

## POLICIES AND REGULATIONS

### E-Mail is the Official Method of Communication

The university has established E-Mail as an official method of communication to students. Students will be notified of important dates, deadlines, requirements, processes, services and programs via e-mail to their Cal Poly Pomona e-mail account. Students are responsible for all communications sent to their e-mail account and to stay current and informed with the up-to-date information provided. Because some of the information is time-sensitive, the university strongly recommends that students check their e-mail accounts daily.

Students are assigned a Cal Poly Pomona e-mail address upon admission. As a courtesy and for the convenience of students, the university will provide instructions for redirecting the Cal Poly Pomona e-mail account to a private account. However, errors in forwarding e-mail or communications returned due to relocation or undeliverable address will not excuse the student from missing any university communication. Examples of communication that may be sent via e-mail include, but is not limited to deadlines for making tuition payments, registration deadlines, immunization requirements, opportunities for financial aid, and graduation information.

### Student Conduct and Discipline

It is expected that all students are enrolled for serious educational pursuits and that their conduct will preserve an atmosphere of learning. All students are expected to assume the responsibilities of citizenship in the campus community. Association in such community is purely voluntary, and students may withdraw from it at any time that they consider the obligations of membership disproportionate to the benefits. While enrolled, students are subject to university authority, which includes the prerogative of dismissing students whose conduct is inimical to the aims of an institution of higher education.

Rules of student conduct are included in the California Code of Regulations, Title 5, beginning at Section 41301.

A student who violates university policies or regulations is subject to disciplinary action which can result in a warning, reprimand, probation, suspension, or expulsion. Procedures under which the university may take disciplinary action against a student are specified by the Chancellor of the California State University. These procedures are on file in the Office of Judicial Affairs, Building 15, Room 17.

Inappropriate conduct by students or by applicants for admission is subject to discipline as provided in Sections 41301 through 41304 of Title 5, California Code of Regulations. These sections are as follows:

#### 41301. Expulsion, Suspension and Probation of Students.

Following procedures consonant with due process established pursuant to Section 41304, any student of a campus may be expelled, suspended, placed on probation or given a lesser sanction for one or more of the following causes which must be campus-related:

- (a) Cheating or plagiarism in connection with an academic program at a campus.
- (b) Forgery, alteration or misuse of campus documents, records, or identification or knowingly furnishing false information to a campus.
- (c) Misrepresentation of oneself or of an organization to be an agent of a campus.
- (d) Willful, material and substantial obstruction or disruption, on or off campus property, of the campus educational process, administrative process, or other campus function.

- (e) Physical abuse on or off campus property of the person or property of any member of the campus community or of members of his or her family or the threat of such physical abuse.
- (f) Theft, of, or nonaccidental damage to, campus property, or property in the possession of, or owned by, a member of the campus community.
- (g) Unauthorized entry into, unauthorized use of, or misuse of campus property.
- (h) On campus property, the sale or knowing possession of dangerous drugs, restricted dangerous drugs, or narcotics as those terms are used in California statutes, except when lawfully prescribed pursuant to medical or dental care, or when lawfully permitted for the purpose of research, instruction or analysis.
- (i) Knowing possession or use of explosives, dangerous chemicals or deadly weapons on campus property or at a campus function without prior authorization of the campus president.
- (j) Engaging in lewd, indecent, or obscene behavior on campus property or at a campus function.
- (k) Abusive behavior directed toward, or hazing of, a member of the campus community.
- (l) Violation of any order of a campus president, notice of which had been given prior to such violation and during the academic term in which the violation occurs, either by publication in the campus newspaper, or by posting on an official bulletin board designated for this purpose, and which order is not inconsistent with any of the other provisions of this Section.
- (m) Soliciting or assisting another to do any act which would subject a student to expulsion, suspension or probation pursuant to this Section.
- (n) Unauthorized recording, dissemination, and publication of academic presentations for commercial purposes. This prohibition applies to a recording made in any medium including, but not limited to, handwritten or typewritten class notes.
  - (1) The term "academic presentation" means any lecture, speech, or performance, exhibition, or other form of academic or aesthetic presentation, made by an instructor of record as part of an authorized course of instruction that is not fixed in a tangible medium of expression.
  - (2) The term "commercial purpose" means any purpose that has financial or economic gain as an objective.

"Instructor of record" means any teacher or staff member employed to teach courses and authorize credit for the successful completion of courses.
- (o) For purposes of this Article, the following terms are defined:
  - (1) The term "member of the campus community" is defined as meaning the California State University Trustees, academic, nonacademic and administrative personnel, students, and other persons while such other persons are on campus property or at a campus function.
  - (2) The term "campus property" includes:
    - (A) real or personal property in the possession of, or under the control of, the Board of Trustees of the California State University, and
    - (B) all campus feeding, retail, or residence facilities whether operated by a campus or by a campus auxiliary organization.

- (3) The term “deadly weapons” includes any instrument or weapon of the kind commonly known as a blackjack, sling shot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.
- (4) The term “behavior” includes conduct and expression.
- (5) The term “hazing” means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization which causes, or is likely to cause, bodily danger, or physical or emotional harm, to any member of the campus community; but the term “hazing” does not include customary athletic events or other similar contests or competitions.
- (6) The causes for discipline in this section shall, as appropriate, include computer-related crimes as provided in Section 502 of the Penal Code.
- (p) This Section is not adopted pursuant to Education Code Section 89031.
- (q) Notwithstanding any amendment or repeal pursuant to the resolution by which any provision of this Article is amended, all acts and omissions occurring prior to that effective date shall be subject to the provisions of this Article as in effect immediately prior to such effective date.

Note: Authority cited: Sections 66300, 66452, and 89030, Education Code. Reference Sections 66300 and 66540 *et seq.* Education Code.

#### **41302. Disposition of Fees: Campus Emergency; Interim Suspension**

The President of the campus may place on probation, suspend, or expel a student for one or more of the causes enumerated in Section 41301. No fees or tuition paid by or for such student for the semester, quarter, or summer session in which he or she is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester, quarter, or summer session in which he or she is suspended, no additional tuition or fees shall be required of the student on account of the suspension.

During periods of campus emergency, as determined by the President of the individual campus, the President may, after consultation with the Chancellor, place into immediate effect any emergency regulations, procedures, and other measures deemed necessary or appropriate to meet the emergency, safeguard persons and property, and maintain educational activities.

The President may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is required in order to protect lives or property and to insure the maintenance of order. A student so placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within 10 days of the imposition of interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the President or designated representative, enter any campus of the California State University other than to attend the hearing. Violation of any condition of interim suspension shall be grounds for expulsion.

#### **41303. Conduct by Applicants for Admission**

Notwithstanding any provision in this Chapter 1 to the contrary, admission or readmission may be qualified or denied to any person who, while not enrolled as a student, commits acts which, were he enrolled as a student, would be the basis for disciplinary proceedings pursuant to Sections 41301 or 41302. Admission or readmission may be qualified or denied to any person who, while a student, commits

acts which are subject to disciplinary action pursuant to Section 41301 or Section 41302. Qualified admission or denial of admission in such cases shall be determined under procedures adopted pursuant to Section 41304.

#### **41304. Student Disciplinary Procedures for the California State University**

The Chancellor shall prescribe, and may from time to time revise, a code of student disciplinary procedures for the California State University. Subject to other applicable law, this code shall provide for determinations of fact and sanctions to be applied for conduct which is a ground of discipline under Sections 41301 or 41302, and for qualified admission or denial of admission under Section 41303; the authority of the campus President in such matters; conduct related determinations on financial aid eligibility and termination; alternative kinds of proceedings, including proceedings conducted by a Hearing Officer; time limitations; notice; conduct of hearings, including provisions governing evidence, a record, and review; and such other related matters as may be appropriate. The Chancellor shall report to the Board actions taken under this section.

#### **Freedom of Information for Students**

Students shall have the right to reasonable access to university, college, and departmental policies, procedures, standards, and regulations which affect the right of students to enroll, remain enrolled, or withdraw from any course or program of study.

The University Catalog and the Schedule of Classes shall be the principal means by which such academic information shall be transmitted to students.

The university, colleges, departments, and interdisciplinary groups shall not initiate and implement policies, procedures, standards, and regulations which affect the rights of students to enroll, remain enrolled, or withdraw from courses or programs of study except through established university procedures.

Students shall have the right to information from each professor as to the general requirements and goals of a course in which they are enrolled, and to know the general criteria upon which they will be evaluated in that course. At the beginning of the quarter, each student shall be provided with a class syllabus.

Just as it is the students' right to know policies, procedures, standards, and regulations which affect their rights, so shall it be their responsibility to obtain and act appropriately on such information, and their lack of knowledge of such information which has been made accessible to them shall not be cause to waive such policies, procedures, standards, and regulations.

#### **Student Rights and Responsibilities**

All members of the university faculty and staff have a primary mission of helping students to make progress toward a degree or credential. Nevertheless, each student is individually responsible for meeting all university requirements and deadlines, as presented in this publication and any other announcements of the university, center or department in which he/she is enrolled.

The University intends that every member of the campus community be afforded a work and study environment free of discrimination based on race, color, religion, national origin, sex, sexual preference, marital status, pregnancy, age, disability or veteran status. All persons are to be protected from abusive or harassing behavior.

Information regarding student rights and responsibilities and grievance procedures can be found in the “Statement of Student Rights, Responsibilities, and Student Grievance Procedures,” copies of which are available in the Office of Judicial Affairs.

## Academic Freedom

Academic freedom in a university is a fundamental condition necessary for education to flourish. The university is the primary social institution committed to the search for knowledge and the preservation of intellectual freedom. This commitment distinguishes the university from other institutions. Cal Poly Pomona is a community of learners—both teacher-scholars and students—who strive to promote, foster, and sustain academic freedom in its broadest context, with each individual free to pursue truth, knowledge, and meaning according to his or her own best judgment.

## Standard of Conduct

All members of the university community are expected to practice self-discipline, fair and independent judgment, and responsibility for their treatment of others. The relationship among faculty, administrators, staff and students should be free of exploitation, harassment, or discriminatory treatment. Particularly, intimate relationships between supervisors and employees, faculty and students, or between any individuals of unequal status are strongly discouraged because of the inherent power imbalance.

All members of the university community are expected to exercise reasonable judgment regarding the separation of their rights, obligations, and activities as private citizens from their responsibilities to the university. Specifically, when they speak or act as private persons, they should avoid creating the impression of speaking or acting for the university.

These statements are intended to preserve academic freedom, maintain professional conduct, and prevent potential discrimination, harassment, and conflict of interest.

## Exclusion of Students from Classes

1. An instructor may at any time exclude from his or her course students who are disrupting the orderly conduct of the classroom or are a hazard to themselves or others.
2. Upon excluding a student from a class, the instructor shall, within two academic days, inform the following individuals in writing of the reasons for exclusion from class and that the student has three academic days to file a protest with the instructor's dean:
  - a. The instructor's department chairperson
  - b. The instructor's college dean
  - c. The student's major department chairperson
  - d. The student's major college dean
  - e. The student
  - f. The Office of Judicial Affairs

The student has three university academic days from the date of exclusion during which a formal protest may be lodged with the instructor's college dean concerning the instructor's decision. If the student desires to make such a protest, the college dean and department chairman will interview both the faculty member and the student(s) involved and the dean will make a final decision within three university academic days as to whether or not the student is to be allowed to return to class.

3. If the faculty member wishes to prefer disciplinary charges against the student involved, the faculty member shall submit such charges in writing to the office of Judicial Affairs. However, it will still be necessary to go through the specified process.

## Academic Integrity

The University is committed to maintaining academic integrity throughout the university community. Academic dishonesty is a serious offense that can diminish the quality of scholarship, the academic environment, the academic reputation, and the quality of a Cal Poly Pomona degree. The following policy is intended to define clearly academic dishonesty at Cal Poly Pomona and to state the responsibility of students, faculty and administrators relating to this subject.

All forms of academic dishonesty at Cal Poly Pomona are a violation of university policy and will be considered a serious offense. Academic dishonesty includes but is not limited to:

- a. Plagiarism—Plagiarism is intentionally or knowingly presenting words, ideas or work of others as one's own work. Plagiarism includes copying homework, copying lab reports, copying computer programs, using a work or portion of a work written or created by another but not crediting the source, using one's own work completed in a previous class for credit in another class without permission, paraphrasing another's work without giving credit, and borrowing or using ideas without giving credit.
- b. Cheating During Exams—Exam cheating includes unauthorized "crib sheets," copying from another, looking at another student's exam, opening books when not authorized, obtaining advance copies of exams, and having an exam regraded after making changes. Exam cheating includes exams given during classes, final exams and standardized tests such as the Graduating Writing Test and Math Diagnostic Test.
- c. Use of Unauthorized Study Aids—This includes utilization of other's computer programs or solutions, copying a copyrighted computer program without permission, using old lab reports, having others perform one's share of lab work, and using any material prohibited by the instructor.
- d. Falsifying any University Document—This includes falsifying signatures on university forms, such as Add-Drop and Withdrawal forms, forging another student's signature and falsifying pre-requisite requirements.

The responsibility of all students is to be informed of what constitutes academic dishonesty and to follow the policy. Cal Poly Pomona students who come from various international educational systems and wish to understand better the expectations of the American educational system are encouraged to speak with an international student advisor in the International Center.

A student who is aware of another student's academic dishonesty is encouraged to report the instance to the instructor of the class, the test administrator, or the head of the department within which the course is offered. A student who is reported by the instructor to the Director of Judicial Affairs will receive a letter with this accusation.

The responsibility of the faculty, instructors or test administrators is to clarify their positions on academic dishonesty to their classes early in each class. The instructor is encouraged to report each instance of academic dishonesty to the Director of Judicial Affairs. In addition to reporting each instance, each instructor shall address the problem in the narrow context of the individual class. Any form of academic dishonesty in class could result in a failing grade for the assignment related to the instance or in a failing grade for the class.

The responsibility of the administration is to address the cases of academic dishonesty from the disciplinary standpoint. Each case that is referred to the administration will be reviewed by the Office of Judicial Affairs and an appropriate action will be taken. As a reasonable norm for

an average magnitude offense, a student's first instance of academic dishonesty should result in a probation period with the student's name placed temporarily on file for academic dishonesty and the student will be informed of this. The second report should result in the student being suspended from the University for the quarter and the following quarter, with the student's name placed permanently on file for academic dishonesty. The third instance should result in the end of a student's career at Cal Poly Pomona. The administration has the responsibility to ensure that the systemwide guidelines regarding student discipline are met in Cal Poly Pomona's attempt to ensure academic integrity.

**Campus Violence**

The University has a Zero Tolerance policy for violence on campus. Threatening behaviors, acts of aggression, and instances of violence will result in appropriate responses, up to and including dismissal or expulsion, and the pursuit of civil and criminal penalties, as appropriate. Violence and threats of violence include, but are not limited to:

- any act which is physically assaultive;
- any substantial threat to harm or to endanger the safety of others;
- behaviors or actions interpreted by a reasonable person as carrying the potential for violence and/or acts of aggression;
- any substantial threat to destroy property;
- possession of a weapon (Penal Code 626.9 prohibits bringing a firearm, knife or dangerous weapon onto the campus of a public school including the California State University).

It is the responsibility of every administrator, faculty member, staff member and student to take any threats of violence seriously, and to report them to the appropriate resource. When confronted by an imminent or actual incident of violence, call 9-1-1 immediately. When presented with a threat of possible violence, action is recommended as follows:

- Threats by a student should be reported immediately to the University Police Department and the Director of Judicial Affairs;
- Threats by a staff or student employee should be reported immediately to the University Police Department and the reporting employee's supervisor who will contact Human Resource Services for assistance;
- Threats by a faculty member should be reported immediately to the University Police Department and the appropriate Dean's Office for consultation with the Vice President for Academic Affairs;
- Threats from others not affiliated as a student or employee should be reported immediately to the University Police Department on their non-emergency extension (ext. 3070).

Information concerning Cal Poly Pomona policies, procedures, and facilities for students and others to report criminal actions or other emergencies occurring on campus may be obtained from the Police Dispatcher at (909) 869-3070.

Information concerning Cal Poly Pomona annual "Safety on Campus" report may be obtained from Kristin Surber, University Police Department, Building 91, (909) 869-4139.

Information concerning Cal Poly Pomona campus-based crimes, reporting, and safety policies and procedures may be obtained from the University Police Department, Building 91 and Human Resource Services.

Information concerning the prevention of drug and alcohol abuse may be obtained from Debbie Jackley at (909) 869-5309 or Jim Grizzell at (909) 869-4339, Student Health Center, Building 46.

**Hate Crime Policy**

The University and the University Police Department will ensure that rights guaranteed by the University, the State and the U.S. Constitution are protected for all people regardless of race, ethnicity/national origin, religious belief, sexual orientation, gender or disability. Any acts or threats of violence, property damage, harassment, intimidation or other crimes designed to infringe upon those rights will be given the utmost priority. The University and University Police are dedicated to maintaining a cooperative effort with local, state and federal agencies as well as the community we serve toward the immediate investigation of reported hate crimes and hate-related incidents, and prosecution and/or University sanctions as appropriate.

This policy provides: (a) guidelines for identifying and investigating reportable crimes and incidents and (b) the resources to which victims can be referred for assistance.

**Definitions of Hate-Motivated Crimes and Incidents**

**Hate Crime:** Any unlawful action designed to frighten, harm, injure, intimidate or harass an individual, in whole or in part, because of a bias motivation against the actual or perceived race, religion, ethnic/national origin, sexual orientation, gender, or disability of the victim.

**Hate Incident:** Not all expressions of hate or group bias rise to the level of a hate crime as defined in state and federal statute. A non-criminal act or incident, while not criminal, is done with the apparent intention to: harass, intimidate, threaten, retaliate, create conflict, because of a person's race, ethnic/national origin, religious belief, sexual orientation, gender, or disability. Reporting and monitoring of hate incidents is important, as they may serve as indicators of potential threats and/or campus climate that may escalate into criminal acts.

**Reporting and Referrals For Hate-Motivated Crimes and Incidents**

The University Police Department is responsible for collecting and reporting hate-motivated statistics. Hate-motivated crimes and incidents may be reported to the following locations on campus:

University Police Department . . . . .	9-1-1/869-3070
Vice President for Student Affairs . . . . .	869-3418
Judicial Affairs. . . . .	869-3257
Student Counseling and Psychological Services. . . . .	869-3220
The CENTER--WoMen's Resources. . . . .	869-3206
Vice President for Academic Affairs. . . . .	869-3405
University Housing Services. . . . .	869-3307
University Village. . . . .	869-4242

**The Cultural Centers:**

Asian Pacific Islander Student Center. . . . .	869-5023
African American Student Center . . . . .	869-5006
The Pride Center. . . . .	869-3064
Cesar Chavez Student Center . . . . .	869-5035
Native American Student Center . . . . .	869-2132

**Off-Campus:**

L.A. County Commission on Human Relations . . . . .	(213) 974-7611
California Attorney General. . . . .	(800) 952-5225
. . . . .	TDD (800) 952-5548

The hate crime policy, definitions and referrals are published in the annual Safety on Campus report. Copies of this publication can be found at the University Police Department, Building 91 and Human Resource Services.



### Disclosure of Campus Security Policy and Crime Statistics

The annual security report, Safety On Campus "Your Right To Know", released by October 1 of each year, is provided as a part of the University's commitment to provide information and resources that will enhance campus safety. The University Police Department prepares the report, in cooperation with University Housing Services, Foundation Housing Services (the Village), Judicial Affairs, and local police agencies. The annual security report is in compliance with state and federal crime awareness and campus security legislation, including The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by Cal Poly Pomona and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as the policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters. A print copy of the report may be obtained by contacting the University Police Department at (909) 869-3070. The full text of the report can be accessed on the website at <<http://www.csupomona.edu/~publicsafety>>

### Nondiscrimination Policy

The California State University does not discriminate on the basis of race, color, national origin, sex, disability, or sexual orientation in the educational programs or activities it conducts.

California State Polytechnic University, Pomona, is committed to being a community in which individual differences enrich the whole. In this University community, diversity is valued and respected, and all members live and work free from harassment, abuse, mockery, or discrimination. Acts of racism and discrimination of any type shall not be tolerated by the University.

Cal Poly Pomona reaffirms its long-standing commitment to foster an educational and work environment that is free from all forms of discrimination and harassment. The University unequivocally condemns acts that single out any individual or group for hostile or derogatory treatment. Persons who engage in such behavior can expect disciplinary action that can result in expulsion from the University community.

As a university, we cannot tolerate discriminatory acts because they are inconsistent with the collegial and inquiring spirit inherent in our mission. Cal Poly Pomona, like other communities, is bound by a sense of belonging, and we must continue to cultivate and nourish this sense of belonging in both our words and actions.

Students who have concerns about discrimination should contact the Director of Judicial Affairs, Building 15, Room 15, telephone (909) 869-3257. University employees may contact the office of the Executive Director of Diversity, Building 1, Room 201, telephone (909) 869-3766.

### Race, Color, and National Origin, Disability

The California State University complies with the requirements of Title VI and Title VII of the Civil Rights Act of 1964 as well as other applicable federal and state laws prohibiting discrimination. No person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program of the California State University.

### Disability

The California State University does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs and activities. Sections 504 and 508 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and various state laws prohibit such discrimination. Mr. Ray Inge, Associate Vice President for Diversity, Human Resource Services and Risk Programs, has been designated to coordinate the efforts of Cal Poly Pomona to comply with all relevant disability laws. Inquiries concerning compliance may be addressed to Mr. Inge at (909) 869-3016. The Office of Human Resource Services is located in the CLA Building, Room B1-16.

### Sex/Gender

The California State University does not discriminate on the basis of sex or gender in the educational programs or activities it conducts. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of sex in education programs and activities operated by Cal Poly Pomona. Such programs and activities include admission of students and employment. Inquiries concerning the application of these laws to programs and activities of Cal Poly Pomona may be referred to Mr. Ray Inge, the campus officer assigned the administrative responsibility of reviewing such matters or to the Regional Director of the Office of Civil Rights, Region IX, 50 United Nations Plaza, Room 239, San Francisco, California 94102.

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

### Sexual Orientation

By CSU Board of Trustees policy, the California State University does not discriminate on the basis of sexual orientation.

### POLICY PROHIBITING SEXUAL HARASSMENT

It is the policy of California State Polytechnic University, Pomona to maintain a working and learning environment free from sexual harassment of its employees and students. Sexual harassment is illegal and is prohibited by the University. All students and employees should be aware that the University will take action which may include disciplinary procedures to prevent and eliminate sexual harassment. The University will not tolerate retaliation against anyone reporting or thought to have reported sexual harassment or who is a witness or otherwise involved in a sexual harassment investigation.

### Definition of Sexual Harassment

Section 212.5 of the California Education Code defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- a. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- b. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- c. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- d. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and

services, honors, programs, or activities available at or through the educational institution.

Generally two types of sexual harassment are distinguished:

1. Quid Pro Quo
2. Hostile Environment

Quid Pro Quo harassment may occur when submission to or rejection of sexual conduct by an individual is used as the basis for employment or academic decisions affecting that individual. Submission to sexual advances as a condition of receiving a favorable grade in a course or promising a job, assignment or job benefits (such as favorable reviews, salary increases, promotions, increased benefits, or continued employment) to an employee in exchange for sexual favors are forms of quid pro quo harassment.

A hostile environment is created when there is conduct of a sexual nature that a "reasonable" person standing in the shoes of the victim (male or female) would find offensive: the conduct interferes with the victim's peace of mind, ability to do her/his job, or alters the nature of the working and learning environment; or there is unwelcome sexual conduct that unreasonably interferes with an individual's job performance or creates an intimidating, hostile, or offensive work or educational environment. Displaying calendars and web sites with sexually explicit pictures or repeatedly telling jokes of a sexual nature are examples of environmental sexual harassment that can interfere with work or academic performance.

Sexual harassment often takes place in the context of unequal power, such as relationships between supervisors and employees, faculty and students, or between any other individuals of unequal status but it also can occur between individuals of equal power and status.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Continuing to ask a person for a date after the person has declined;
- Writing or forwarding suggestive or obscene letters, notes, invitations, e-mail, or web site content;
- Direct or implied threats that submission to sexual advances will be a condition of employment, admission, work status, promotion, grades, or letters of recommendation;
- Derogatory comments/verbal abuse of a sexual nature;
- Graphic comments about an individual's body;
- Epithets, slurs and jokes of a sexual nature;
- Unwelcome staring or suggestive looks;
- Obscene or suggestive gestures;
- Displaying sexually suggestive pictures (derogatory posters, cartoons, drawings, photographs), objects, or web sites, and computer-generated images of a sexual nature; (exceptions may arise based on course content or legitimate work assignments);
- Intentional unwanted physical conduct (touching, patting, hugging, or brushing against a person's body);
- Sexual assault.

#### **Context**

In determining whether conduct constitutes sexual harassment, consideration will be given to the incident as a whole and to the totality

of circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. Conduct may be found to be sexually harassing if it is pervasive or repetitive and sufficiently severe so as to alter the conditions of employment, education, or participation in University sponsored activities or is a single incident that is sufficiently outrageous or harmful, in and of itself.

#### **Intent Versus Effect**

Regardless of intent, it is the effect, characteristics, and context of the behavior that determine whether the behavior constitutes sexual harassment. Therefore, a claim by an alleged harasser that he/she did not intend to commit sexual harassment is not, according to current law, a defense to a complaint of sexual harassment.

#### **Retaliation**

The University will not tolerate retaliation against anyone reporting or thought to have reported sexual harassment or who is a witness or otherwise involved in a sexual harassment investigation. Examples of retaliation include, but are not limited to, threats, retaliatory grading, evaluation, or assignments, and withholding information to which a person is entitled.

#### **Academic Freedom**

In light of the importance of safeguarding academic freedom and protecting the openness and integrity of the teaching process, it should be understood that discussion of sexual topics and the discussion and display of sexually explicit materials in certain classroom settings may well be professionally appropriate and does not necessarily constitute "sexual harassment."

#### **False Charges of Sexual Harassment**

Making a knowingly false charge of sexual harassment is a serious offense that may result in sanctions up to and including dismissal and expulsion.

#### **Education and Training**

The University makes the campus community aware of the policy and procedures regarding the recognition and prevention of sexual harassment. The Office of Diversity is charged with distributing this policy and ensuring that appropriate educational and training opportunities are provided to the campus community—employees and students. A policy statement is published in the University Catalog and the complete policy is available in the Office of Diversity and in Human Resource Services. The policy also is available on the Office of Diversity web site at <<http://www.csupomona.edu/~diversity/>>.

#### **Campus Contact**

The annotated version of the policy prohibiting sexual harassment is available online at <<http://www.csupomona.edu/~diversity/shpolicy.htm>>. More detailed information, including the procedures for filing a complaint, may be obtained from the Office of Diversity, Building 1, Room 201, (909) 869-3766.

#### **Sexual Assault Policy**

Sexual assault, a felony under the law, will not be tolerated by California State Polytechnic University, Pomona. Sexual assault includes rape, acquaintance rape, and sexual battery. The University will promptly investigate all allegations of sexual assault and take appropriate action where required. The following information summarizes the University's Sexual Assault Policy Statement.

**University Procedures Regarding Sexual Assault**

Rape and sexual assault are criminal violations of California sexual assault laws and violations of the university code of conduct. Anyone charged with a sexual assault violation which is campus-related may be subject to: (a) a criminal charge filed against the individual, and/or (b) an administrative proceeding initiated by the University. Proceedings may occur concurrently. Disciplinary actions may include probation, suspension, expulsion, or termination from the University even if there is no criminal prosecution. Additional sanctions may be imposed, depending upon the nature of the offense and surrounding circumstances.

Established California State Polytechnic University, Pomona and California State University student and employee disciplinary, grievance or other complaint procedures, including those procedures found in collective bargaining agreements, Executive Order 419, or the current Statement of Student Rights, Responsibilities and Grievance Procedures, will be utilized as appropriate in resolving these matters.

The University will respect the confidentiality of the survivor and will disclose only under the following circumstances: a) with the permission of the survivor, and/or b) when it is necessary for the safety or in the best interest of the survivor.

**Definitions of Sexual Assault**

1. Rape is defined in Section 261 of the California Penal Code as non-consensual sexual intercourse. It may involve the use or threat of force, violence, retaliation, or immediate bodily injury. Rape also occurs when the victim is incapable of giving legal consent, for example, when: a) the victim has a mental disorder, or is developmentally or physically disabled; or b) the victim is prevented from resisting the assault due to intoxicating substances (e.g. alcohol or drugs); or c) the victim is unconscious of the nature of the act and is known to the accused. Consent is defined as positive cooperation in an act or attitude pursuant to an exercise of free will; the person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.
2. Acquaintance Rape follows the same definition but is committed by someone the victim knows.
3. Sexual Battery is defined in Section 243.4 of the California Penal Code as the touching of an intimate part of another person, if the touching is against the will of the person touched, for the purpose of sexual arousal, sexual gratification, or sexual assault. Assault with intent to commit a sexual battery is defined as an unlawful attempt, coupled with the present ability, to commit a violent injury (e.g. rape) on the person of another.

**Sexual Assault Crisis Support**

Sexual assaults may be reported to any of the following offices. The University is committed to providing survivors with support, options, and resources.

On Campus:

University Police Department . . . . .	9-1-1/869-3070
Student Health Services. . . . .	869-4000
Student Counseling and Psychological Services. . . . .	869-3220
University Housing Services. . . . .	869-3307
The CENTER--WoMen's Resources. . . . .	869-3206
University Village . . . . .	869-4242
Judicial Affairs. . . . .	869-3257

**Community:**

Project SISTER provides 24-hour/7-day confidential counseling, referrals, court and hospital accompaniment, and other services as needed. Call (909) 626-HELP.

**IF YOU ARE ASSAULTED**

It is extremely important for you to seek help immediately by doing the following:

- Get to a safe place and call police or 9-1-1. They will take you to the hospital and make a report if desired.
- To help preserve evidence, do not douche, bathe, change clothing, or remove anything from the location of the assault.
- Call or ask someone to call an advocate from Project SISTER. They can assist you in notifying the appropriate agencies.

A survivor may request a change in academic and living situations after an alleged sexual assault, if the changes are reasonably available. Contact the Vice President for Student Affairs at 869-3418 to receive additional information.

**Reporting**

Pursuant to the Clery Act, statistics are maintained for sexual assault, forcible and non-forcible sex offenses, and other required crime categories. All employees with significant responsibility for student services are required to report incidents of sexual assault and crimes listed under the Clery Act. If the survivor does not wish to report to University Police, an anonymous and confidential data collection form is available at the University Police Department, the STOP Violence Against Women Grant Office, Counseling and Psychological Services, Student Health Services, University Housing Services, the Village, Judicial Affairs, and the CENTER.

**Student Disciplinary Action**

To initiate disciplinary action against a student, you need to report the incident to the Director of Judicial Affairs. If the survivor so requests, a same gender investigator will be provided whenever possible.

The University's disciplinary process is governed by Executive Order 628. Students charged with sexual assault are entitled to a disciplinary hearing based on the principle of due process.

The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding. Both shall be informed in the final determination of the proceeding and any sanction that is imposed against the accused.

Sanctions: Rape and sexual assault are criminal violations of California sexual assault laws and violations of the University code of conduct. Anyone charged with a sexual assault violation which is campus-related may be subject to a criminal charge filed against the individual, and/or an administrative proceeding initiated by the University. Proceedings may occur concurrently.

Students found responsible may be expelled, suspended, placed on probation, or given a lesser sanction in accordance with sections 41301-41304 of Title 5, California Code of Regulations.

**Protection of Human Subjects Policy**

Research involving human subjects must be administered in a manner consistent with requirements of the University Policies and Procedures for the Protection of Human Subjects, the University Manual, and the Federal Policy for the Protection of Human Subjects (Model Policy) which became effective August 19, 1991.

The University Committee for the Protection of Human Subjects (CPHS) has ultimate responsibility to determine risk with regard to human subject research and to approve or not approve such research conducted at and/or under the sponsorship of the University and its auxiliaries. (Cal Poly Pomona Policy for Protection of Human Subjects, [CPPPHS] Section 2.2).

Copies of the Policies and Procedures for the Protection of Human Subjects and the federal regulations are available in the Research Office, extension 2966, and should be followed when preparing for research which involves human subjects.

### Computer Software Copyright and License Agreement Policy

In order to protect the copyrights of the vendors, proprietary software acquired by the various communities within the University should be used only as described under the specific license agreement negotiated with the particular vendor.

Each individual responsible for the acquisition, rental or lease of desk top computers, capable of executing software programs, will establish procedures to ensure that:

- Software or firmware acquired for use with the computer under his/her control is not used in violation of any copyrights protection or in violation of any license agreement.
- Software or firmware acquired for a specific computer is not used on an alternate computer in violation of any copyrights or license agreement.

### Appropriate Use of Information Technology Policy

In support of its mission of teaching, research, disseminating and extending knowledge, fostering free and open exchange of ideas and dialogue, and public service, California State Polytechnic University, Pomona provides broad access to computing, communications, and worldwide information resources for all members of the university community within institutional priorities and financial capabilities.

The Cal Poly Pomona Appropriate Use of Information Technology interim policy can be found on line at <<http://www.csupomona.edu/iit/policy/appropriateuse.shtml>>

### University Copyright Policy

In 1991 the Academic Senate recommended and the President approved a University Copyright Policy. The Policy is included in the University Manual and in the Handbook on External Funding. For more information call the Office of Research and Sponsored Programs at (909) 869-2954, or the Office of Graduate Studies at (909) 869-3327.

### Conflict of Interest

Each individual member of the university community is responsible for acting in an ethical and professional manner. This responsibility includes avoiding conflict of interest, conducting research and instruction in an ethical manner, and protecting the rights of all individuals. All members of the community, including members of the faculty, administration, student body, and staff, should conduct themselves with the greatest professional objectivity.

### Smoking Policy

Purpose. In recognition of the health hazards that exist from sidestream or secondhand smoke and in accordance with Section 19262 of the Government Code, California State Polytechnic University, Pomona has adopted a policy promoting a smoke-free environment. This policy became effective August 21, 1989.

Policy Guidelines. Smoking is prohibited inside all university facilities and in all vehicles owned or maintained by the university. Facilities leased to and vehicles owned by the ASI or the Cal Poly Pomona Kellogg Unit Foundation, Inc., are covered by the smoking policy of the respective auxiliary organization.

The residence halls are also completely smoke-free environments. This restriction applies to student rooms, lobbies, study areas, and the Los Olivos Dining Commons.

Policy Administration and Enforcement. Deans, directors, and department heads are responsible for the administration of this policy. The Associate Vice President for Faculty Affairs and the Executive Director of Human Resource Services and Risk Program are available to assist in policy interpretation and to ensure consistent application.

Violations of this policy by employees will be handled through progressive discipline. Student violators will be subject to CSU student disciplinary procedures established pursuant to Section 41301, Title 5, of the California Code of Regulations.

### Drug-Free Workplace Policy

Cal Poly Pomona recognizes its responsibility to help provide a safe and productive educational and work environment. The following summary complies with the Drug-Free Workplace, and the Drug-Free Schools and Communities Acts. The university strongly endorses the Drug-Free legislation and wishes to inform all students and employees of:

- other health risks associated with alcohol and drug abuse;
- other standards of conduct required of university students and employees;
- other disciplinary action that will result when the policy is violated; and
- other help available when treatment is needed.

The following information summarizes the university's commitment to, and compliance with, Drug-Free legislation. The complete policy statement is published in the University Catalog.

There is significant medical evidence demonstrating the health risks associated with the abuse of alcohol, drugs and other controlled substances. The unlawful manufacture, distribution, dispensation, possession or use of controlled substances is prohibited at the university. The abuse of alcohol is also prohibited.

University employees must perform in a safe and productive manner and students must pursue educational activities unimpaired by alcohol and other drugs. Violations of this policy will result in appropriate disciplinary action, up to and including termination or expulsion from the university.

The university recognizes that addiction is a treatable illness. Students and employees are encouraged to seek assistance and participate in appropriate treatment programs. Confidential assistance for students is available through Counseling and Psychological Services. Employees may receive confidential assistance from the Employee Assistance Program (ext. 4551) administered by Human Resource Services.

### Health Risks

Surveys of the major causes of death in the United States reveal that alcohol abuse is the fourth leading cause of death, and is a major contributor to the three leading causes—heart disease, cancer and stroke. The use of chemical substances during pregnancy has been linked to fetal death and to the permanent mental and physical impairment of infants. The use of other drugs and controlled substances has resulted in permanent impairment and death.



### Statement of Conduct on Controlled Substances

The unlawful manufacture, distribution, dispensation, possession or use of controlled substances is prohibited at the University. Illicit drug use and the abuse of alcohol are prohibited at the worksite and in connection with university activities and events.

University employees must perform in a safe and productive manner, and its students must pursue educational activities, unimpaired by alcohol and other drugs.

### Definition of Controlled Substances

Controlled substances are those defined in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined in regulation at 21 C.F.R. 1308.11-1308.15. Controlled substances include, but are not limited to, substances such as marijuana, heroin, cocaine, LSD, and amphetamines.

### Disciplinary Action

Violations of the Standards of Conduct stated above will result in the following actions:

If an employee or student is suspected with good reason of the unlawful manufacturing, distributing, dispensing, possessing or using of controlled substances, other drugs, or alcohol on university property, or in connection with university activities, the University will take appropriate investigatory action as provided for in applicable rules, regulations and memoranda of Understanding of the California State University (CSU).

If the investigation demonstrates that the suspected action did occur, appropriate personnel or student discipline action will take place up to and including termination or expulsion. In addition, the individual remains subject to legal sanctions imposed by local, State and Federal law and the university will cooperate as legally required in pertinent investigations. As a condition of continued employment or student enrollment, the university may require an employee or student to satisfactorily complete an appropriate substance abuse treatment program.

Individuals engaged directly in the performance of work pursuant to a federal grant must comply with the Drug-Free Workplace Act, which requires each employee to notify the University of his or her conviction for a drug offense occurring in the workplace. The notification must occur no later than five (5) days after such conviction. The University must notify the granting or contracting agency within 10 days after receiving such notice. Within thirty (30) days after receiving such notice the university will take appropriate personnel action as outlined above.

### Medically Authorized Drugs

Any employee who is under the influence of medically prescribed or over the counter drugs which may impair or affect the employee's alertness, coordination or responses, must advise the appropriate supervisor of this fact before reporting for work. It is the employee's responsibility to determine from the physician whether a prescribed or over the counter drug may impair work performance. The University may require any employee using prescription or over the counter drugs to provide a physician's certification that the use of the drug will not impair job performance.

### Employee Health Assistance

An employee may volunteer to participate in an appropriate treatment program or may be directed to do so by the University. As provided for under CSU procedures, employees may utilize available leave credits or may be placed on a leave of absence to participate in such programs. Approval for an employee to return to work will be granted upon certification that the employee has successfully completed an appropriate treatment program. Because such programs vary in length, the amount of time granted for treatment will be determined on an individual basis.

Employee participation in treatment, whether voluntary or directed, will be confidential. Referral services are available through the Employee Assistance Program (ext. 4551) administered by Human Resource Services.

### Student Health Assistance

A student may volunteer to participate in an appropriate treatment program or may be directed to do so by the University. As provided for under CSU procedures, the student may be placed on a leave of absence for the purpose of treatment. Approval for the student to resume enrollment will be granted upon certification that the student has successfully completed an appropriate treatment program. Because such programs vary in length, the amount of time granted for treatment will be determined on an individual basis.

Student participation in treatment, whether voluntary or directed, will be confidential. Referral services are available from Counseling and Psychological Services.

### Policy Administration

The Executive Director of Human Resource Services and Risk Programs is responsible for the administration of the University's Drug-Free Policy for Employees. Managers and supervisors are responsible for reporting any incident of suspected abuse by employees to the Executive Director of Human Resource Services and Risk Programs who will apprise appropriate administrators.

The Director of Judicial Affairs is responsible for the administration of this policy for students.

This policy will be reviewed annually by the Executive Director of Human Resource Services and Risk Programs who will advise the Vice President for Academic Affairs as to the status of employee compliance with the Act; and by the Director of Judicial Affairs who will advise the Vice President for Student Affairs as to the status of student compliance.

The Vice President for Administrative Affairs and the Vice President for Student Affairs will affirm compliance and forward the annual certifications to the University President for signature and transmittal.