

Table 1
Specific Changes Could Better Align CSU’s Policies With State Law

STATUTORY REQUIREMENT	CURRENT POLICY	RECOMMENDED CHANGES
<p>Education Code section 66284(b)(1)(A): Adopt a policy that prohibits retreat rights for administrators accused of sexual harassment in the following instances: if a final administrative decision finds that the employee committed sexual harassment; if before a final decision is made, the employee resigns; or if the employee has entered into a settlement with the institution.</p>	<p>CSU policy generally prohibits retreat rights for administrators found to have engaged in sexual harassment and holds in abeyance its determination about retreat rights until the completion of any pending investigation. The policy does not mention settlements.</p>	<p>Revise policy to prohibit retreat rights when an administrator has entered into a settlement to resolve a sexual harassment complaint.</p>
<p>Education Code section 66284(b)(1)(C): Adopt a policy that prohibits a supervisor or administrator from providing an official letter of recommendation to an employee accused of sexual harassment in the following instances: if a final administrative decision finds that the employee committed sexual harassment; if before a final decision is made, and while an investigation is pending, the employee resigns; or if the employee has entered into a settlement with the institution based on the allegations of the sexual harassment complaint.</p>	<p>CSU policy generally prohibits official recommendation letters for all employees who have been found to have engaged in sexual harassment or who resign while an investigation into their alleged misconduct is pending. The policy does not mention settlements.</p>	<p>Revise policy to prohibit official recommendation letters when an employee has entered into a settlement to resolve a sexual harassment complaint.</p>
<p>Education Code section 66284(c)(1): Adopt a policy that prohibits informal resolutions* and settlements in sexual harassment cases involving an employee respondent and a student complainant; in cases involving an employee respondent who is accused of sexual assault, sexual violence, or sexual battery, regardless of the type of complainant; and in cases involving an employee respondent when the informal resolution or settlement includes a nondisclosure agreement.</p>	<p>CSU policy states that informal resolution is “generally discouraged” when the respondent is an employee and the complainant is a student but notes that its use is acceptable with approval from the systemwide director for civil rights. CSU policy does not include additional prohibitions relevant to the statute.</p>	<p>Revise policy to explicitly prohibit informal resolution when the respondent is an employee and the complainant is a student or when an employee is accused of sexual assault, sexual violence, or sexual battery. Add prohibitions for settlements.</p>
<p>Education Code section 66284(c)(2-4): Adopt a policy that requires the campus chief executive officer (president or chancellor), for sexual harassment complaints involving employee respondents, to approve informal resolutions* and to preliminarily approve settlement offers. State law also specifies that the policy require the CSU Trustees or the UC Regents, as applicable, to approve offers of sexual harassment settlements that have been preliminarily approved by the campus chief executive.</p>	<p>CSU policy requires certain oversight and consultation related to informal resolution but does not explicitly reference campus presidents. CSU policy also does not explicitly state that sexual harassment settlements require approval by campus presidents and the CSU trustees.</p>	<p>Revise policy to explicitly align with state law by requiring campus presidents to approve informal resolutions and preliminarily approve settlement offers when the respondent is an employee. Explicitly require the trustees to approve settlement offers.</p>

Source: State law and CSU policies.

* We use the term *alternative resolution agreements* in this report to refer to what the statute and CSU policy call *informal resolutions*.