

### Rights and Options for Students and Employees Reporting Discrimination, Harassment, and/or Retaliation

The University is committed to creating and sustaining an educational and working environment free of Discrimination, Harassment, and/or Retaliation. If you experience any of these forms of misconduct, you are strongly encouraged to utilize the resources, support, and assistance outlined in this document. The Title IX/DHR Prevention Office is here to assist you in any way we can; your safety and well-being is the University's priority.

Information within this document is derived from the CSU Nondiscrimination Policy. The full policy can be accessed [HERE](#).

#### Definitions of Prohibited Conduct.

1. **Discrimination:** Discrimination is (an) Adverse Action(s) against a Complainant because of their Protected Status<sup>1</sup>.
  - a. Adverse Action means an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action. An adverse employment action is any conduct or employment action that is reasonably likely to impair an employee's job performance or prospects for advancement or promotion.
  - b. If Adverse Action is taken because of a Complainant's Protected Status, that means that the Complainant's Protected Status is a substantial motivating reason (but not necessarily the only reason) for the Adverse Action.
  - c. An allegation that an Employee is receiving unequal pay because of their Protected Status (for example, under the California Equal Pay Act) constitutes a Discrimination Complaint under this Nondiscrimination Policy.
2. **Harassment:** Harassment means unwelcome verbal, nonverbal or physical conduct engaged in because of an individual Complainant's Protected Status. If a Complainant is harassed because of their Protected Status, that means that the Complainant's Protected Status is a substantial motivating reason (but not necessarily the only reason) for the conduct.

Harassment may occur when:

- a. Submitting to, or rejecting, the verbal, nonverbal or physical conduct is explicitly or implicitly a basis for:
  - I. Decisions that adversely affect or threaten employment, or which are being presented as a term or condition of the Complainant's employment; or

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<sup>1</sup> Protected Status includes Age, Disability (physical or mental), Gender (or sex), Genetic Information, Gender Identity (including transgender), Gender Expression, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color, caste, or ancestry), Religion or Religious Creed, Sexual Orientation, and Veteran or Military Status.

- II. Decisions that affect or threaten the Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the university.

**OR**

- b. The conduct is sufficiently severe or pervasive so that its effect, whether intended or not, could be considered by a reasonable person under similar circumstances and with similar identities, and is in fact considered by the Complainant as creating an intimidating, hostile or offensive work or educational environment that denies or substantially limits an individual's ability to participate in or benefit from employment and/or educational, services, activities, or other privileges provided by the CSU.

Harassment includes, but is not limited to, verbal harassment (e.g., epithets, derogatory comments, or slurs), physical harassment (e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement), and visual forms of harassment (e.g., derogatory posters, cartoons, drawings, symbols, or gestures.). Single, isolated incidents will typically be insufficient to rise to the level of harassment.

## Overview of the Reporting Process:

The campus has designated a DHR Administrator to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to discrimination, harassment and retaliation. They are available to explain and discuss your right to file a criminal complaint; the availability of Supportive Measures; the University's relevant complaint process, and your right to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters.

**David Hickcox**, Title IX Coordinator and Discrimination, Harassment, and Retaliation Prevention Administrator

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***If you believe the allegations could constitute criminal behavior, you may, but are not required to, report the incident to the following law enforcement agencies. NOTE: The Title IX & DHR Prevention Office can also assist you with filing a report to any of the agencies listed below;***

### **University Police Department**

- Student Business Services Building, 1st Floor, 1 Harpst Street, Arcata, CA 95521
- [hsupd@humboldt.edu](mailto:hsupd@humboldt.edu)
- 707-826-5555 or 9-1-1 for emergencies

### **Arcata Police Department**

- 736 F Street, Arcata, CA 95521
- 707-822-2428 or 9-1-1 for emergencies

### **Eureka Police Department**

- 604 C St, Eureka, CA 95501
- 707-441-4060 or 9-1-1 for emergencies

### **Humboldt County Sheriff's Office**

- 826 4th St, Eureka, CA 95501
- 707-445-7251 or 9-1-1 for emergencies

### ***Additional resources for support include:***

#### **U.S. Department of Education, Office for Civil Rights (OCR):**

- (800) 421-3481 or ocr@ed.gov
- If you wish to fill out a complaint form online with the OCR, you may do so at:  
<https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

#### **Medical & Counseling Services**

- Counseling and Psychological Services: <https://counseling.humboldt.edu/>
- Student Health and Wellbeing Services:  
<https://wellbeing.humboldt.edu/clone-medical-pharmacy>

#### **Off-Campus Services**

- Mental Health Services: <https://basicneeds.humboldt.edu/resources/mental-health>
- Physical Health Services: <https://basicneeds.humboldt.edu/resources/physical-health>

### **The Importance of Preserving Evidence:**

It is important that you take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the University's administrative complaint procedures or criminal prosecution. You should preserve text messages, social media postings, photos, or notes that demonstrate the course of conduct. You may consult with the campus Title IX Coordinator for assistance as well.

### **How the campus responds to reports of Nondiscrimination Policy violations:**

Upon receipt of a report, someone from the Title IX office will immediately contact the complainant with an invitation to schedule a preliminary meeting. The complainant is under no obligation to respond to our outreach. If they choose to meet with us, the complainant has a right to have a support advisor present with them.

The purpose of the preliminary meeting is to help our office gain a basic understanding of the nature and circumstances of the report or formal complaint; it is not intended to be a full investigation interview. During this meeting, we will explain the options available and to determine how the Complainant wishes to proceed.

Options range from not pursuing resolution of any kind, to going forward with the Formal Complaint process. Supportive measures will be offered to the Complainant at this meeting. They may utilize the supportive measures regardless if they choose to move forward with a formal complaint.

Some examples of supportive measures include:

- expedited counseling appointments
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escorts
- mutual or unilateral restrictions on contact between parties
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

The Title IX Coordinator will follow up the meeting with a written explanation of the student or employee's rights and options and procedures.

## A brief summary of the investigation procedures:

Should a student or employee choose to file a formal complaint, a preliminary inquiry will begin. Upon concluding the preliminary inquiry, if it is determined that allegation(s) meets the scope of the CSU Nondiscrimination policy, the Title IX office will launch a formal investigation. At the onset of the investigation, the Title IX Coordinator/DHR Administrator will simultaneously provide both Parties a notice of investigation. The notice of investigation will include the following:

- A summary of the Complaint allegations (e.g., "who," "what," "when," and "where").
- A copy of, or internet link to, these procedures and the Nondiscrimination Policy, as well as a summary of the alleged Nondiscrimination Policy violations.
- A description of the investigation and resolution procedure (including the right to hearing, where applicable, and appeal).
- The estimated timeline for completion of the investigation.
- A description of the university's Policy against Retaliation.
- Information about the Parties' right to an Advisor, including the right to consult with an attorney, at their own expense, or a union representative, at any stage of the process and the right to a Support Person at a hearing (under Track 2).
- Information regarding counseling and other support resources.
- A statement that the Complainant and Respondent will have equal opportunities to identify relevant witnesses and evidence in connection with the investigation and at any hearing, including the ability to:
  - submit documentary information to the Investigator;
  - submit a list of potential witnesses to the Investigator; or
  - request that the Investigator attempt to collect additional relevant evidence.
- A statement that any evidence available, but not disclosed during the investigation might not be considered in any findings made, including at any hearing, and likely will not be considered for purposes of appeal.
- A statement that the Complainant and Respondent will be provided with periodic status updates in accordance with the timelines established in this procedure.
- A statement regarding the possible range of disciplinary outcomes.<sup>2</sup>
- If new but related allegations are raised during the investigation that are materially different from those described in the notice of investigation, the Title IX Coordinator/DHR Administrator will issue a revised Notice of Investigation along with a corresponding revised timeline for completion, if appropriate, to the Parties.

## Defining Retaliation:

**Retaliation for making a complaint or participating in a complaint process is prohibited by the Nondiscrimination Policy.**

Retaliation includes intimidation, verbal or physical threats, coercion, or discrimination. When evidence of retaliatory behavior exists, appropriate disciplinary action will be taken. Evidence of retaliation may exist even when there is a finding of "not responsible" on the underlying formal complaint.

Some examples of retaliation on the job would be a termination or failure to hire, a demotion, a decrease in pay, a decrease in the number of hours that you've worked. The cause will be obvious things such as a reprimand, a warning or lowering of your evaluation scores.

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<sup>2</sup> Possible sanctions against Students for a finding of a violation of the Nondiscrimination Policy are found in Executive Order 1098 Student Conduct Procedures.

Click [HERE](#) for information about retaliation in the CSU Nondiscrimination Policy. Questions regarding this policy can be directed to our office.

## Consequences for violating the Nondiscrimination Policy:

At the conclusion of the University's complaint procedure, any employee or student found to have violated University policy may be subject to discipline. Discipline would be administered consistent with applicable collective bargaining agreements and MPP/confidential personnel plans (for employees), University policies and legal requirements.

Students who are found responsible for violating the CSU Nondiscrimination Policy may be subject to the following sanctions:

- **Restitution.** Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.
- **Loss of Financial Aid.** Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, canceled or denied.
- **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities and sororities), and/or University events, or other remedies intended to discourage similar misconduct or as deemed appropriate based upon the nature of the violation.
- **Denial of Access to Campus or Persons.** A designated period of time during which the Student is not permitted: (i) on University Property or specified areas of Campus,<sup>9</sup> or (ii) to have contact (physical or otherwise) with the Complainant, witnesses or other specified persons.
- **Disciplinary Probation.** A designated period of time during which privileges of continuing in Student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current Student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the Student is found to violate the Student Conduct Code or any University policy during the probationary period.
- **Suspension.** Temporary separation of the Student from active Student status or Student status.
  - A Student who is suspended for less than one academic year shall be placed on inactive Student (or equivalent) status (subject to individual Campus policies) and remains eligible to re-enroll at the University (subject to individual Campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
  - A Student who is suspended for one academic year or more shall be separated from Student status but remains eligible to reapply to the University (subject to individual Campus application policies) once the suspension has been served. Conditions for readmission may be specified.
  - Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.
- **Expulsion.** Permanent separation of the Student from Student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the Student's transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.

Click [HERE](#) for the full CSU Student Conduct Policy & Procedures. Questions regarding this policy can be directed to our office or to the Dean of Students Office ([dos@humboldt.edu](mailto:dos@humboldt.edu)).