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**Date:** August 9, 2005 **Code: HR 2005-35**

**To:** CSU Presidents **Response on Designee Requested by:**  
August 26, 2005

**From:** Jackie R. McClain   
Vice Chancellor  
Human Resources

**Subject:** **Sexual Harassment Mandatory Training**

Sexual harassment training is now required for all California State University (CSU) employees as a result of Assembly Bill (AB) 1825, which added Section 12950.1 to the Government Code. This memorandum provides a summary of AB 1825 and related campus responsibilities, announces a new training program, and requests a campus designee for coordination of this mandatory training.

**AB 1825 Summary of Requirements**

Employers who operate in California and employ 50 or more people must provide sexual harassment training to all employees who have supervisory responsibility. For employees employed in a supervisory capacity as of July 1, 2005, the training must be completed by January 1, 2006. For employees who assume supervisory responsibility after July 1, 2005, as the result of hire or a change in duties, the training must be completed within six months of the assumption of supervisory responsibilities. Employees with supervisory responsibilities must continue to receive the sexual harassment training every two years. The training needs to provide at least two hours of interactive training with a focus on federal and state statutory provisions, prevention and correction of sexual harassment and remedies available to victims.

**Definition of "Supervisor"**

While AB 1825 did not specifically define who is included in its definition of "supervisor," California's Fair Employment and Housing Act defines "supervisor" to include any individual with the authority "to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if ... the exercise of that authority ... requires the use of independent judgment." (Cal. Code § 12926 (r).) For the purpose of this training, campuses and the Chancellor's Office are to use this definition of "supervisor."

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Vice Presidents, Administration  
Vice Presidents, Student Services

Directors, Human Resources  
Associate Vice Presidents/Deans, Faculty Affairs  
General Counsel

It is the responsibility of each campus to determine who meets the above definition of “supervisor.” This “supervisor” definition will include a wide range of academic and nonacademic employees, including in some instances, student employees. The training will need to be provided to presidents, administrators, department chairs, employees who supervise student employees, employees with lead worker responsibilities and any employee with the word “supervisor” in his/her position title, responsibilities or position description.

### **CSU Sexual Harassment Training**

I am pleased to announce that systemwide Human Resources, working with the Workplace Answers company, will be providing a CSU-customized online sexual harassment training program that will be available to all CSU supervisors. This training program is designed to meet the requirements of AB 1825 and, additionally, will require an electronic acceptance by the employee of the CSU policy. CSU-specific elements will link to our policies. This training program will become available to campuses approximately mid-October and it will be provided without charge to those employees identified as supervisors.

The online sexual harassment training is designed to be interesting, relevant, and highly interactive. Although a computer is required to participate in the training, the technical specifications require an Internet browser, the Flash<sup>®</sup> player, and an optional sound card with speakers or headphones.

While this program is the recommended training program, the campus president can elect an alternative program that meets the requirements of AB 1825. If the campus does not elect to use the Chancellor’s Office training program, the president will need to certify in writing to the vice chancellor of human resources that an alternate program will be used that meets requirements of AB 1825 and that the campus has a process in place to track completion of the training by identified supervisors. The chancellor will request periodic audits to assure full compliance by the campus.

I realize that some campuses trained their supervisors in prior years using an early edition of the Workplace Answers training. The company acknowledges that the older course does not meet the new compliance standards and it does not have an add-on element to bring it into compliance. The entire program had to be rewritten to comply with AB 1825 for more comprehensive content coverage and an increased level of interactivity.

### **Campus Designee for Sexual Harassment Training**

*We now are asking each campus president to designate the campus individual who will have primary responsibility for managing the AB 1825 sexual harassment training requirements. Please e-mail the designee’s name, title, phone number, and email address to [TheSource@Calstate.edu](mailto:TheSource@Calstate.edu) no later than August 26, 2005.* We will provide additional information directly to the campus designee. The designee will be responsible for working with appropriate campus administrators to identify supervisors, establishing and maintaining an electronic list of employees who must take training, notifying individual of training requirements, and maintaining the status of individual training. For those campuses who elect to use the systemwide Human Resources’ online training program, an online management tracking and notification program will be included as part

of the training package. Lynne Hellmer, Senior Director of Systemwide Professional Development, will work directly with your campus designee to assist in administering the training. Although there will be a workload impact for the initial launch of the online training, ongoing activities after January 1, 2006, will be light for those campuses who use this training.

**Questions**

If you have any questions, please contact Lynne Hellmer at (562) 951-4403. This memorandum is available on Human Resources Administration's Web page at <http://www.calstate.edu/HRAdm/memos.shtml>.

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