



California State University, Monterey Bay

100 Campus Center, Seaside, CA 93955-8001

SEXUAL HARASSMENT AND SEXUAL ASSAULT NONTOLERANCE

Sexual Harassment

CSUMB and its auxiliary organizations strive to maintain a working and learning environment free from sexual harassment. Sexual harassment may range from sexual innuendoes made at inappropriate times, perhaps in the guise of humor, to coerced sexual relations.

Sexual harassment occurs when unwelcome conduct is engaged in because of the targeted individual's sex, and:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or classroom achievement;
2. Submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment, evaluations, or grades; or
3. Such conduct is so severe or pervasive that its effect, whether or not intended, is an environment that could be considered by a reasonable person, and is in fact considered by the individual, as intimidating, hostile or offensive.

Sexual harassment can be written (in print or electronically), verbal, visual, or physical.

Examples of harassment include:

- Written communications, such as sending inappropriate jokes or comments in print or by e-mail;
- Verbal communications, such as making graphic or degrading comments about an individual and/or his or her body or personal characteristics, or using epithets, derogatory comments or slurs;
- Physical acts, such as unwanted touching, physical interference, or even assault;
- Visual acts or displays, such as derogatory cartoons, drawings, or posters, or inappropriate gestures.
- Making unwelcome sexual advances or propositions, or offering employment benefits or giving preferential treatment in exchange for sexual favors;
- Making or threatening reprisals after a negative response to unwelcome conduct

"Sex" includes, but is not limited to: the victim's actual sex; the harasser's perception of the victim's sex; the harasser's perception of the victim's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with victim's sex at birth; and pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.

To report sexual harassment, contact:

DHR Administrator
Human Resources
831-582-3389

Sexual Assault

CSUMB will not tolerate sexual assault in any form. CSUMB has adopted the state of California's definition of sexual assault to mean any involuntary sexual act in which a person is threatened, coerced, or forced to comply against his or her will and includes rape, acquaintance rape, date rape, and sexual battery. Sexual assault, which is a form of sexual harassment, is included in the definition of sex discrimination which is prohibited in Title VII of the Civil Rights Act of 1964 as amended and Title IX of the Educational Amendments of 1972 as amended. It is also governed by the California Penal Code (Sections 261 and 243.4) and Assembly Concurrent Resolution No. 46 (Resolution Chapter 105, passed into law on September 14, 1987).

Report sexual assault on campus to the University Police Department (UPD) immediately at 911 from any campus phone. Sexual assault is a form of sexual harassment and is also a violation of the criminal code. Thus, an individual reporting an allegation of sexual assault may initiate a criminal complaint, a discrimination complaint, or both, as the evidentiary standards and conclusions may differ. To file a criminal complaint, the reporting party should contact UPD at 911 (during the emergency) or 831-655-0268. To file a complaint of discrimination with the University, the reporting party should contact the DHR Administrator in Human Resources at 831-582-3389.

Where there is probable cause to believe that a student, faculty, or staff member has violated the University's regulations prohibiting sexual assault, the University will actively pursue disciplinary action through appropriate investigation and legal channels. Even if criminal justice authorities choose not to prosecute, the University can pursue disciplinary action.

Regardless of the means selected for resolving allegations of discrimination and/or sexual harassment (including sexual assault), the initiation of a complaint will not cause any negative reflection on the complainant, nor will it affect such person's future business dealings with the University, his or her employment, compensation or work assignments or, in the case of students, grades, class selection or other matters pertaining to his or her status as a student at the University. Every effort should be made to resolve any incident as soon as possible while the facts and potential testimony of witnesses, if any, are current.

It is the policy of the University that retaliation against complainants is prohibited. The University acts vigorously to prevent any retaliation being taken against those initiating inquiries or filing complaints; retaliation constitutes separate grounds for filing a complaint with these procedures and for potential disciplinary action against the alleged violator.