

# UNIVERSITY POLICIES

## Statement on Commitment to Community

The Cal Poly community values a broad and inclusive campus learning experience where its members embrace core values of mutual respect, academic excellence, open inquiry, free expression and respect for diversity. Membership in the Cal Poly community is consistent with the highest principles of shared governance, social and environmental responsibility, engagement and integrity.

As students, faculty and staff of Cal Poly, we choose to:

- Act with integrity and show respect for ourselves and one another
- Accept responsibility for our individual actions
- Support and promote collaboration in University life
- Practice academic honesty in the spirit of inquiry and discovery
- Contribute to the university community through service and volunteerism
- Demonstrate concern for the well-being of others
- Promote the benefits of diversity by practicing and advocating openness, respect and fairness

Individual commitment to these actions is essential to Cal Poly's dedication to an enriched learning experience for all its members.

## Statement on Diversity and Inclusivity

The following excerpt is taken from the *Cal Poly Statement on Diversity and Inclusivity*, which has been endorsed by the Cal Poly Academic Senate Resolution AS-807-15 (<http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1807&context=senateresolutions>):

At Cal Poly we believe that academic freedom, a cornerstone value, is exercised best when there is understanding and respect for our diversity of experiences, identities, and world views. Consequently, we create learning environments that allow for meaningful development of self-awareness, knowledge, and skills alongside attention to others who may have experiences, worldviews, and values that are different from our own. In so doing, we encourage our students, faculty, and staff to seek out opportunities to engage with others who are both similar and different from them, thereby increasing their capacity for knowledge, empathy, and conscious participation in local and global communities.

In the spirit of educational equity, and in acknowledgement of the significant ways in which a university education can transform the lives of individuals and communities, we strive to increase the diversity at Cal Poly. As an institution that serves the state of California within a global context, we support the recruitment, retention, and success of talented students, faculty, and staff from across all societies, including people who are from historically and societally marginalized and underrepresented groups.

Cal Poly is an inclusive community that embraces differences in people and thoughts. By being open to new ideas and showing respect for diverse points of view, we support a climate that allows all students, faculty, and staff to feel valued, which in turn facilitates the recruitment and retention of a diverse campus population. We are a culturally invested university whose members take personal responsibility for fostering excellence in our own and others' endeavors. To this end, we support an increased awareness and understanding of how one's own identity facets (such as race, ethnicity, gender, sexual orientation, religion,

age, disability, social class, and nation of origin) and the combinations of these identities and experiences that may accompany them can affect our different worldviews.

- \* The definition of diversity is specifically inclusive of, but not limited to, an individual's race/ethnicity, sex/gender, socioeconomic status, cultural heritage, disability, and sexual orientation.

## Statement on Sustainability

In 1987, the United Nations' World Commission on Environment and Development defined sustainable development as, "development which meets the needs of current generations without compromising the ability of future generations to meet their own needs." In 2009, Cal Poly's Academic Senate adopted a more academically focused definition of sustainability with the passage of Sustainability Learning Objectives (<http://catalog.calpoly.edu/universitylearningobjectives>):

*"Cal Poly defines sustainability as the ability of the natural and social systems to survive and thrive together to meet current and future needs. Cal Poly students should be able to consider sustainability when making reasoned decisions. Students should be able to:*

- Define and apply sustainability principles within their academic programs
- Explain how natural, economic, and social systems interact to foster or prevent sustainability
- Analyze and explain local, national, and global sustainability using a multidisciplinary approach
- Consider sustainability principles while developing personal and professional values"

As a comprehensive polytechnic university with a hands-on, Learn-by-Doing pedagogy, Cal Poly offers a wide breadth of academic programs in technical disciplines, the arts, and humanities. A Cal Poly education seeks to achieve two distinct but complementary goals – technical knowledge and proficiency in a chosen discipline to prepare for the workplace, and a transformative exposure to diverse cultures and critical thinking to create life-long learners and responsible global citizens.

By definition, sustainability seeks to balance three things - protection of the natural environment, healthy economy, and social justice and equity. As a framework in higher education, sustainability helps foster critical and systems thinking, development of personal and professional ethics, a commitment to environmental stewardship, and inspires students to make positive contributions to human society.

As a Charter Signatory to the Second Nature Climate Commitment, Cal Poly is committed to achieving carbon neutrality and climate resilience as soon as possible, and is infusing this work into curriculum, research, and student experience.

For more information on sustainability at Cal Poly see Sustainability Practices (<http://catalog.calpoly.edu/academicsupportandcampuslife/campuslife/sustainabilitypractices>).

## Policies on the Rights of Individuals

Cal Poly is a community enriched by individual differences. The University is committed to respecting and protecting the rights of individuals. This section presents a summary of University non-discrimination policies and procedures for pursuing complaints under these policies. The Office of Equal Opportunity has been designated to oversee and coordinate implementation of compliance with campus non-discrimination policies.

Except where otherwise indicated, procedures for reporting incidents of discrimination can be found in “Reporting Guidelines.”

## Non-Discrimination Policy and Complaint Procedures

### Protected Status: Age, Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color or ancestry), Religion or Religious Creed, and Veteran or Military Status.

The California State University does not discriminate on the basis of age, genetic information, marital status, medical condition, nationality, race or ethnicity (including color and ancestry), religion (or religious creed), and veteran or military status – as these terms are defined in CSU policy – in its programs and activities, including admission and access. Federal and state laws, including Title VI of the Civil Rights Act of 1964 and the California Equity in Higher Education Act, prohibit such discrimination. *Brian Ghandt, Director of Equal Opportunity*, has been designated to coordinate the efforts of Cal Poly to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to this person at Fischer Science Building 33/290 and/or 805.756.6770 CSU Executive Order 1097 Revised October 5, 2016 (<https://www.calstate.edu/eo/EO-1097-rev-10-5-16.html>) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation *made by students* against the CSU, a CSU employee, other CSU students or a third party.

### Protected Status: Disability

The California State University does not discriminate on the basis of disability (physical and mental) – as this term is defined in CSU policy – in its programs and activities, including admission and access. Federal and state laws, including sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, prohibit such discrimination. *Brian Ghandt, Director of Equal Opportunity*, has been designated to coordinate the efforts of Cal Poly to comply with all applicable federal and state laws prohibiting discrimination on the basis of disability. Inquiries concerning compliance may be presented to this person at Fischer Science Building 33/290 and/or 805.756.6770. CSU Executive Order 1097 Revised October 5, 2016 (<https://www.calstate.edu/eo/EO-1097-rev-10-5-16.html>) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made by students against the CSU, a CSU employee, other CSU students or a third party.

### Protected Status: Gender (or sex), Gender Identity (including transgender), Gender Expression and Sexual Orientation

The California State University does not discriminate on the basis of gender (or sex), gender identity (including transgender), gender expression or sexual orientation – as these terms are defined in CSU policy – in its programs and activities, including admission and access. Federal and state laws, including Title IX of the Education Amendments of 1972, prohibit such discrimination. *Brian Ghandt, Director of Equal Opportunity*, has been designated to coordinate the efforts of Cal Poly to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to this person at Fischer Science Building 33/290 and/or 805.756.6770. The California State University is committed to providing equal opportunities to all CSU students in all campus programs, including

intercollegiate athletics. CSU Executive Order 1097 Revised October 5, 2016 (<https://www.calstate.edu/eo/EO-1097-rev-10-5-16.html>) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation *made by students* against the CSU, a CSU employee, other CSU students or a third party.

Title IX of the Education Amendments of 1972 protects all people regardless of their gender, gender identity, gender expression or sexual orientation from gender discrimination, which includes sexual harassment and violence:

**Sex Discrimination** means an adverse action taken against a student by the CSU, a CSU employee, or another student because of gender or sex (including sexual harassment, sexual misconduct, domestic violence, dating violence and stalking) that is perpetrated against an individual on a basis prohibited by Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., and its implementing regulations, 34 C.F.R. Part 106 (Title IX); California Education Code §66250 et seq., and/or California Government Code §11135.

**Sexual Harassment**, a form of sex discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:

1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the university; **or**
2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the university; **or**
3. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as creating an intimidating, hostile or offensive environment.

Sexual harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework. Sexual harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Executive Order 1097 covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to sexual harassment or sexual misconduct, including dating or domestic violence, or stalking, subject to this policy. Claiming that the conduct was not motivated by sexual desire is not a defense to a complaint of harassment based on gender.

**Sexual Misconduct:** All sexual activity between members of the University community must be based on affirmative consent. Engaging in any sexual activity without first obtaining affirmative consent to the specific activity is sexual misconduct, whether or not the

conduct violates any civil or criminal law. Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, and dating violence. When based on gender, domestic violence or stalking also constitute sexual misconduct. Sexual misconduct may include using physical force, violence, threat or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of sexual misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

**Sexual Assault** is a form of sexual misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.

**Sexual Battery** is a form of sexual misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification or abuse.

**Rape** is a form of sexual misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical disability renders the person incapable of giving consent. The respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant.

**Acquaintance Rape** is a form of sexual misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website.

**Affirmative Consent** means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the affirmative consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent. Affirmative consent must be voluntary, and given without coercion, force, threats or intimidation.

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent. A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.
- Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and

can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

- A person who is incapacitated cannot give affirmative consent. A person is unable to consent when s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol, or medication so that s/he could not understand the fact, nature or extent of the sexual activity. A person is if s/he lacks the mental ability to make informed, rational decisions.
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain affirmative consent before engaging in sexual activity
- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving legal consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  - The respondent's belief in affirmative consent arose from the intoxication or recklessness of the respondent;
  - The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

**Consensual Relationships:** Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to discrimination, harassment, retaliation, sexual misconduct, dating or domestic violence or stalking.

- A University employee shall not enter into a consensual relationship with a student or employee over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, each campus shall develop a procedure to reassign such authority to avoid violations of this policy.
- This prohibition does not limit the right of an employee to make a recommendation on the personnel matters concerning a family or

household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or MPP/confidential personnel plan.

**Domestic Violence** is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the respondent has a child, someone with whom the respondent has or had a dating or engagement relationship, or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

**Dating Violence** is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

**Stalking** means engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for his/her or others' safety or to suffer substantial emotional distress. For purposes of this definition:

- Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
- Reasonable person means a reasonable person under similar circumstances and with the same protected status(es) as the complainant;
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

See further:

CSU Systemwide Executive Order 1095:

<https://www.calstate.edu/eo/EO-1095-rev-6-23-15.pdf>

CSU Systemwide Executive Order 1096:

<https://www.calstate.edu/eo/EO-1096-rev-10-5-16.pdf>

CSU Systemwide Executive Order 1097:

<https://www.calstate.edu/eo/EO-1097-rev-6-23-15.html>

## Whom to Contact If You Have Complaints, Questions or Concerns

Title IX requires the University to designate a Title IX Coordinator to monitor and oversee overall Title IX compliance. The campus Title IX Coordinator is available to explain and discuss the right to file a criminal complaint (for example, in cases of sexual misconduct); the University's complaint process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters. **If you are in the midst of an emergency, please call the police immediately by dialing 9-1-1.**

### CAL POLY TITLE IX COORDINATOR:

Brian Gnanndt, Director of Equal Opportunity  
Location: Fischer Science Building 33/290  
Phone: 805.756.6770  
Email: [bgnandt@calpoly.edu](mailto:bgnandt@calpoly.edu)

### CAL POLY UNIVERSITY POLICE

Emergency: Dial 911  
Non-emergency: 805.756.2281 or Email: [police@calpoly.edu](mailto:police@calpoly.edu)  
<https://afd.calpoly.edu/police/>

Title IX requires the University to adopt and publish complaint procedures that provide for prompt and equitable resolution of gender discrimination complaints, including sexual harassment and misconduct, as well as provide training, education and preventive measures related to sex discrimination. CSU Executive Order 1097 (<https://www.calstate.edu/eo/EO-1097-rev-10-5-16.html>) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made by students** against the CSU, a CSU employee, other CSU students or a third party.

**Duty to Report.** Except as provided below under confidentiality and sexual misconduct, dating violence, domestic violence, and stalking, **any** University employee who knows or has reason to know of allegations or acts that violate University policy shall promptly inform the Title IX Coordinator. These employees are required to disclose all information including the names of the parties, **even where the person has requested that his/her name remain confidential.** The Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident. (See confidential reporting options outlined below.)

Regardless of whether an alleged victim of gender discrimination ultimately files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or misconduct, it must review the matter to determine if an investigation is warranted. The campus must then take appropriate steps to eliminate any gender discrimination/harassment/misconduct, prevent its recurrence, and remedy its effects.

## Safety of the Campus Community is Primary

The University's primary concern is the safety of its campus community members. The use of alcohol or drugs never makes the victim at fault for gender discrimination, harassment or misconduct; therefore, victims should not be deterred from reporting incidents of sexual misconduct out of a concern that they might be disciplined for related violations of drug, alcohol or other University policies. Except in extreme circumstances,



victims of sexual misconduct shall not be subject to discipline for related violations of the Student Conduct Code.

## Information Regarding Campus, Criminal and Civil Consequences of Committing Acts of Sexual Violence

Individuals alleged to have committed sexual misconduct may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, employees and students may face discipline at the University, up to and including suspension or expulsion. Employees may face sanctions up to and including dismissal from employment, pursuant to established CSU policies and provisions of applicable collective bargaining unit agreements.

Students who are charged by the University with gender discrimination, harassment or misconduct will be subject to discipline, pursuant to the California State University Student Conduct Procedures (see Executive Order 1098 at <https://www.calstate.edu/eo/EO-1098-rev-6-23-15.html> or any successor executive order) and will be subject to appropriate sanctions. In addition, during any investigation, the University may implement interim measures in order to maintain a safe and non-discriminatory educational environment. Such measures may include but not be limited to immediate interim suspension from the University; a required move from University-owned or affiliated housing; adjustments to course schedule; and/or prohibition from contact with parties involved in the alleged incident.

## Confidentiality and Sexual Violence, Dating Violence, Domestic Violence and Stalking

The University encourages victims of sexual misconduct, dating violence, domestic violence or stalking to talk to someone about what happened – so they can get the support they need, and so the University can respond appropriately.

## Privileged and Confidential Communications

**Physicians, Psychotherapists, Professional Licensed Counselors, Licensed Clinical Social Workers, and Clergy** – Physicians, psychotherapists, professional, licensed counselors, licensed clinical social workers, and clergy who work or volunteer on or off campus, acting solely in those roles or capacities as part of their employment, and who provide medical or mental health treatment or counseling (and those who act under their supervision, including all individuals who work or volunteer in their centers and offices) including those who act in that role under their supervision) may not report any information about an incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, licensed clinical social workers and clergy without triggering a University investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to victims, if applicable.

**Sexual Assault and Domestic Violence Counselors and Advocates** – Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women's centers and health centers and who are acting solely in that role (including those who act in that role under their supervision, along with non-professional counselors or advocates who work or volunteer in sexual assault centers, victim advocacy offices, women's centers, gender equity centers, or health centers), may talk to a victim without revealing any information about the victim and the

incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal his/her identity or that a victim disclosed an incident to them. However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to victims, if applicable.

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a physician, professional licensed counselor, licensed clinical social worker, clergy member, sexual assault counselor, domestic violence counselor or advocate; and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the University and a separate complaint with local or University Police. If a victim insists on confidentiality, such professionals, counselors and advocates will likely not be able to assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide victims with that assistance if requested by the victim. These counselors and advocates will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it retaliation occurs.

**EXCEPTIONS:** Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a **physical condition** to a patient/victim who he or she knows or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including sexual misconduct, domestic violence, and dating violence). This exception does **not** apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, **all** professionals described above (physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual misconduct, dating or domestic

violence, or stalking incident. If applicable, these professionals will explain this limited exception to victims.

## Reporting to University or Local Police

If a victim reports to local or University Police about sexual misconduct crimes, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that his/her identity be kept confidential, his/her name will not become a matter of public record and the police will not report the victim's identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator victim names/identities or compromise their own criminal investigation. The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

## Reporting to the Title IX Coordinator and Other University Employees

Most University employees have a duty to report incidents of sexual misconduct when they are on notice of it. When a victim tells the Title IX Coordinator or another University employee about an incident of sexual misconduct, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University strongly encourages victims to report incidents of sexual misconduct directly to the campus Title IX Coordinator. As detailed above, in the "Privileged and Confidential Communications" section of this policy, all University employees except physicians, licensed professional counselors, licensed clinical social workers, sexual assault counselors and advocates, must report to the Title IX Coordinator all relevant details about any incidents of sexual misconduct of which they become aware. The University will need to determine what happened – and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employees will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in a sexual misconduct violence incident except as otherwise required by law or University policy. A report of sexual misconduct may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual misconduct. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on "Privileged and Confidential Communications" above, no University employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another University employee that his/her identity remain completely confidential, the Title IX Coordinator will explain that the University cannot always honor that request or guarantee complete confidentiality. If a victim wishes

to remain confidential or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, employees, and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited. See Executive Order 1095 (or any successor executive order) for further details around confidential reporting, and other related matters (<https://www.calstate.edu/eo/EO-1095-rev-6-23-15.html>).

## LOCAL COMMUNITY RESOURCE INFORMATION:

### Cal Poly Counseling Center

805.756.2511

<https://hcs.calpoly.edu/content/counseling/counseling-home>

### Cal Poly Health Services

805.756.1211

Hearing or Speech Impaired: Call 711 (Telecommunications Relay Service)

<https://hcs.calpoly.edu/>

### Cal Poly Safer

805.756.2282

<https://safer.calpoly.edu/>

### RISE

Respect | Inspire | Support | Empower

855.886.7473

<http://www.riseslo.org/>

## Protection from Retaliation

It is critical that individuals not be deterred from reporting possible prohibited harassment. CSU policy [Executive Order 1097] prohibits 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.

## Reporting Guidelines

Individuals with inquiries regarding the application of these laws, regulations and policies to programs and activities of California Polytechnic State University, or those wishing to file a complaint alleging a violation of these policies, may contact the office of Equal Opportunity, Fisher Science (Bldg. 33), Room 290, 805.756.6770, <http://www.equalopportunity.calpoly.edu/>, or other designated campus offices as indicated in the following administrative guidelines.

- Students may obtain confidential, informal, impartial, and independent advice about any university-related concerns from Student Ombuds Services, Robert E. Kennedy Library (Bldg. 35), Room 113, 805.756.1380, <http://ombuds.calpoly.edu>. Working with Student Ombuds Services does not constitute official notice to the University of alleged policy violations except for allegations of sexual violence.
- Complaints from or about students alleging violations of these policies by other students may be directed to the office of the Vice President for Student Affairs, Administration Building (Bldg. 01), Room 209, 805.756.1521; the office of the Dean of Students, Student

Health Center (Bldg. 17), Room 113, 805.756.0327; or the office of Student Rights and Responsibilities, Student Services Building (Bldg. 124), 805.756.0327.

- Student disability-related complaints may be directed to the Disability Resource Center, Student Services (Bldg. 124), Room 119, 805.756.1395.
- Students wishing to seek additional information or file a complaint not previously addressed should contact the office of Equal Opportunity, Fisher Science (Bldg. 33), Room 290, 805.756.6770, for assistance.
- Complaints by or against employees who are covered by either collective bargaining agreements or CSU system-wide procedures shall be processed in accordance with the applicable collective bargaining agreement or systemwide procedures. Questions should be directed to the office of the Associate Vice Provost for Academic Personnel, Administration (Bldg. 01), Room 314, 805.756.2844 for faculty matters; and the office of the Director of Human Resources, Administration (Bldg. 01), Room 110, 805.756.6564, for staff or management issues.
- Complaints from non-represented employees or Independent Contractors may be directed to the office of Equal Opportunity, Fisher Science (Bldg. 33), Room 290, 805.756.6770.
- Complaints by or against employees of the Cal Poly Corporation must follow the Corporation's "Procedures for Resolving Harassment Complaints." Any such complaints should be directed to either her or his supervisor or the Advisor on Harassment Concerns, Corporation Building (15), 805.756.1151. [www.calpolycorporation.org/docs/policies/pm207.pdf](http://www.calpolycorporation.org/docs/policies/pm207.pdf) (<http://www.calpolycorporation.org/docs/policies/pm207.pdf>)
- Employees and students of Associated Students, Inc., comply with University policies. Employees of Associated Students, Inc., or others who believe that they have been discriminated against can file a complaint using the ASI "Policy Prohibiting Harassment." [www.asi.calpoly.edu/forms\\_and\\_policies](http://www.asi.calpoly.edu/forms_and_policies) (Policy Manuals, ASI Personnel Policy Manual)
- If an act of discrimination is alleged to have occurred over the campus's information resources infrastructure—telephones, computers, network, etc.—redress may be through Information Technology Service's "Responsible Use Policy." Initial inquiries regarding violations should be directed to the office of the Vice Provost and Chief Information Officer, (Bldg. 14), Room 113, 805.756.5541.

Inquiries concerning the application of these laws to programs and activities of California Polytechnic State University may also be referred to the specific campus officers identified above or to the Regional Director of the Office for Civil Rights, United States Department of Education, 50 Beale Street, Suite 7200, San Francisco, California 94105.

Filing a complaint about discrimination with the University is not a prerequisite to filing a complaint with a federal or state agency.

## Academic Freedom

Cal Poly recognizes and supports the principle of academic freedom, by which each instructional faculty member, researcher, librarian and counselor has the right to teach, to conduct research, and to publish material relevant to that faculty member's discipline, even when such material is controversial.

The University also guarantees to its faculty the same rights shared by all citizens, which include:

- the right to free expression,
- the right to assemble, and
- the right to criticize and seek revision of the institution's regulations.

At the same time, the faculty should recognize an equally binding obligation to perform their academic duties responsibly and to comply with the internal regulations of the University.

Each faculty member is expected to recognize the right of free expression of other members of the university community; intolerance and personal abuse are unacceptable.

Faculty shall not claim to be representing the University unless authorized to do so.

Cal Poly endorses the nationally recognized definition of academic freedom from the American Association of University Professors (AAUP): The 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretative Notes, as follows:

1. Teachers<sup>1</sup> are entitled to full freedom in research and in the publication of results, subject to the adequate performance of their other academic duties; but research, for pecuniary return, should be based upon an understanding with the authorities of the institution.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial subject matter which has no relation to the subject.<sup>2</sup> Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of appointment.
3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraints, should show respect for the opinions of others, and should make every effort to indicate they are not speaking for the institution.

<sup>1</sup> The footnote from the 1940 Statement states: "The word 'teacher' as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties." Reference: AAUP: *The 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretative Notes*, adopted by the Council of the American Association of University Professors in April 1970 and endorsed by the Fifty-sixth Annual Meeting as Association policy, [www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm](http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm) (<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm>)

<sup>2</sup> The footnote from the 1970 Interpretative Notes on the AAUP Statement reads: "The intent of this statement is not to discourage what is 'controversial.' Controversy is at the heart of free academic inquiry which the entire statement is designed to focus. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to the subject."

## Student Academic Rights & Responsibilities

The classroom (including laboratories, field trips, independent study, etc.) is the essential part of any university where freedom to learn should flourish. The instructor has the responsibility for the manner of instruction and the conduct of the classroom. The instructor should not act in any way that denies the rights of students as set forth below:

Students are free to take reasoned exception to the data or views offered in courses. It is the responsibility of the instructor to take every precaution to ensure that what is presented is factual. If the instructor's presentation is in the area of opinion, belief, or debatable fact, it is the instructor's responsibility to make this clear to the students. Students may be required to know thoroughly the particulars set forth by the instructor, but they are free to reserve personal judgment as to that which is presented in the classroom.

The student has the right to substantial presentations appropriate to the course. Unjustified failure of the instructor to meet or prepare for classes, which results in incompetent performance, is a legitimate ground for student complaints against the instructor.

The student has the right to a statement at the beginning of each quarter providing: instructor's name, office location, office telephone number, and office hours; texts and supplementary materials required for the course; purpose of the course; prerequisites; requirements for grading; frequency and types of tests; and other information to assure student's understanding of the nature and requirements of the course.

A **Fairness Board** has been established to hear grievances of students who believe their academic rights have been denied or violated. The legitimacy of the process and procedure of evaluation in the course shall be the sole criterion of the Fairness Board. Students may contact the Academic Senate at 805.756.1258, [www.academicssenate.calpoly.edu/](http://www.academicssenate.calpoly.edu/) for clarification of the description and procedures for the Fairness Board and the appeal process for grade disputes. Students should address grade disputes involving allegations of academic dishonesty to the Office of Student Rights & Responsibilities at 805.756.2794. Students may also contact the University Ombuds at 805.756.1380 for informal assistance with grade disputes.

### Academic Responsibilities

Students enrolled in a class are responsible for meeting standards of performance and conduct established by the University and the instructor. Students are responsible for registering and "adding" and "dropping" classes in a timely fashion, to ensure that others have an opportunity to take classes. Students are responsible for completing and submitting all class assignments, examinations, tests, projects, reports, etc., by scheduled due dates, or face penalties. If any problem arises regarding course work or attendance, the student is held responsible for initiating communication and contact with the instructor. In addition, students are held responsible for behavior and conduct adverse to the preservation of order as established by the University and the instructor. Students are responsible for meeting their degree requirements as provided in the university catalog.

### Cheating and Plagiarism

Cal Poly does not tolerate academic cheating or plagiarism in any form.

Learning to think and work independently is part of the educational process.

Cheating or plagiarism in any form is considered a serious violation of expected student behavior and may result in disciplinary action. All faculty and students are encouraged to review the formal policy on cheating and plagiarism (including definitions, sanctions, and appeal procedures) found in the Campus Administrative Manual, Section 684.

University policy can be summarized simply:

As a student, you are responsible for your own work and you are responsible for your actions.

## Use and Release of Student Information

[https://registrar.calpoly.edu/ferpa\\_summary](https://registrar.calpoly.edu/ferpa_summary)

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. This federal law applies to all schools that receive funding under most programs administered by the Department of Education. The primary rights afforded each student are the right to inspect and review his/her education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records.

## Responsible Use of Information Technology Resources

Information technology resources are provided to support the University's mission of education, research and service. To ensure that these shared and finite resources are used effectively to further the University's mission, each user has the responsibility to:

- Use the resources appropriately and efficiently
- Respect the freedom and privacy of others
- Protect the stability and security of the resources
- Understand and fully abide by established University policies and applicable public laws

The Responsible Use Policy covers authorized use, data security, confidentiality and privacy, copyright infringement and more. All students, faculty and staff acknowledge the policy each time they change their [my.calpoly.edu](http://my.calpoly.edu) passwords. It can also be viewed by visiting: <http://www.security.calpoly.edu/content/policies/rup/index>

## E-Mail - an Official Means of Communication to Students

[www.servicedesk.calpoly.edu/content/email\\_calendar/policy/email\\_communications\\_students](http://www.servicedesk.calpoly.edu/content/email_calendar/policy/email_communications_students)

Campus email is an official method of campus communication to students, and may be used as the sole method of communication for some campus matters. Official university communications are sent to a student's university-assigned e-mail address ([username@calpoly.edu](mailto:username@calpoly.edu)). Students are responsible for receiving and reading official email communications in a timely manner and for taking necessary action when appropriate. This also applies when university emails are redirected to a non-university email account.

Campus policy permits colleges, departments, and faculty to use email to send official communications to students, for example, messages pertaining to the conduct of university business for academic or administrative purposes. Using email for such purposes is at the



discretion of the sender and in no way precludes the use of other communication methods.

For more information about the campus email policy and related standards and practices, including frequently asked questions, visit [http://www.servicedesk.calpoly.edu/content/email\\_calendar/policy/guidelines\\_overview](http://www.servicedesk.calpoly.edu/content/email_calendar/policy/guidelines_overview).

## Accessibility of Cal Poly Electronic and Information Technology Resources

<http://accessibility.calpoly.edu>

The Americans with Disabilities Act (ADA) provides that no qualified individual with a disability be denied access to or participation in services, programs, and activities at Cal Poly. This act applies to virtually all aspects of campus activities, including employment, teaching and learning, and services provided to the campus community.

It is the policy of the California State University system to make information technology resources and services accessible to all CSU students, faculty, staff, and the general public regardless of disability status. Cal Poly is committed to ensuring that university information and services delivered electronically are made accessible and the needs of individual students and employees with disabilities are accommodated. For more information regarding Cal Poly plans and policies and related standards and practices related to accessibility, visit <http://accessibility.calpoly.edu>.

## Copyright Infringement and File Sharing: What Students Need to Know

<http://security.calpoly.edu/content/faq/dmca-faqs>

In recent years, copyright holders, like the Recording Industry Association of America (RIAA), have stepped up legal efforts to combat infringement, which includes targeting college students with an increased number of copyright infringement notices. Here's what you should know:

- Hundreds of Cal Poly students receive copyright Infringement notices each year.
- You can receive a notice for downloading or for allowing others to upload content from your computer. If you have file sharing software on your computer, you may be distributing copyrighted materials anytime your computer is on the network.
- If you receive a notice for inappropriate activity on the campus network, your network access will be temporarily disabled and you will be required to complete specific actions before access is reinstated.
- Repeat offenders will be referred to the Office of Student Rights and Responsibilities for further disciplinary action.

Please review these frequently asked questions to learn more about peer-to-peer file sharing and copyright infringement, the potential dangers and penalties you may incur from file sharing, and what you can do to protect yourself and your computer: <http://security.calpoly.edu/content/faq/dmca-faqs>.

## Information Security Program

<http://security.calpoly.edu>

Information security is everyone's responsibility. Only you can protect your personal devices and information. By following some basic security

practices, you can help protect university data and devices you access, as well as your own. This includes using anti-virus and other technical safeguards, keeping software and operating systems up-to-date, using strong passwords, not responding to "phishing" emails, and avoiding unsecured network connections.

It is the collective responsibility of all users to ensure:

- Confidentiality of information which Cal Poly must protect from unauthorized access
- Integrity and availability of information stored on or processed by Cal Poly information systems
- Campus compliance with applicable laws, regulations, and policies governing information security and privacy protection.

Cal Poly's Information Security Office provides direction to the campus to accomplish the above while not inhibiting the sanctioned use of campus information assets as required to meet the university's core mission and academic and administrative goals. To help safeguard and secure campus information and information resources, all users and campus departments are expected to adhere to these policies and standards where applicable. Please report suspected violations and questions to [security@calpoly.edu](mailto:security@calpoly.edu).