

PERSONNEL RELATED PROCESSES

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800.1 Cause of Action

Personnel related processes shall include, but are not limited to: evaluations, letters of commendation or special recognition, letters of counseling, guidance/disciplinary forms, and recommendations of suspension, demotion, or dismissal.

- 800.1.1** Any requirement specified by CSULB Personnel Regulations or the Staff Personnel Services Department shall be deemed an appropriate cause of action.
- 800.1.2** Confirmed violations of established police procedure or ethics shall be deemed an appropriate cause of action and may result in disciplinary action.
- 800.1.3** Confirmed violations of any rule or regulation as defined by CSULB Personnel Regulations or this Manual shall be deemed an appropriate cause of action and may result in disciplinary action.

800.2 General Provisions

All personnel related processes have a built-in system of supervisory and administrative review. Any supervisor may initiate a personnel document or process, as defined within the supervisor's scope of authority, which will be subject to the established review process through the employee's chain of command.

- 800.2.1** Generally, an employee's immediate supervisor will initiate personnel actions. In the case of suspension, demotion, or termination, the immediate supervisor may only recommend discipline.
- 800.2.2** At any point along an established review procedure, any initiated document or process may be modified by higher authority. Such modification may include increasing or decreasing recommended discipline, elimination of the document as inappropriate, or change in form and format of the document or process.
- 800.2.3** Initiation of discipline must take place on a timely basis. This will generally be interpreted as being within fourteen (14) days of the discovery of an infraction by a supervisor.

800.3 Due Process

Employees shall be afforded due process in all disciplinary matters and shall be given an opportunity to offer an explanation of actions.

800.4 Access to Files

Department personnel files and their contents shall be considered confidential information. Access to an employee's file shall be limited to the employee, the employee's chain-of-command, and other employees designated to serve in a personnel related capacity. While the Department may maintain certain files for ease of operations, only Staff Personnel Services maintains the official personnel files.

- 800.4.1** Unauthorized release of confidential information may result in disciplinary action.

800.5 Appeals/Grievances

It is recognized that employees may disagree with a personnel related process or some element of a document. In addition to the automatic adm

800.8 Modifications

The Chief, the Division Commander of Field Services, the Division Commander of Administration Services, or the Division Commander of Support Services may modify or make exception to the lines of appeal under extraordinary circumstances, except those specified by CSULB.

800.9 Sexual/Racial Harassment/Discrimination

No supervisor or employee of the Department shall practice or participate in any actions which are defined as sexual harassment/discrimination or racial harassment/discrimination.

800.9.3 Employee's Role:

There is no intent by this Department to regulate or control any relationship or social interactions of employees which are freely entered into by both parties.

The following are suggestions for all employees to help establish and maintain a professional and healthy working environment, while at the same time preventing sexual harassment from occurring.

- (a) It is this Department's philosophy that employees must set an example of acceptable conduct by not participating in or provoking behavior that is offensive.
- (b) Make it absolutely clear that you are not interested in, or flattered by, uninvited sexual advances.
- (c) Warn the harasser that the particular behavior is offensive and unwelcome. Be specific in advising that person about what conduct is offensive and unwel

- (d) It is the responsibility of all supervisors to establish and maintain a working environment which is free from discriminatory intimidation, ridicule and insult.

800.9.5 Investigation:

As indicated above, it is the supervisor's obligation to document all incidents and action taken thereafter, involving allegations of sexual harassment. All such incidents must be reported to the Chief by the supervisor, at which time the Chief will determine whether an internal affairs investigation is required. An investigation may be conducted whether or not an involved party elects to pursue a complaint.

If, based upon the facts and circumstances presented, a decision is made to proceed, a full and complete investigation will be conducted by an individual selected by the Chief or by the Office of Affirmative Action. The investigation will be conducted as quickly as possible and, based upon that report, a decision will be made regarding whether disciplinary action is necessary.

Any and all rights which exist regarding confidentiality and/or privacy in these matters will be fully protected. The complainant's identity, however, will be disclosed if the investigation reveals the potential for formal disciplinary action or criminal prosecution.

Discipline up to and including termination may result from behavior found to constitute a violation of this directive.

800.9.6 Seeking Outside Assistance

Although it is the goal of this policy to identify and prevent sexually harassing behavior, if problems and/or concerns arise, the affected employee is urged to make use of the process set forth above. However, any employee has an absolute right to go directly to the Office of Affirmative Action, the California Department of Fair Employment and Housing, Federal Equal Employment Opportunity Commission for assistance or the CSULB Office of Equity and Diversity.

800.10 Disciplinary Authority

It is recognized that any supervisor may directly discipline (excluding, suspension, demotion, or termination) an employee of lesser rank or classification for an observed infraction, regardless of the employee's direct chain-of-command. Whether the supervisor exercises this authority or relays the information to the employee's direct chain-of-command will be contingent upon the circumstances.

800.10.1 Observed infractions committed by an employee of equal or higher rank or classification shall be directed to the reporting employee's supervisor.

800.10.2 OICs may not initiate any actions, but may make recommendations to the immediate supervisory.

800.11 Relief from Duty

In case of a situation in which the possibility of proposing termination, suspension, or demotion of a permanent employee is indicated, but where the Department needs time to conduct an investigation before proposing such action, or in a situation where immediate removal of an employee from the job is needed to avoid disruption of work, for the protection of persons or property, or for similar reasons, the employee may be relieved of duty with pay.

800.11.1 Normally, the highest ranking supervisor on duty shall have the authority to invoke this regulation in situations of disruption, although it is recommended that administrative review be sought in advance when time permits. Supervisors invoking this regulation should be prepared to justify fully their actions and shall notify the Chief or a Division Commander at the earliest opportunity.

800.11.2 The Chief, the Division Commander of Field Services, the Division Commander of Administrative Services, or the Division Commander of Support Services shall determine if this regulation is to be invoked in situations where an investigation is to occur.

800.11.3 Nothing in this regulation shall give supervisors of this Department the authority to relieve from duty or escort from campus employees of other departments, although officers may be called upon to assist supervisors of other departments to enforce management rights.

800.12 Cooperation and Truthfulness Required (Also see Article IX)

In accordance with CSULB regulations and State law, the Department has the right to investigate any alleged violation of law, rule or regulation. In conjunction with that right, employees of this Department are required to cooperate fully and truthfully with any investigation. Such investigations shall be conducted in accordance with all legal and due process rights of the employee protected.

To ensure employees are cognizant of their rights, warning forms are available which may be presented to an employee who is the subject of an investigation or who may have information relevant to an investigation. These forms may be presented to the employee at the discretion of

These inquiries shall be directed to the personnel related staff member and shall also apply to inquiries from financial institutions.

800.13.1 Additional employment information may be released on police officers who are the subject of a background investigation by another criminal justice agency. No information will be released, however, with-out a waiver form signed by the employee. All such inquiries will be directed to the Chief or the appropriate Division Commander.

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