Supervisor’s Guide for Preventing Retaliation

Acts of reprisal by a University employee, supervisor or manager (Respondent) or by anyone acting on behalf of the University including the intimidation of a Grievant/Complainant, Respondent or Witness may result in a request for disciplinary action. 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. Below is a list of recommendations should a complaint situation arise.

Appropriate Actions

Do- Be objective and professional when handling an employee complaint and/or reporting a complaint

Report all complaints to an appropriate administrator. Document all complaints, including verbal ones, about harassment, discrimination, and retaliation. When possible, it is helpful to state facts, dates, times, and a list of witnesses.

Request help from Academic or Staff Employee Relations or the Office of Equity & Diversity for guidance:

Staff Employee Relations
Stephanie.Wright@csulb.edu
562-985-7161

Academic Employee Relations
Neil.Iacano@csulb.edu
562-985-5208

Equity and Diversity
Larisa.hamada@csulb.edu
(562)985-8256

Do- Preserve Confidentiality

Sharing confidential information with individuals within the workplace, who do not have a need to know is inappropriate could make a situation worse, and might result in a retaliation or defamation claim.

Appropriate Actions

Do- Document Performance Issues

It is difficult to address work performance issues with little or no documentation. Document an employee’s performance before taking disciplinary actions against an individual who has filed a complaint. It is mandatory that you contact Staff or Academic Employee Relations, and when appropriate, the Office of Equity & Diversity, before proceeding with disciplinary action.

Inappropriate Actions

Do Not- Take Accusations Personally

Many Respondents feel a complaint means they were being sexist or racist, and they may start treating the Grievant/Complainant in a different manner. Instead, if you are the Respondent, act professionally and treat the Grievant/Complainant as you would other employees within your department. For example, if it is your common practice to greet all your employees, make sure to be consistent with this same practice. Also, avoid excluding the Grievant/Complainant from regular meetings or scheduled projects, unless instructed by Equity & Diversity or Employee Relations. Exclusion and silence may also be perceived as retaliation.
Inappropriate Actions continued

Do Not- Make Rash Decisions
After receiving a complaint, a Respondent's first instinct might be to react by taking immediate action. We recommend contacting Human Resources or Equity & Diversity before making any decisions related to changes in job duties, meetings, or regular work operations. It is imperative to stay professional, take a step back, and assess possible consequences.

It is also important to resist any outside pressure, especially from the Grievant / Complainant, the Grievant/Complainant's representative, or your colleagues involved in the situation.

Do Not- Ignore the Grievant/Complainant

Ignoring the Grievant/Complainant or giving the “silent treatment” will only support their retaliation claim. Do not avoid or exclude the Grievant/Complainant from the work environment. For example, if it is regular business practice to meet once a week with your employees, continue this practice. Do not exclude the Grievant/Complainant from regular meetings or reassign work assignments unless instructed by Human Resources or Equity & Diversity.

Focus on the Validity of the Underlying Complaint

Respondents often believe they may take action against the Grievant/Complainant if they perceive his or her complaint has no merit. In actuality, another grievance/complaint may occur if the Grievant/Complainant feels strongly that wrongful conduct has occurred. Keep in mind, retaliation is considered a separate charge to complaints of discrimination and harassment.

Inappropriate (DO NOT) continued

Do Not- Avoid Over-Documentation on the Performance of Someone Who Has Complained

Treat all employees fairly and with consistent standards. Avoid getting carried away and over-documenting every poor decision made by the Grievant/Complainant. Do not attempt to build up a file against the employee. Stay consistent with your supervisory policies and practices. Remember to treat all employees fairly.