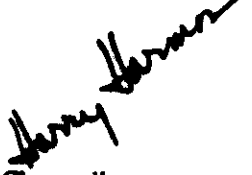


THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
400 Golden Shore  
Long Beach, California 90802

(213) 590-5512

Date: July 1, 1983  
To: Presidents  
From: Harry Harmon   
Executive Vice Chancellor  
Subject: Systemwide Grievance Procedures – Discrimination Complaints for  
Employees Not Covered by Existing Regulation – Executive Order No. 419

I am transmitting to you five copies of Executive Order No. 419 which establishes grievance procedures for employees who allege a violation, misapplication, or misinterpretation of the CSU policy on nondiscrimination. This Executive Order applies *only* to those employees *not* covered by existing complaint or grievance procedures as specified in a negotiated MOU or applicable policy or regulation which applies to CSU.

It is your responsibility as President to implement Executive Order No. 419 where applicable and to maintain the campus repository and index for all Executive Orders.

HH:md

Attachment

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Distribution: Vice President, Academic Affairs  
Associate Vice President/Dean, Faculty Affairs  
Vice President, Administration  
Personnel Officer  
Affirmative Action Officer  
Chancellor's Staff

**THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
400 Golden Shore  
Long Beach, California 90802**

**Executive Order No.:** 419  
**Title:** Systemwide Grievance Procedure – Discrimination Complaints for Employees Not Covered by Existing Regulation  
**Effective Date:** July 1, 1983  
**Supersedes:** No Prior Executive Order

This Executive Order is established in order to fulfill relevant state and federal regulations requiring that employees be provided the opportunity to file formal complaints which allege a violation of discrimination on the basis of any of the factors listed as part of the CSU Systemwide Policy on Nondiscrimination in Employment.

The Systemwide Affirmative Action Officer will be responsible for evaluating compliance with this order and for providing assistance in the development of nondiscrimination programs.

**I. Introduction**

- A. The California State University, through its Chancellor and Presidents, is committed to the equitable and prompt settlement of any complaint of discrimination on the basis of race, religion, color, sex, sexual preference, age, disability, marital status and/or national origin made by any employee as defined herein. The purpose of this grievance procedure is to provide employees not covered by existing procedures with the opportunity to settle matters involving an alleged violation, misapplication or misinterpretation of the CSU policy on nondiscrimination.
- B. The California State University pledges to encourage the equitable and prompt settlement of complaints which may be raised by any employee on a claim of discrimination based on any of the protected categories listed as part of the Board of Trustees Policy on Nondiscrimination and Affirmative Action. Should discrimination be found to exist in any employment action within The California State University, all appropriate measures will be undertaken. Furthermore, should findings be made of intentional discrimination on the part of any employee, appropriate disciplinary action shall be taken under the direction of the President.

**II. Application**

- A. This procedure shall apply to all CSU employees, as defined herein, who are not eligible to file a grievance pursuant to Executive Order 262 (Grievance Procedure for Non-academic and Administrative Employees of The California State University and Colleges) or Executive Order 301 (Grievance Procedures for Academic Personnel of The California State University and Colleges) and who have not been provided with any other grievance or complaint procedure to resolve issues of alleged discrimination.

### III. Definitions

A. As used herein, *Employee* refers to:

1. permanent employee(s);
2. probationary employee(s);
3. temporary employee(s) employed for more than 30 consecutive days immediately prior to the event giving rise to the complaint

who submits a complaint within the scope (Section IV, infra.) of these procedures.

B. *Appropriate Administrator* – The term “appropriate administrator” as used herein refers to the appropriate administrator serving in a position designated as management or supervisory.

C. *Representative* – The term “representative” as used herein shall be an employee, representative of the Union, or other representative who at the complainant’s request may be present at all levels through Level III.

D. *Respond and File* – The terms “respond” and “file” as used herein refer to personal delivery or deposit in the U.S. mail. If mail delivery is used, it shall include a proof of service by mail which shall establish the date of response and filing. If personal delivery is used, the calendar date of delivery shall establish the date for response or filing. A copy of all responses shall be concurrently served on the complainant’s representative.

### IV. Scope

A. This procedure may be used by an employee covered by these procedures who alleges that he or she was wronged in connection with the rights accruing to his or her job classification, benefits, working conditions, appointment, reappointment, tenure, promotion or reassignment. The employee must also allege that he/she has been directly wronged by a violation, misapplication, or misinterpretation of a specific term(s) of a CSU policy governing nondiscrimination, Title IX of the Education Amendments of 1972, as amended (20 USC 1681 *et seq.*), or Section 504 of the Rehabilitation Act of 1973 (29 USC 706 *et seq.*). CSU policies on nondiscrimination include the Trustee Policy Statement of Nondiscrimination and Affirmative Action (amended and readopted on July 8-9, 1980), E.O.’s 340 and 345. These laws and policies prohibit unlawful discrimination on the basis of race, color, sex, sexual preference, age, religion, disability, marital status or national origin.

B. In order to use this procedure, an employee:

1. Must assert a violation, misapplication or misinterpretation of a CSU policy on nondiscrimination.
2. Must assert a wrong arising from the taking of a final action or the failure to take a final action in a timely manner.

V. Informal Level (Optional)

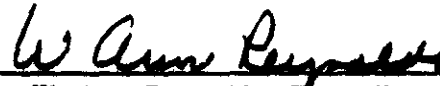
- A. Prior to the filing of a formal complaint, under Section VI of these procedures, an individual or individuals may seek the advice and counsel of the campus Affirmative Action Coordinator in an informal meeting in order to determine the nature of any claim of discriminatory practices and to facilitate an expeditious resolution of the complaint. The Affirmative Action Coordinator shall be obligated to investigate the matter only after the complainant has submitted a written request for such an investigation.
- B. An employee shall also have the right to present a potential complaint and to have that potential complaint considered in good faith. The employee and representative, if any, shall discuss the potential complaint with the appropriate administrator no later than thirty-five (35) days after the event giving rise to the potential complaint or no later than thirty-five (35) days after the employee knew or reasonably should have known of the event giving rise to the potential complaint.
- C. Whenever possible, the parties shall attempt to resolve the potential complaint informally.
- D. A resolution of the potential complaint at the Informal Level shall not be precedent setting.

VI. Level I – Formal

- A. An employee may file a Level I complaint with the appropriate administrator no later than forty-two (42) days after the event giving rise to the complaint or no later than forty-two (42) days after the employee knew or reasonably should have known of the event giving rise to the complaint. The complainant shall state on a complaint form agreed to by the parties and provided by the CSU:
  - 1. The term(s) of the CSU systemwide policy or applicable Federal law governing nondiscrimination alleged to have been violated.
  - 2. A detailed description of the factual events giving rise to the complaint.
  - 3. A proposed remedy.
  - 4. The name and classification of the complainant and his/her signature.
  - 5. The name of the representative, if any.
  - 6. The name and address of the Union, if the representative is acting as an agent of the Union.
  - 7. The date of submission.
- B. The appropriate administrator shall hold a meeting with the complainant and the complainant's representative, if any, at a mutually acceptable time and location. The appropriate administrator shall respond to the complainant no later than twenty-one (21) days after the Level I filing.



- D. In cases where it is necessary for the complainant or his/her representative to have access to information for the purpose of investigating a complaint, the complainant or his/her representative shall make a written request for such information to the appropriate administrator. The complainant or his/her representative shall have access to information within the policies and procedures defining confidentiality which is relevant to any issue raised by the complaint. This provision does not authorize a complainant access to the personnel files of another without the written consent of that person.
- E. A complainant may withdraw a complaint at any time. The complainant shall not file any subsequent complaint on the same alleged incident.
- F. The parties, by mutual agreement, may consolidate complaints on similar issues at any level.
- G. Prior to filing a complaint, the potential complainant and representative, if any, shall each be provided with one (1) hour released time for complaint preparation and reasonable time for complaint presentation at the Informal Level.
- H. After the complaint has been filed, a representative and the complainant shall be provided reasonable released time for the purpose of preparation and presentation of the complaint.
- J. Both parties agree that all complaint files shall be confidential. Both parties agree that specific statements made and records used in complaint meetings shall be confidential.



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W. Ann Reynolds, Chancellor

Date: July 1, 1983