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

The following excerpts are taken from The Cal Poly Statement on Diversity, which has been endorsed by the Cal Poly Academic Senate Resolution AS-506-98/DTF:

“...the highest educational goals for this University, including mutual respect, civility, and engaged learning.”

“Cal Poly’s commitment to diversity signals an affirmation of the highest educational goals for this University, including mutual respect, civility, and engaged learning.”

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.

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 nondiscrimination policies and procedures for pursuing complaints under these policies. The Equal Opportunity Office, working with the Inclusive Excellence Council, has been designated to oversee and coordinate implementation of campus non-discrimination policies.

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

Non-discrimination Policy

Race, Color, Ethnicity, National Origin, Age, Genetic Information, Religion and Veteran Status

The California State University does not discriminate on the basis of race, color, ethnicity, national origin, age, genetic information, religion or veteran status 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. Martha Cody, Equal Opportunity Director, 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 the office of Equal Opportunity, Fisher Science (Bldg. 33), Room 290, 805.756.6770. CSU Executive Order 1097 (http://www.calstate.edu/EQ/EO-1097.pdf) 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.

Disability

The California State University does not discriminate on the basis of disability 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. Martha Cody, Equal Opportunity Director 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 the office of Equal Opportunity, Fisher Science (Bldg. 33), Room 290, 805.756.6770. CSU Executive Order 1097 (http://www.calstate.edu/EQ/EO-1097.pdf) 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.

Sex/Gender/Gender Identity/Gender Expression/Sexual Orientation

The California State University does not discriminate on the basis of sex, gender, gender identity, gender expression or sexual orientation 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. Martha Cody, Equal Opportunity Director 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 the office of Equal Opportunity, Fisher Science (Bldg. 33), Room 290, 805.756.6770.

The California State University is committed to providing equal opportunities to male and female CSU students in all campus programs, including intercollegiate athletics.

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

• Sexual discrimination means an adverse act of sexual discrimination (including sexual harassment, sexual violence, 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.
Sexual harassment, a form of sex discrimination, is unwelcome conduct of a sexual nature that includes, but is not limited to, sexual violence, sexual advances, requests for sexual favors, indecent exposure and other verbal, nonverbal or physical unwelcome conduct of a sexual nature, where such conduct is sufficiently severe, persistent or pervasive that it effects, whether or not intended, could be considered by a reasonable person in the shoes of the individual, and is in fact considered by the individual, as limiting the individual’s ability to participate in or benefit from the services, activities or opportunities offered by the university.

Sexual harassment includes submission to, or rejection of, sexual conduct where the conduct is explicitly or implicitly used as the basis for any decision affecting an individual’s academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University. Sexual harassment also includes gender-based harassment, which may include acts of verbal, non-verbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual violence is a form of sexual harassment and means physical sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, domestic violence, dating violence, and stalking (when based on gender or sex) perpetrated against an individual against his or her will and without consent or against an individual who is incapable of giving consent due to that individual’s use of drugs or alcohol, status as a minor, or disability. Sexual violence may include 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). Men as well as women can be victims of these forms of sexual violence. Unlawful sexual intercourse with a minor (statutory rape) occurs even if the intercourse is consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

Sexual Assault is a form of sexual violence 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 violence and is any willful and unlawful use of force or violence upon the person of another because of that person’s gender or sex.

Rape is a form of sexual violence 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 of developmental or physical disability renders the person incapable of giving consent. The accused’s relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of consent below.)

Acquaintance Rape is a form of sexual violence 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. (See above for definition of rape.)

Consent means an informed, affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity.

- Consent must be voluntary, and given without coercion, force, threats, or intimidation.
- Consent requires positive cooperation in a particular sexual act, or expression of intent to engage in that sexual act through the exercise of free will.
- Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity (or other sexual acts). Consent to sexual activity given on one occasion does not constitute consent to sexual activity on another occasion. The fact that two people are or were in a dating or sexual relationship does not constitute consent to engage in sexual activity. There must always be mutual and affirmative consent to engage in sexual activity. Consent to a sexual act may be withdrawn or revoked at any time, including after penetration. The victim’s request for the perpetrator to use a condom or birth control does not, in and of itself, constitute consent. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

- Consent cannot be given by a person who is incapacitated. For example, a person cannot give consent if s/he is unconscious or coming in and out of consciousness. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational judgments. Examples of incapacitation include unconsciousness, sleep and blackouts. 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 with a medical or mental disability may also lack the capacity to give consent.

- Being intoxicated by drugs or alcohol does not diminish a person’s responsibility to obtain consent from the other party before engaging in sexual activity. Factors to be considered include whether the person knew, or whether a reasonable person in the accused’s position should have known, that the victim did not give, or revoked, consent; was incapacitated; or was otherwise incapable of giving consent.

- Sexual intercourse with a minor is never consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

Domestic Violence is a form of sexual violence and is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has had 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. 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 husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

Dating Violence is a form of Sexual Violence and 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.

- **Stalking means** a repeated course of conduct directed at a specific person that places that person in reasonable fear for his/her or others’ safety, or to suffer substantial emotional distress.

- To see further information on Cal Poly's sexual violence prevention and education statement, Title IX Notice of Nondiscrimination (which includes facts and myths about sexual violence), and Victim's rights and Options, visit the Safer (http://studentlife.calpoly.edu/safer/learn_more/what.asp) website or the Equal Opportunity (http://www.equalopportunity.calpoly.edu) website.

**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. Your campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint (for example, in cases of sexual violence); 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.**

Campus Title IX Coordinator:

Martha Cody  
Equal Opportunity Office, Fisher Science (Bldg. 33) Room 290  
Phone: 805.756.6770  
mcody@calpoly.edu  
http://www.equalopportunity.calpoly.edu/  
Open 8:00 a.m. to 5:00 p.m., Monday through Friday  
University Police:  
Building 36  
http://afd.calpoly.edu/police  
Phone: 805.756.2281  
U.S. Department of Education, Office for Civil Rights:  
Phone: 800.421-3481 or ocr@ed.gov  
If you wish to fill out a complaint form online with the OCR, you may do so at:  
http://www2.ed.gov/about/offices/list/ocr/complaintintro.html.

Title IX requires the university to adopt and publish complaint procedures that provide for prompt and equitable resolution of sex discrimination complaints, including sexual harassment and violence, as well as provide training, education and preventive measures related to sex discrimination. CSU Executive Order 1097 (http://www.calstate.edu/EO/EO-1097.pdf) or its 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.

Except in the case of a privilege recognized under California law (examples of which include Evidence Code §§1014 (psychotherapist-patient); 1035.8 (sexual assault counselor-victim); and 1037.5 (domestic violence counselor-victim), any member of the University community who knows of or has reason to know of sexual discrimination allegations shall promptly inform the campus Title IX Coordinator. (See confidential reporting options outlined below.)

Regardless of whether an alleged victim of sexual discrimination ultimately files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or violence, it must review the matter to determine if an investigation is warranted. The campus must then take appropriate steps to eliminate any sex discrimination/harassment, 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 sexual discrimination, harassment or violence; therefore, victims should not be deterred from reporting incidents of sexual violence 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 violence 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 assault 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. 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 sexual discrimination, harassment or violence will be subject to discipline, pursuant to the California State University Student Conduct Procedures (see Executive Order 1098 at http://www.calstate.edu/EO/EO-1098.pdf 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: 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 violence, dating violence, domestic violence, or stalking (collectively Sexual Violence) to talk to someone about what happened — so they can get the support they need, and so the University can respond appropriately. Whether — and the extent to which — a University employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the employee’s position and responsibilities at the University. The following information is intended to make victims aware of the various reporting and confidential disclosure options available to them — so they can make informed choices about where to turn for help. The University strongly encourages victims to talk to someone identified in one or more of these groups.

Certain University employees, listed below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a “privileged communication.” University law enforcement employees may maintain the victim’s identity as confidential, if
requested by the victim, but will report the facts of the incident to the Title IX Coordinator, including the identity of the perpetrator. Most other University employees are required to report all details of a Sexual Violence incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator so the University can take immediate action to protect the victim, and take steps to correct and eliminate the cause of Sexual Violence.

University Police, the Title IX Coordinator, University-employed physicians, professional counselors, sexual assault and domestic violence counselors and advocates, and certain other University employees are required to explain to victims their rights and options with respect to confidentiality.

**Privileged and Confidential Communications**

Physicians, Psychotherapists, Professional Counselors and Clergy – Physicians, psychotherapists, professional, licensed counselors, and clergy who work or volunteer on or off campus, and who provide medical or mental health treatment or counseling (including those who act in that role under their supervision) may not report any information about an incident of sexual violence 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, 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 all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision) may talk to a victim without revealing any information about the victim and the incident of sexual violence 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 counselor, 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 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 Violence, 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, 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 Violence 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 violence, 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 sexual violence incidents when they are on notice of it. When a victim tells the Title IX Coordinator or another University employee about a sexual violence incident, 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 sexual violence 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 counselors, sexual assault counselors and advocates, must report to the Title IX Coordinator all relevant details about any sexual violence incidents 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 violence incident except as otherwise required by law or University policy. A Sexual Violence report 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 violence. 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 and 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 and guarantee complete confidentiality. If a victim requests of the Title IX Coordinator or another University employee that his/her identity remain completely confidential, 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.

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.

Additional Resources

- Sexual violence prevention and education statement, which includes facts and myths about sexual violence, at http://www.equalopportunity.calpoly.edu/content/title-ix
- U.S. Department of Education, regional office:
  Office for Civil Rights
  50 Beale Street, Suite 7200
  San Francisco, CA 94105
  (415) 486-5555
  TDD (877) 521-2172
- U.S. Department of Education, national office:
  Office for Civil Rights
  400 Maryland Avenue, NW
  Washington, DC 20202
  (800) 872-5327

- Know Your Rights about Title IX
  http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html
- California Coalition Against Sexual Assault (http://calcasa.org/)
  1215 K. Street, Suite 1850
  Sacramento, CA 95814
  (916) 446-2520
- Domestic and Family Violence, Office of Justice Programs, United States Department of Justice
- National Institute of Justice: Intimate Partner Violence, Office of Justice Programs, United States Department of Justice
- National Domestic Violence Hotline: 1-800-799-SAFE (7233)
- Office of Violence against Women, United States Department of Justice
- Centers for Disease Control and Prevention: Intimate Partner Violence
- Defending Childhood, United States Department of Justice
- Local Community Resource Information:
  Safer
  805.756.2282
  http://deanofstudents.calpoly.edu/

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- 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.

Last updated: 01/29/16
• 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 by 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)

• 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.caepoly.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 1 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.


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 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
The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their educational 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 educational 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

http://www.security.calpoly.edu/content/policies/rap/index

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; and
- understand and fully abide by established University policies and applicable public laws.

All students, faculty and staff are required to review the policy, which covers authorized use/access, data security, confidentiality and privacy, network and system integrity, commercial use, copyright infringement, and more.

The full policy describes consequences of non-compliance and procedures for reporting and responding to complaints. It includes definitions and examples of responsible and irresponsible use. The Vice Provost for Information Services / Chief Information Officer is responsible for policy oversight and compliance. For more information, call 805.756.2966 or email it-policy@calpoly.edu.

E-Mail - an Official Means of Communication to Students

www.servicedesk.calpoly.edu/content/email_calendar/policy/email_communications_students

Students are responsible for receiving and reading official e-mail communications in a timely manner and for taking action where appropriate. Redirecting university e-mail to a non-university e-mail address does not absolve students from their responsibilities associated with official communications.

Campus policy permits colleges, departments and faculty to use electronic mail (e-mail) to send official communications to students, i.e., messages pertaining to the conduct of university business for academic or administrative purposes. Using e-mail for such purposes is at the discretion of the sender and in no way precludes the use of other communication methods. Official communications are sent to a student’s university-assigned e-mail address (username@calpoly.edu).

For more information about the policy and related standards and practices, including frequently asked questions, see: 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 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, such as the Recording Industry Association of America (RIAA), have stepped up legal efforts to combat infringement, including targeting college students with increased numbers of copyright Infringement notices. As a student, you should be aware of the risks you take if you choose to participate in this activity. Four things 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 any university data and devices you access as well as your own. This includes not responding to “phishing” emails; using anti-virus and other technical safeguards; keeping software, browsers and operating systems up-to-date; using a strong password, and never sharing your password with others or using the same password in more than one place; avoiding unsecured network connections; backing up your data; securing your mobile devices, etc.

It is the collective responsibility of all users to ensure the