



HOW WILL YOU SPEND YOUR FUTURE? *Securing the Financial Future and Sustaining the Trust of California's Educators*

POLICY MEMORANDUM

Branch: Administrative Services

Number:

Division: Human Resources

Effective Date: 05/11/2006

Revised Date:

TITLE: Equal Employment Opportunity

PURPOSE: The California State Teachers' Retirement System (CalSTRS) is committed to providing a workplace in which all individuals are treated with respect and professionalism. Our commitment to Equal Employment Opportunity (EEO) extends to all job applicants and employees and to all aspects of employment, including recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, training, adverse action, and termination.

POLICY: In accordance with this policy, CalSTRS employees are prohibited from:

- Discriminating against or harassing anyone on the basis of race, color, national origin, ancestry, sex, sexual orientation, pregnancy, age, religion, marital status, physical or mental disability, medical condition, veteran status, political affiliation, or any other basis protected by applicable law.
- Engaging in any act of retaliation or reprisal against individuals who have opposed in any practices forbidden in this policy or because the person has filed a complaint or participated in any discrimination investigation or proceeding.
- Engaging in conduct that may not rise to the level of unlawful discrimination, harassment or retaliation in violation of Title VII of the Civil Rights Act of 1964 or the California Fair Employment and Housing Act but constitutes discourteous, disrespectful, or inappropriate behavior.

To the extent that non-CalSTRS employees, including, but not limited to, contractors, volunteers, customers, job applicants, and other third parties, exhibit the above behaviors, CalSTRS will apply the principles of this policy. CalSTRS will take whatever action is necessary to cease prohibited behavior and implement available consequences for violations of this policy by non-CalSTRS employees.

Employees and non-employees are personally liable for prohibited harassment regardless of whether a manager or supervisor fails to take appropriate action.



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Prohibited Conduct

An employee can be found to be in violation of this policy if they or their conduct discriminates against or harasses a coworker and the conduct is based on race, color, national origin, ancestry, sex, sexual orientation, pregnancy, age, religion, marital status, physical or mental disability, medical condition, veteran status, or any other basis protected by applicable law even if the discriminatory conduct is limited to one act. Prohibited discriminatory or harassing behaviors that violate this policy include, but are not limited to, the following:

- Verbal conduct, such as using derogatory comments or slurs, or telling discriminatory jokes.
- Visual conduct such as displaying objects, cartoons, pictures, posters, or gestures of a derogatory or discriminatory nature.
- Written communications containing statements that may be offensive to individuals in a protected group.
- Posting, sending, or downloading derogatory or demeaning materials in any form via electronic mail or the Internet.
- Denial of reasonable accommodation for religious purposes.
- Treatment of any individual differently (i.e. Inclusion, exclusion, preferential or adverse treatment) on the basis of any characteristic protected by applicable law.
- Following or stalking a coworker, making harassing telephone calls to a coworker, or sending harassing correspondence to an individual by any means, included, but not limited to, the use of public or private mail, interoffice mail, facsimile, or electronic mail.
- Physical conduct such as assault, unwanted touching or blocking normal movement.

Prohibited retaliation includes, but is not limited to, taking any negative employment action against or harassment of an employee or applicant, because he or she filed a complaint or participated in an investigation or proceeding related to conduct reasonably believed to violate this policy.



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Supervisors and managers are responsible for maintaining standards that promote a work environment free from discrimination, harassment, retaliation, and unprofessional or disrespectful conduct. Managers and supervisors must:

- Understand, adhere to and enforce this policy.
- Take proactive steps to prevent unprofessional or disrespectful conduct.
- Take direct, effective action to stop discrimination or conduct that violates this policy.
- Ensure that employees under their supervision and management have attended mandated training.
- Respond immediately and appropriately to complain of violations of this policy regardless of how the information is acquired and regardless of a complainant's desire to keep confidential (due to CalSTRS' obligation to stop prohibited conduct, complete confidentiality cannot be guaranteed; however, strict discretion will be applied and information will be shared only with those who need to know.
- Advise their employees of their rights and of the process for filing a discrimination complaint as described below.
- Notify his or her direct supervisor and the EEO Officer immediately upon becoming aware of conduct that may violate this policy.
- Document any discussion with the employee and submit it in writing to the EEO Officer within five working days of the date of notification of a potential policy violation.

Supervisors and managers will be subject to appropriate corrective and/or disciplinary action, up to and including termination, for failing to carry out their duties to enforce this policy even if they have not personally engaged in discrimination.



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Employee Responsibilities

All employees at all levels of the organization must avoid offensive or inappropriate behavior or conduct at work while working and share in the responsibility for ensuring that the workplace is free from discrimination including harassment. CalSTRS employees must:

- Understand and adhere to this policy.
- Refrain from engaging in, condoning, tolerating, or leaving uncorrected or unreported conduct that violates this policy.
- Report any violations of this policy by making an informal report or formal complaint as described below.
- Fully cooperate in the inquiry and investigation processes and/or the resolution of complaint.
- Attend training as mandated by the Chief Executive Officer.

Any CalSTRS employee who believes he or she has observed or been subjected to conduct prohibited by this policy is encouraged to tell the offender to stop his/her conduct; however, employees may file an informal report or complaint without confronting the offender.

An employee who is found to have violated this policy will be subject to appropriate corrective and/or disciplinary action, up to and including termination, regardless of job level or classification. In addition, individuals may be held personally liable for their conduct.

Equal Employment Opportunity Officer Responsibilities

The EEO Office initiates and promotes system development and analysis and recommends policies that assure equality in CalSTRS' employment practices. In addition, the EEO Office, in cooperation with the State Personnel Board, monitors CalSTRS' EEO activity, manages the discrimination complaint process, and provides technical assistance and training to managers and supervisors, and/or EEO Counselors in complying with state and federal statute and regulations, as well as departmental EEO policies.



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Complaint Process

Any employee who believes that a violation of this policy has occurred is encouraged to discuss this matter with his or her supervisor; however, it is not required. An individual seeking to report a violation of this policy may utilize any of the options listed below.

Any CalSTRS employee who believes he or she has been discriminated against or harassed has the right to file a complaint either informally, formally, or both. All complaints must be filed within 365 calendar days from the date of the alleged discriminatory action. The filing period may be extended up to an additional 90 calendar days if the complainant first obtained knowledge of the alleged discrimination after one year from the date of its occurrence. A formal complaint must be resolved within 180 calendar days from the date of filing with CalSTRS. Time frames may be extended at any level of the process by mutual agreement.

Discrimination complaints by applicants not employed by the state and those not within the jurisdiction of the CalSTRS will be forwarded directly to the State Personnel board to be resolved.

All complaints or allegations of discrimination are subject to an investigation or management inquiry whether they are filed formally or informally. CalSTRS is legally obligated to ensure that the work place is free of discrimination even if no departmental action is required.

Informal Report

If an employee believes that a violation of this policy occurred, he or she must, unless filing a formal complaint, make an informal report of the incident(s) to his or her supervisor, a trained and designated EEO Counselor, the EEO Officer, or any other CalSTRS supervisor or manager. The individual to whom the violation has been reported will take the necessary and appropriate action to assist the employee in resolving the claim quickly and at the lowest possible level. An employee is not required to first seek an informal resolution, but it is encouraged.



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Formal Complaint

If an employee is not satisfied with the results for the informal process or decides to bypass the informal process, a formal discrimination complaint can be filed in writing (via CalSTRS Discrimination Complaint Form, available on CalSTRS Central or in the Human Resources Office; or, via memorandum) with a manager, the EEO Officer, or the Human Resources Director. The written complaint should clearly state the facts upon which it is based, the person(s) involved, the relief requested, and sufficient detail to understand the nature of the complaint.

Additional Filing Options & Remedies

If not satisfied with the department's decision, the complainant may forward the complaint within thirty (30) days of the department's decision, to the Appeals Division of the State Personnel Board at 801 Capitol Mall, Sacramento, CA 95814, for further consideration.

An employee may file a complaint directly with the State Personnel Board if the complaint alleges discrimination by a departmental Director or member of the Executive Staff, if the issue involves retaliation, or if the department has exceeded its time frame for completion.

An employee may also file a complaint, either separately or concurrently, with:

Department of Fair Employment and Housing (DFEH)
2000 O Street, Suite 120
Sacramento, CA 95814
1-800-884-1684

U.S. Equal Employment Opportunity Commission (EEOC)
450 Golden Gate Avenue 5
West, P.O. Box 36025
San Francisco, CA 94102-3661
1-800-669-4000



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Complaints must be filed with DFEH within three years and/or EEOC within 365 calendar days of the alleged discriminator action.

Employees in certain Bargaining Units have an additional option of filing through the grievance process. However, it should be noted that the same complaint cannot be filed through both the CalSTRS EEO and grievance processes. Please refer to the appropriate Memoranda of Understand for specific grievance filing guidelines.

DEFINITIONS:

REFERENCES & RELATED DOCUMENTS:

Title VII of the Federal Civil Rights Act of 1964
Fair Employment and Housing Act
California Government Code Sections 12940, 12941, 18500, 19700-19706
Governor's Executive Order S-6-04
SPB Rule 547, 547.1
[Complaint Form](#)

APPROVED:

Signature on File

DATE: _____

Jack Ehnes, *Chief Executive Officer*

(Date Signed)