campuses should have informal investigation procedures, which detail the manner in which investigations are to occur – *e.g.*, the persons conducting them, privacy concerns and so on. It is important that these procedures not conflict with the grievance procedures in the labor contracts.

Distribution:

CSU Presidents
Vice Presidents Academic Affairs
Vice Presidents, Administration

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The timelines for filing complaints and grievances in the labor contracts are shorter than those in state and federal law. They can be extended by mutual agreement as provided in the respective collective bargaining agreement or by the university in order to complete an appropriate investigation.

Any campus that has a different complaint procedure for employees' grievances should immediately discontinue use of such a procedure. In rare instances, campuses have been pressed by the U.S. Office of Civil Rights to adopt an integrated civil rights complaint procedure for employees and students. In those instances, the campus should include a statement in the procedure that it does not supercede procedures contained in the applicable collective bargaining agreements or other system wide procedures.

Campuses should already have in place separate procedures for student civil rights complaints, as there is no systemwide procedure for student civil rights complaints and there is currently no plan to develop one.

If you have any questions, please call Bill Candella, in Employee Relations (562) 951-4425 or consult with your University Counsel. This technical letter is also available on the Human Resources Administration's web site at <http://www.calstate.edu/HRA/memos.shtml>.

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