

APPENDIX F

DISCRIMINATION, AFFIRMATIVE ACTION, AND SEXUAL MISCONDUCT COMPLAINT PROCEDURE ELEMENTS

Discrimination, Affirmative Action, and Sexual Misconduct Complaint Procedures shall include the following:

1. The complainant and respondent shall have the right to representation and shall be afforded due process.
2. The respondent shall receive a copy of the written complaint when it is filed and the complainant shall receive a copy of the written response, if any.
3. The timelines shall be consistent with state law.
4. Each procedure shall provide for an appeal panel which is composed in part of a constituency of each party to the complaint.
5. The complainant and the respondent shall have access to all documents presented to or considered by the panel, with the exception of documents that the Administration determines cannot be disclosed due to applicable legal requirements or other countervailing interests. To the extent that any evidence is withheld from the complainant or respondent, the Administration shall provide a written explanation of the reason for the failure to disclose such evidence. If the evidence is withheld due to legal requirements, the Administration will provide the member and the CSUAAUP with citation to applicable legal authority. In any event, the Administration shall, to the extent allowed by applicable law, provide redacted copies of any such documents. No evidence withheld from disclosure during this process may be used as a basis for disciplinary action nor may be used as a basis for any ultimate finding of discrimination or sexual misconduct unless it is provided to the member and the CSU-AAUP prior to the issuance of a final decision on the complaint and/or a notice of intent to discipline pursuant to Article 16.6.2 or 16.6.3.
6. Training shall be provided for all those who serve on the appeal panel.
7. The panel shall make recommendations to the respective University President.
8. The complainant and respondent, unless prohibited by law, shall be notified of the outcome of the complaint.
9. Any contested disciplinary action shall be pursued through Article 16.