

October 31, 2003

MEMORANDUM

TO: CSU Presidents

FROM: Charles B. Reed
Chancellor

SUBJECT: Systemwide Guidelines for Nondiscrimination and Affirmative Action Programs in Employment — Executive Order No. 883

In response to a recent audit, the attached Executive Order 883 replaces Executive Order 774.

As Executive Order 774 had done, Executive Order 883 reaffirms California State University's commitment to maintaining and implementing employment policies and procedures that comply with applicable state and federal nondiscrimination and affirmative action laws and regulations. However, Executive Order 883 explicitly affirms California State University's commitment to non-discrimination on the basis of disability and to providing reasonable accommodations upon request by qualified individuals with disabilities, if doing so does not impose undue hardship on the university. Additionally, Executive Order 883 includes medical condition in the enumeration of protected statuses and specifically prohibits retaliation for filing a discrimination complaint, opposing a discriminatory act or participating in a discrimination investigation or proceeding.

In accordance with the policy of the California State University, the campus president has the responsibility for implementing Executive Order 883 and for maintaining the campus repository and index for all executive orders.

CBR/eb

Attachment (*see below*)

cc: Executive Staff, Office of the Chancellor
Equal Employment Opportunity Directors

**THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4700**

Executive Order: 883

Title: Systemwide Guidelines for Nondiscrimination and Affirmative Action Programs in Employment

Effective Date: October 31, 2003

Supersedes: Executive Order No. 774

A. Purpose

The California State University (CSU) is committed to maintaining and implementing employment policies and procedures in compliance with applicable state and federal nondiscrimination and affirmative action laws and regulations.

Accordingly, discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age, disability, medical condition and covered veteran status is prohibited. ("Disability" and "medical condition" as used herein are consistent with the definitions provided in the Americans with Disabilities Act and the Fair Employment and Housing Act.) Moreover, retaliation against individuals who have or are believed to have filed a discrimination complaint, opposed a discriminatory act or participated in a discrimination investigation or proceeding, is prohibited. With regard to qualified individuals with a disability or medical condition, CSU shall, upon request, provide reasonable accommodation so that they may perform the essential duties of their jobs, unless doing so would impose an undue hardship on the CSU. Reasonable accommodation is to be determined by CSU following its receipt of an individual's request for accommodation and engagement in an interactive process with the individual to identify the nature and extent of the individual's restrictions and the appropriate reasonable accommodation.

B. Program Development

To execute the purpose stated above, each campus shall establish and maintain written affirmative action programs and a set of procedures that are consistent with all applicable federal and state laws, regulations and Trustee policies governing nondiscrimination and affirmative action.

C. Authority for Program Development and Compliance

1. Systemwide

The chancellor shall be responsible for providing systemwide leadership in the effective adoption and implementation of nondiscrimination policies and

affirmative action programs.

2. Campus

The president or his/her designee at each campus shall be responsible for the development and implementation of that campus' nondiscrimination policies and affirmative action programs. This includes, but is not limited to, promulgating the affirmative action programs and nondiscrimination policies (including policies for providing reasonable accommodations), communicating the programs and policies to the campus community, conducting employee training on the nondiscrimination, equal employment and affirmative action obligations of CSU, and designing an administrative support structure that facilitates compliance with all applicable federal and state laws, regulations and Trustee policies. The training mentioned in this paragraph should cover, but is not limited to: the types of discrimination (including sexual harassment, racial, ethnic, national origin, sex, and disability discrimination), the methods of reporting discrimination, and the respective responsibilities of management and staff in reporting, investigating and resolving discrimination complaints. It is recommended that training be provided to all new employees shortly after their start dates and periodically thereafter. It is further recommended that information contained in the training be made accessible for reference by current employees annually.

Charles B. Reed
Chancellor

Date: October 31, 2003