

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 is transformed by, and 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 social identities, including people who are from historically and societally marginalized and underrepresented groups.

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/intersections 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 (<https://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 (<https://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 Civil Rights and Compliance Office (<https://crco.calpoly.edu/>) 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."

Nondiscrimination Policy and Complaint Procedures at Cal Poly

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

California State University does not discriminate on the basis of age, genetic information, marital status, medical condition, nationality, race or ethnicity (including color, caste and ancestry), religion (or religious creed), and veteran or military status – as these terms are defined in the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) 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.

Maren Hufton, Assistant Vice President for the Civil Rights & Compliance Office and DHR Administrator, 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:

Civil Rights & Compliance Office

Bld. 33 (Fischer Science Bld.), Room 290

1 Grand Avenue, San Luis Obispo, CA 93407

Phone: 805.756.6770

Email: crco@calpoly.edu

Website: crco.calpoly.edu

CSU Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (Nondiscrimination Policy) Made Against a Student (attached to the CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) (or any successor policy) is the systemwide procedure for all complaints or discrimination, harassment or retaliation **made against other CSU students**.

CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third Party. Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third Party (attached to the CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made against the CSU, a CSU employee or a third party**.

Protected Status: Disability

California State University does not discriminate on the basis of disability (physical and mental) – as this term is defined in the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) – 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.

Maren Hufton, Assistant Vice President for the Civil Rights & Compliance Office and 504/ADA Coordinator, 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:

Civil Rights & Compliance Office

Bld. 33 (Fischer Science Bld.), Room 290

1 Grand Avenue, San Luis Obispo, CA 93407

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CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against a Student (attached to the CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made against other CSU students**.

CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third Party (attached to the CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made against the CSU, a CSU employee or a third party**.

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

California State University does not discriminate on the basis of gender (or sex), gender (including nonbinary and 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.

Maren Hufton, Assistant Vice President for the Civil Rights & Compliance Office and Title IX Coordinator, 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:

Civil Rights & Compliance Office

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1 Grand Avenue, San Luis Obispo, CA 93407

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Email: crco@calpoly.edu

Website: crco.calpoly.edu

California State University is committed to providing equal opportunities to all CSU students in all university programs, including intercollegiate athletics.

CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against a Student (attached to the CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) (or any successor) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made against other CSU students.**

CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third Party (attached to the CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made against the CSU, a CSU employee or a third party.**

As a matter of federal and state law and California State University policy, the following types of conduct are prohibited:

Sex Discrimination or Gender Discrimination is (an) adverse action taken against a complainant because of their protected status (sex or gender).

Adverse Action means an action engaged in by the respondent that has a substantial and material adverse effect on the complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a complainant does not constitute an adverse action.

Sexual Harassment means unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, offering employment benefits or giving preferential treatment in exchange for sexual favors, or indecent exposure, 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. Submission to, or rejection of, the conduct by the Complainant is explicitly or implicitly used as the basis for any decision affecting a term or condition of the Complainant's employment, or an employment decision; 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 limiting their ability to participate in or benefit from the services, activities or opportunities offered by the university; or
4. 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 or in exchange for a raise or promotion; 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 work environment, or in a classroom where the images are unrelated to the coursework.

Claiming that the conduct was not motivated by sexual desire is not a defense to a complaint of Sexual Harassment.

Sexual and/or romantic relationships between members of the university community may begin as consensual, and may develop into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking subject to this policy.

Sexual Misconduct

All sexual activity between members of the CSU 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.

- a. Sexual activity includes, but is not limited to:
 - kissing
 - touching intimate body parts
 - fondling
 - intercourse
 - penetration, no matter how slight, of the vagina or anus with any part or object
 - oral copulation of a sex organ by another person.
- b. Sexual Misconduct includes, but is not limited to, the following conduct:
 - an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or Sex,
 - the intentional touching of another person's intimate body parts without Affirmative Consent,
 - intentionally causing a person to touch the intimate body parts of another without Affirmative Consent,
 - using a person's own intimate body part to intentionally touch another person's body without Affirmative Consent,
 - any unwelcome physical sexual acts, such as unwelcome sexual touching,
 - using physical force, violence, threat, or intimidation to engage in sexual activity,
 - ignoring the objections of the other person to engage in sexual activity,
 - causing the other person's incapacitation through the use of drugs or alcohol to engage in sexual activity,
 - taking advantage of the other person's incapacitation to engage in sexual activity.
- c. Intimate body part means the sexual organ, anus, groin, buttocks, or breasts of any person.
- d. Sexual activity between a Minor (a person younger than 18 years old) and a person who is at least 18 and two years older than the Minor

always constitutes Sexual Misconduct, even if there is Affirmative Consent to all sexual activity. The existence of Affirmative Consent and/or the type of sexual activity may be relevant to the determination of an appropriate Sanction.

e. Persons of all Genders, Gender Identities, Gender Expressions, and Sexual Orientations can be victims of these forms of Sexual Misconduct. Sexual Misconduct can be committed by an individual known to the victim including a person the Complainant may have just met, i.e., at a party, introduced through a friend, or on a social networking website.

Affirmative Consent

Affirmative Consent must be voluntary, and given without coercion, force, threats, or intimidation.

It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) prior to engaging in the sexual activity.

Affirmative Consent means an agreement to engage in sexual activity that is:

- Informed
- Affirmative
- Conscious
- Voluntary and
- Mutual
- Lack of protest or resistance does not mean there is Affirmative Consent.
- Silence does not mean there is Affirmative Consent.
- 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, mean there is Affirmative Consent.
- Affirmative Consent can be withdrawn or revoked. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after sexual activity begins. Once consent is withdrawn or revoked, the sexual activity must stop immediately. Consent to one form of sexual activity (or one 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.

Incapacitation

Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious, or 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. A person is incapacitated if the person lacks the physical and/or mental ability to make informed, rational decisions. A person with a medical or mental disability may also lack the capacity to give consent.

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 ability, awareness of consequences, and ability to make 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.

Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving 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; or
- The person could not understand the fact, nature, or extent of the sexual activity, or 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; or
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.

Dating Violence and Domestic Violence

Dating Violence means physical violence or threat of physical violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

Domestic Violence means physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant.

Physical violence means physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.

Stalking

Stalking means engaging in a Course of Conduct directed at a specific person that would cause a reasonable person to fear for the safety of self

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 one party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the other party, or interferes with the other party's property.
- **Substantial Emotional Distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Prohibited Consensual Relationships

A **Prohibited Consensual Relationship** is a consensual sexual or romantic relationship between an Employee and any Student or Employee over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority.

Retaliation

Retaliation means that a substantial motivating reason for an Adverse Action taken against a person was because the person has or is believed to have:

- a. Exercised their rights under this policy,
- b. Reported or opposed conduct which was reasonably and in good faith believed to be in violation of this policy,
- c. Assisted or participated in an investigation/proceeding under this policy, regardless of whether the Complaint was substantiated,
- d. Assisted someone in reporting or opposing a violation of this policy or assisted someone in reporting or opposing Retaliation under this policy.

Adverse Action means an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

Additional Prohibited Conduct Definitions

1. **Sexual Harassment** means conduct on the basis of Sex that satisfies one or more of the following:

- a. An Employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct determined based on the reasonable person standard to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to an Education Program or Activity.

2. **Sexual Assault** includes the following:

- a. **Rape** is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant. Rape also

includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.

b. **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.

c. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

d. **Statutory Rape** is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent. The definition of Affirmative Consent is that under Article VII.A.3 above.

e. **Dating Violence** means physical violence or threat of physical violence committed by a person:

i. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; **and**

ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.
2. The type of relationship.
3. The frequency of interaction between the persons involved in the relationship.

3. **Domestic Violence** means physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant.

4. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. fear for their safety or the safety of others; or
- b. suffer substantial emotional distress.

See further information at Cal Poly's Title IX Notice of Nondiscrimination (https://crco.calpoly.edu/Notice_of_Non-Discrimination/) and Cal Poly's Title IX website (<https://crco.calpoly.edu/content/title-ix/>).

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 university's complaint process, including the investigation and hearing process; the availability of reasonable supportive measures (both on and off campus regardless of whether the person chooses to report the conduct); the right to file a criminal complaint (for example, in cases of sexual misconduct); how confidentiality is handled; 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'S TITLE IX COORDINATOR:

Maren Hufton

**Assistant Vice President and Title IX Coordinator
Civil Rights & Compliance Office**

Building 33 (Fisher Science), Room 290
1 Grand Avenue, San Luis Obispo, CA 93407
E-mail: crco@calpoly.edu
Phone: 805.756.6770

Cal Poly University Police Department (when you are on-campus)

Emergency: 911
Non-emergency: 805.756.2281
Location: Building 36
<https://www.afd.calpoly.edu/police/>

Local Police (when you are off campus)

San Luis Obispo Police

Emergency: 911
Non-Emergency: 805.781.7317
Location: 1042 Walnut Street, San Luis Obispo, CA 93401
(at the intersection of Santa Rosa)

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.

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CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third Party (attached to the CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made against the CSU, a CSU employee or a third party.**

Duty to Report

With few exceptions, **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 their 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 university knows or has reason to know about possible sex discrimination, harassment or sexual misconduct, it must review the matter to determine if an investigation is warranted. The university must then take appropriate steps to eliminate any sex discrimination/harassment/misconduct, prevent its recurrence, and remedy its effects.

U.S. Department of Education, Office for Civil Rights (OCR):

(800) 421-3481 (National Headquarters); or (800) 877-8339 (TDD); or ocr@ed.gov (National Headquarters); or (415) 486-5555 (California office; or ocr.sanfrancisco@ed.gov (California office)

If you wish to fill out a complaint form online with the OCR, you may do so using the OCR Electronic Complaint Form (<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>).

Safety of the University Community is Primary

The university's primary concern is the safety of its university community members. The use of alcohol or drugs never makes the victim at fault for sex discrimination, harassment or sexual 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 University, 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, students may face discipline at the university, up to and including suspension or expulsion and withholding of their degrees. Employees may face sanctions up to and including suspension, demotion or dismissal from employment, pursuant to established CSU policies and provisions of applicable collective bargaining unit agreements.

Students who are found responsible by the university for sex discrimination, harassment or sexual misconduct will be subject to discipline, pursuant to Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against a Student (attached to the CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) and the California State University and Student Conduct Procedures (see the Student Conduct Procedures Policy, revised on August 14, 2020, or any successor policy) 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 Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence and Stalking

The university encourages victims of sexual misconduct, sexual exploitation, 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) 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 (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 services, 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 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 the health

practitioner provides medical services for a physical condition to a patient/victim who the health practitioner 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 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 their identity be kept confidential, their name will not become a matter of public record. However, even if the victim requests confidentiality of identity, the University Police should specifically ask the victim if the victim's name can be provided to the Title IX Office so that the Title IX Coordinator can contact the victim to discuss supportive measures that can be offered. If a victim gives consent to law enforcement to provide their name to the Title IX Coordinator, their name will not become a matter of public record. Even if a victim does not give the police permission to provide their name to the Title IX Coordinator, University police will 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 university 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 university 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 individuals involved. 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 their 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 the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (CSU Nondiscrimination Policy) (<https://www.calstate.edu/titleix/Pages/policies.aspx>) (or any successor policy) for further details around confidential reporting, and other related matters.

Additional Resources

See further resource information at Cal Poly's Title IX Notice of Nondiscrimination (https://crco.calpoly.edu/Notice_of_Non-Discrimination/) and Cal Poly's Title IX website (<https://crco.calpoly.edu/content/title-ix/>).

U.S. Department of Education, regional office

Office for Civil Rights 50 United Nations Plaza San Francisco, CA 94102
415.486.5555
TDD 877.521.2172
OCR SanFrancisco@ed.gov

U.S. Department of Education, National Headquarters

Office for Civil Rights 800.421.3481
TDD 800.877.8339
OCR@ed.gov

California Coalition Against Sexual Assault

1215 K. Street, Suite 1850
Sacramento, CA 95814
916.446.2520

California Coalition Against Sexual Assault Website

1. Domestic and Family Violence, Office of Justice Programs, United States Department of Justice: Intimate Partner Violence
2. National Institute of Justice: Intimate Partner Violence, Office of Justice Programs, United States Department of Justice
3. National Domestic Violence Hotline Website and phone number 1-800-799-SAFE (7233)
4. Office of Violence against Women, United States Department of Justice
5. Centers for Disease Control and Prevention: Intimate Partner Violence

LOCAL CONFIDENTIAL RESOURCE INFORMATION:

Cal Poly Counseling Center

805.756.2511
<https://chw.calpoly.edu/counseling> (<https://chw.calpoly.edu/counseling/>)

Cal Poly Health Services

805.756.1211
Hearing or Speech Impaired: Call 711 (Telecommunications Relay Service)
<https://chw.calpoly.edu>

Cal Poly Safer

805.756.2282
<https://safer.calpoly.edu/>

Lumina Alliance (Formerly RISE & STAND STRONG)

805.545.8888 (24/7 Crisis & Information Hotline)
Contact@LuminaAlliance.org (contact@LuminaAlliance.org)
<https://luminaalliance.org/>

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.

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, is as follows:

1. Teachers¹ 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.² 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.

¹ 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."

² 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 foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject." 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 (<https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure/>).

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://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 given full control over their enrollment transactions through the Student Information System within the limits of the academic policies and dates as published. Therefore, it is the students' responsibility to ensure that all their enrollment transactions have been successfully processed in a timely manner. These transactions include, but are not limited to, adding, dropping, withdrawing, auditing, and choosing the desired grading basis when applicable. Students are also responsible to make sure that those enrollment transactions initiated after the add/drop period, during the course of the term, are successfully processed and appropriately reflected in their record before the end of the said term (e.g., course and/or term withdrawals).

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

Academic Dishonesty: Cheating and Plagiarism

The University does not condone academic cheating or plagiarism in any form. Faculty are expected to uphold and support the highest academic standards in this matter. Instructors should be diligent in reducing potential opportunities for academic cheating and plagiarism to occur. Students' rights shall be ensured through attention to due process, as detailed on the Office of Student Rights and Responsibilities' webpage for Academic Integrity (<https://osrr.calpoly.edu/academic-integrity/>).

Definition of Cheating

Cheating is defined as obtaining or attempting to obtain, or aiding another to obtain credit for work, or any improvement in evaluation of performance, by any dishonest or deceptive means. Cheating includes, but is not limited to: lying; copying from another's test or examination; discussion at any time of answers or questions on an examination or test, unless such discussion is specifically authorized by the instructor; taking or receiving copies of an exam without the permission of the instructor; using or displaying notes, "cheat sheets," or other information devices inappropriate to the prescribed test conditions; allowing someone other than the officially enrolled student to represent same.

Definition of Plagiarism

Plagiarism is defined as the act of using the ideas or work of another person or persons as if they were one's own without giving proper credit to the source. Such an act is not plagiarism if it is ascertained that the ideas were arrived at through independent reasoning or logic or where the thought or idea is common knowledge. Acknowledgement of an original author or source must be made through appropriate references; e.g., quotation marks, footnotes, or commentary. Examples of plagiarism include but are not limited to the following: the submission of a work, either in part or in whole completed by another; failure to give credit for ideas, statements, facts or conclusions which rightfully belong to another; failure to use quotation marks (or other means of setting apart, such as the use of indentation or a different font size) when quoting directly from another, whether it be a paragraph, a sentence, or even a part thereof; close and lengthy paraphrasing of another's writing without credit or originality; use of another's project or programs or part thereof without giving credit.

Students who have received a grade reduction as a result of academic dishonesty are NOT eligible to receive a CR/NC, or to withdraw from the course in which the grade for the course has been impacted by academic dishonesty. All CR/NC will revert to the letter grade issued by the instructor for the course. For the complete policy regarding Cheating and Plagiarism see Academic Programs and Planning (<https://academicprograms.calpoly.edu/content/academicpolicies/Cheating/>).

For more information, please visit the Academic Integrity webpage by the Office of Student Rights and Responsibilities (<https://osrr.calpoly.edu/academic-integrity/>).

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 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 passwords. It can also be viewed by visiting: IT Responsible Use Policy (<https://policy.calpoly.edu/cap/1200/cap-1200/#cap-1203-1>)

E-Mail - an Official Means of Communication to Students

<https://tech.calpoly.edu/services/email-and-calendar-o365> (<https://tech.calpoly.edu/services/email-and-calendar-o365/>)

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). 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 <https://tech.calpoly.edu/services/email-and-calendar-o365> (<https://tech.calpoly.edu/services/email-and-calendar-o365/>).

Accessibility of Cal Poly Electronic and Information Technology Resources

accessibility.calpoly.edu (<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 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 accessibility.calpoly.edu (<http://accessibility.calpoly.edu>).

Copyright Infringement and File Sharing: What Students Need to Know

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

Information Security Program

security.calpoly.edu (<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 (e.g., 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.