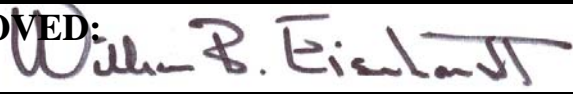




CAL MARITIME

POLICY NO. 211.23

ISSUE DATE: April 20, 1998 REVISION DATE: January 12, 2006	POLICY: CMA Harassment Policy
REFERENCE:	
APPROVED: 	

Policy Statement

A. It is the policy of the California Maritime Academy to provide a work and study environment free from any form of harassment directed at any departmental employee, student, or member of the public while engaged in business activities for or with the California Maritime Academy.

California Maritime Academy employees are expected to adhere to a standard of conduct that is respectful and courteous to all employees, students and the public we serve. Students are expected to adhere to the same standards as other members of the CMA community.

The Academy cannot function unless each member of the community is accepted as an individual and treated civilly and respectfully, without regard to their assignment within the Academy. Every member of the Academy community must recognize that harassment compromises the integrity of the institution and the tradition of intellectual freedom, as well as the trust placed in the Academy and its members.

It is the position of the Academy to take appropriate and necessary measures to prevent or correct any occasions of harassment. This action will be taken in a timely manner, but must allow adequate time for procedural requirements to ensure compliance with federal and state law, including the due process rights of any accused persons. Violation of CMA's harassment policy is grounds for discipline, including termination.

B. SEXUAL HARASSMENT

Sexual harassment in the workplace is defined as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, or visual conduct of a sexual nature which occur under any of the following circumstances:

- (1) Submission is made either explicitly or implicitly a term or condition of employment.
- (2) Submission or rejection by an employee is used as a basis for employment decisions affecting the employee.

- (3) Such condition has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile, or otherwise offensive working environment.

For the purpose of further clarification, sexual harassment also includes, but is not limited to:

- (4) Making unsolicited written, verbal, physical, and/or visual contact with sexual overtones. (Written examples: suggestive, sexual or obscene letters, notes, or invitation. Verbal examples: derogatory comments, slurs, jokes, and epithets with sexual overtones. Physical examples: leering, and displaying of sexually suggestive objects, pictures, cartoons, or posters.)
- (5) Continuing to express sexual interest after being informed that the interest is unwelcome.
- (6) Making reprisals, threats of reprisal or implied threats of reprisal following a negative response. For example, either implying or actually withholding support for an appointment, promotion or change of assignment; suggesting a poor performance report will be prepared or suggesting probation will be failed.
- (7) Engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, and/or work or learning environment of another employee or student.
- (8) Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, reclassification, etc., in exchange for sexual favors. Offering inflated grades or other academic credit or advantage in exchange for sexual favors.

Sexual harassment conducted by students or against students is also prohibited and subject to this policy. Sexual harassment involving students would include the same kinds of offensive behavior described above.

C. ANTI-DISCRIMINATION

Discrimination is explicitly prohibited with regard to the following areas: age, veteran's status, disability, gender, marital status, national origin, race, religion, sexual orientation, and gender identity. It is the position of the Academy to take all steps necessary to prevent or correct any discriminatory actions inflicted upon students, faculty or staff.

D. RETALIATION PROHIBITED

No member of the CMA community, student or employee, shall take reprisal action against a person who files a complaint or provides information on an incident of alleged harassment.

E. RESOLUTION

Members of the CMA community have the obligation to immediately report any acts of harassment that they are aware of. Whenever possible, it is preferable to resolve complaints at the informal level, before moving to the formal level. Every attempt will be made to keep the nature of any investigations as confidential as possible.

Employees may report harassment to their supervisor, contact the Director of Human Resources, or follow appropriate procedures outlined in their collective bargaining contracts.

Supervisors or managers who receive reports of harassment should contact the Director of Human Resources.

For employees not covered by a collective bargaining unit, Executive Order 928 offers a complaint procedure to address these issues. Please contact the Director of Human Resources to obtain the appropriate information. The Director of Human Resources may be contacted at (707) 654-1135; the Human Resources office is located in the administration building.

Students should report incidents of harassment or discrimination to the Diversity Officer. If students initially report such harassment or discrimination to a Residence Life staff, Student Affairs staff, Leadership Development staff, or Public Safety staff member, that staff member should take a report and refer the issue to the Diversity Officer. The Diversity Officer will then confer with the appropriate people on campus to determine if the complaint should be informally handled, mediated, referred, or formally investigated. If a faculty or another member of staff initially hear a complaint, that staff or faculty member should assist the student in referring the issue to the Diversity Officer, or a member of the Residence Life staff, Student Affairs staff, Leadership Development staff, or Public Safety staff as appropriate.

Any complaints which involve staff or faculty members should be referred to the Director of Human Resources to follow up on.

The Diversity Officer will be responsible for ensuring that copies of all complaint forms are maintained, followed up on, and have a final disposition.