

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 26, Room 110.

Inappropriate conduct by students or by applicants for admission is subject to discipline as provided in Sections 41301 and 41302 of Title 5, California Code of Regulations. These sections are as follows:

41301. Probation, Suspension and Expulsion of Students

(a) Campus Community Values

The University is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the campus community should choose behaviors that contribute toward this end. Students are expected to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the campus community, and contribute positively to student and university life.

(b) Grounds for Student Discipline

Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences. The following are the grounds upon which student discipline can be based:

- (1) Dishonesty, including:
 - (A) Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.
 - (B) Furnishing false information to a University official, faculty member, or campus office.
 - (C) Forgery, alteration, or misuse of a University document, key, or identification instrument.
 - (D) Misrepresenting one's self to be an authorized agent of the University or one of its auxiliaries.
- (2) Unauthorized entry into, presence in, use of, or misuse of University property.
- (3) Willful, material and substantial disruption or obstruction of a University-related activity, or any on-campus activity.
- (4) Participating in an activity that substantially and materially disrupts the normal operations of the University, or infringes on the rights of members of the University community.
- (5) Willful, material and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off-campus University related activity.
- (6) Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community.
- (7) Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct.
- (8) Hazing, or conspiracy to haze. Hazing is defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university or other educational institution in this state (Penal Code 245.6), and in addition, any act likely to cause physical harm, personal degradation or disgrace resulting in physical or mental harm, to any former, current, or prospective student of any school, community college, college, university or other educational institution. The term "hazing" does not include customary athletic events or school sanctioned events.

Neither the express or implied consent of a victim of hazing, nor the lack of active participation in a particular hazing incident is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.
- (9) Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs.
- (10) Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity.
- (11) Theft of property or services from the University community, or misappropriation of University resources.
- (12) Unauthorized destruction, or damage to University property or other property in the University community.
- (13) Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous

chemicals (without the prior authorization of the campus president) on campus or at a University related activity.

- (14) Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.
- (15) Misuse of computer facilities or resources, including:
- (A) Unauthorized entry into a file, for any purpose.
 - (B) Unauthorized transfer of a file.
 - (C) Use of another's identification or password.
 - (D) Use of computing facilities, campus network, or other resources to interfere with the work of another member of the University community.
 - (E) Use of computing facilities and resources to send obscene or intimidating and abusive messages.
 - (F) Use of computing facilities and resources to interfere with normal University operations.
 - (G) Use of computing facilities and resources in violation of copyright laws.
 - (H) Violation of a campus computer use policy.
- (16) Violation of any published University policy, rule, regulation or presidential order.
- (17) Failure to comply with directions or, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.
- (18) Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well being of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.
- (19) Violation of the Student Conduct Procedures, including:
- (A) Falsification, distortion, or misrepresentation of information related to a student discipline matter.
 - (B) Disruption or interference with the orderly progress of a student discipline proceeding.
 - (C) Initiation of a student discipline proceeding in bad faith.
 - (D) Attempting to discourage another from participating in the student discipline matter.
 - (E) Attempting to influence the impartiality of any participant in a student discipline matter.
 - (F) Verbal or physical harassment or intimidation of any participant in a student discipline matter.
 - (G) Failure to comply with the sanction(s) imposed under a student discipline proceeding.
- (20) Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

(c) Procedures for Enforcing This Code

The Chancellor shall adopt procedures to ensure students are afforded appropriate notice and an opportunity to be heard before the University imposes any sanction for a violation of the Student Conduct Code.

(d) Application of This Code

Sanctions for the conduct listed above can be imposed on applicants, enrolled students, students between academic terms, graduates

awaiting degrees, and students who withdraw from school while a disciplinary matter is pending. Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University is within the jurisdiction of this Article regardless of whether it occurs on or off campus. Nothing in this Code may conflict with Education Code Section 66301 that prohibits disciplinary action against students based on behavior protected by the First Amendment.

Note: Authority cited: Sections 66017, 66452, 66600, 69810, 89030, 89030.1 and 89035, Education Code. Reference: Sections 66450, 69813 et seq. and 89030, Education Code; and Section 245.6, Penal 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.

Note: Authority cited: Sections 66300, 66600, 89030, 89031 and 89035, Education Code. Reference: Sections 66017, 66300, 66600, 69810-69813, 89030, 89031, 89700, Education Code; and Section 626.2, Penal Code. Authority cited: Sections 66300, 66600, 89030, 89031 and 89035, Education Code. Reference: Sections 66017, 66300, 66600, 69810-69813, 89030, 89031, 89700, Education Code; and Section 626.2, Penal Code.

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 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 grievance for students who feel aggrieved in their relationships with the University, its policies, practices and procedures, or its faculty and staff may be obtained from the Office of Judicial Affairs, located in Building 26 room 110, and by contacting Reyes Luna, the Director of Judicial Affairs at (909) 869-3462.

Posting and Chalking Policy

The Office of Student Life and Cultural Centers (OSLCC) maintains administrative responsibility for all posting on campus. All posters, flyers, banners and signs must be stamped at OSLCC, indicating that they have met all regulations in the university posting and chalking policy. For the full policy, visit <http://www.dsa.csupomona.edu/osl/Policies.asp>. Organizations currently registered with the OSLCC, committees, colleges, departments and individual students, faculty or staff members are allowed to publicize on campus providing they comply with the regulations. The stamp does not regulate the content of the flier nor the actions and opinions of the entity seeking approval and does NOT necessarily reflect those of the students, faculty or administration of Cal Poly Pomona.

Chalking is permitted only in the University Park grounds. Chalking must be at least 20 feet away from the entrances to the Bronco Student Center and Building 66 (Bookstore). Chalking on the stairs outside the Bronco Bookstore is permitted only on the top portion of the steps.

Unauthorized removal of properly approved and posted materials is an act of vandalism and subject to appropriate disciplinary action. Violators to the posting and chalking policy will be referred to the Director of Judicial Affairs.

University Housing Services have additional posting policies and must be contacted before materials are posted in these areas. http://dsa.csupomona.edu/uhs/files/UHSPostingPolicy2006_1683.pdf

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, falsification, fabrication—Plagiarism, falsification, fabrication is intentionally or knowingly presenting words, ideas or work of others as one's own work. Plagiarism, falsification, fabrication, 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 prerequisite 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 Cal Poly Pomona's Police Dispatcher at (909) 869-3070.

Information concerning Cal Poly Pomona's annual "Safety on Campus" security report may be obtained from Kristin Surber, University Police Department, Building 109, (909) 869-4139 as well as from the website <http://dsa.csupomona.edu/police/securityreport.asp>.

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	869-3420
Judicial Affairs	869-3462
Student Counseling and Psychological Services	869-3220
The CENTER--WoMen's Resources	869-3206
Vice President for Academic Affairs	869-2075
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 109 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 Interim Policy on Alcohol and Other Drugs, 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 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 26, Room 110, telephone (909) 869-3462. University employees may contact the office of the Director of Diversity & Compliance, Building 98, Room B1-10, telephone (909) 869-5152.

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. Carmen Munoz-Silva, Director for Diversity and Compliance, 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 the Director of Diversity and Compliance, Carmen Munoz-Silva, at (909) 869-5152, or by visiting the CLA Building, Room B1-10.

Sex/Gender

The California State University does not discriminate on the basis of sex, gender, or sexual orientation 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 these bases 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 Carmen Munoz-Silva, the campus officer assigned the administrative responsibility of reviewing such matters 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.

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

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 www.csupomona.edu/~diversity/.

Campus Contact

The annotated version of the policy prohibiting sexual harassment is available online at 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
Stop Violence Office	869-3102
Student Health Services	869-4000
Student Counseling and Psychological Services	869-3220
University Housing Services	869-3307
The ReEntry and WoMen's Resource Center	869-3206
University Village	869-4242
Judicial Affairs	869-3462

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. If you wish an on-campus advocate, call the Stop Violence Office.

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 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 41301-41302 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 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) 869-3331.

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.

Alcohol and Other Drugs Policies and Programs

Cal Poly Pomona seeks to create and nurture a campus community where healthy lifestyle choices are fostered and promoted. The University accepts responsibility for maintaining and advancing a safe and productive educational and work environment free from both the illegal and the harmful use of alcohol and drugs. The University prohibits the illegal use of alcohol or other drugs, takes positive steps to reduce the abuse of alcohol and other drugs, and will not promote or condone their misuse.

Information concerning the prevention of drug and alcohol abuse and rehabilitation programs may be obtained from Mark Ulrich, Chair, Alcohol and Other Drugs Advisory Council and Director, Student Health Services; and Ty Ramsower, Coordinator of Health Education and Outreach, Student Health Services Wellness Center; Building 46, (909) 869-4000.

Definitions

The term "alcohol" includes: alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirit, wine, or beer, and which contains more than one-half of 1 percent of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances (Business and Professions Code, 23004).

The term "illicit drug" includes any dangerous drug, restricted drug, or narcotic, as those terms are used in California statutes, and all substances regulated under federal law through the Controlled Substances Act, including but not limited to marijuana, cocaine derivatives, "crack," heroin, amphetamines, barbiturates, LSD, PCP, and substances typically known as "designer drugs" such as "ecstasy."

Health Risks and Other Consequences

The use of illicit drugs or tobacco, and the illegal use or abuse of alcohol have all been shown to cause serious health consequences, including damage to the heart, lungs, and other organs. Alcohol-related accidents are the number one cause of death among persons under age 25. The most significantly long-term health risk, besides death, is addiction. In addition to direct physical consequences, the abuse of alcohol and other drugs has been associated with impaired learning and increased risks of violence, physical injuries, accidents, acquaintance rape, unwanted pregnancy, and sexually transmitted diseases.

Standards of Conduct

The unlawful possession, use, production, distribution, or sale of illicit drugs or drug-related paraphernalia, tobacco or alcohol, and the misuse of legal pharmaceutical drugs or alcohol by any faculty, staff, student, or visitor is strictly prohibited in the workplace, on University premises, at University activities, or on University business, on campus or off. Any faculty, staff, student or student organization, visitor or visiting organization who violates this Interim Policy on Alcohol and Other Drugs is subject to disciplinary action.

Disciplinary Action

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

- A. Individual students found to be in violation of the University's standards of conduct are subject to disciplinary sanctions including: warning, disciplinary probation, loss of privileges and exclusion from activities and/or from areas of the campus, referral to a required alcohol or other drug education program, interim suspension, suspension, or dismissal.

- B. Registered Campus Organizations found to be in violation of the University's standards of conduct may be restricted from use of campus services and/or resources to support their organizational activities, and may be placed on probation or suspension.
- C. Faculty, staff, and student employees found to be in violation of the University's standards of conduct are subject to corrective action including: required participation in an approved counseling or treatment program and/or termination.
- D. Visitors or visiting organizations found to be in violation of the University's standards of conduct may be excluded from participation in campus events and/or further use of the campus.

Safety First

Cal Poly Pomona has adopted the following "safety first" approach to Alcohol and other Drugs Interim Policy enforcement. The goal of "Safety First" is to ensure that students receive prompt medical attention for any health or safety emergency (alcohol or drug intoxication, physical violence, etc.), and to ensure there are not impediments to reporting incidents of sexual harassment, violence or assault. Students who call University Police for emergency assistance or to report any incident of sexual harassment or violence, may receive immunity from disciplinary sanctions if calling for help also reveals violations of the University Alcohol and other Drugs standards of conduct. To qualify for immunity, the individuals must cooperate with authorities responding to the incident/emergency, and may be asked to meet with the Director of Judicial Affairs without formal judicial action being taken against the individuals needing assistance or the persons reporting the incident/emergency. Students who demonstrate a repeated or extreme lack of concern for their well-being and the well-being of the campus community may face sanctions.

Federal and State Laws

Depending on the nature of the offense, the unlawful possession, use, manufacture, sale, or distribution of alcohol or illicit drugs may lead to prosecution, may be categorized as a misdemeanor or felony, and may be punished by fine and/or imprisonment. Any property including vehicles, money, or other things of value which are used in, intended for use in, or traceable to transactions that involve controlled substances in violation of federal law are subject to forfeiture to the United States. Persons convicted of possession or distribution of controlled substances can be barred from receiving benefits from any and all federal programs including student grants and loans. (U.S. Code 21, Sections 811, 844, 853, 881)

Possession of not more than 28.5 grams of marijuana is a misdemeanor, punishable by fine. Possession of more than 28.5 grams of marijuana shall be punished by imprisonment or fine, or both. The cultivation, possession for sale, or sale of marijuana constitutes a felony under California Law. A felony conviction can involve serving time in a state prison. (California Health and Safety Code sections 11357-11362.9)

California's Compassionate Use Act conflicts with federal laws governing controlled substances. The California State University, including Cal Poly Pomona, receives federal funding in the form of student financial aid and grants that would be in jeopardy if those federal laws did not take precedent in our policies. Thus, the use and possession of marijuana in any form or amount violates the CSU Student Conduct Code and the California Compassionate Use Act does not apply at the California State University or Cal Poly Pomona.

No person may sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under the age of 21, or to any one obviously intoxicated, and no person under the age of 21 may purchase alcoholic beverages. It is unlawful for any person under the

age of 21 to possess alcoholic beverages on any street or highway or in any place open to public view. (CA Business and Professions Codes 25656, 658, 602, 662).

It is unlawful for any person to drink while driving, or to have an open container of an alcoholic beverage in a moving vehicle. With a blood alcohol level of .08 or higher, a driver is presumed under the influence of alcohol. With a blood alcohol level between .04 and .08 a person may be found guilty of driving under the influence. (Vehicle Code 23153).

Every person who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance or any combination thereof, and is in such a condition that he/she is unable to exercise care for his/her own safety or the safety of others is guilty of a misdemeanor (Penal Code 647f).

Health Education and Assistance

Under the direction of the Vice President for Student Affairs, the Alcohol and Other Drugs Advisory Council annually develops and reviews goals, assesses the effectiveness of campus alcohol and other drugs policies and programs, and makes recommendations to the President in support of maintaining a safe, productive learning environment at Cal Poly Pomona. Programs to educate the University community are conducted on an ongoing basis regarding the health risks and other consequences associated with alcohol and/or drug use and abuse, and promoting responsible and safe drinking behaviors for those who engage in the lawful consumption of alcohol.

The University recognizes alcohol and other drug dependency as treatable conditions and offers educational and counseling assistance and/or referrals to employees and students to aid them in dealing with problems associated with substance abuse.

All faculty, staff and students are encouraged to be proactive in their responses to perceived alcohol abuse or drug dependency by initiating discussions that address the consequences related to health and well-being and the Cal Poly Pomona Interim Policy on Alcohol and Other Drugs. In situations where a member of the campus community is uncomfortable approaching an individual perceived to have a problem with alcohol/drug abuse, the Human Resources Office, Judicial Affairs or Public Safety are viable alternatives to contact.

For students, Counseling and Psychological Services and Student Health Services are campus resources for treatment of alcohol/drug related problems, as well as for advice in assisting students with related issues.

Student Health Services

Building 46

(909) 869-4000

www.dsa.csupomona.edu/shs/

Counseling and Psychological Services

Building 66, Room 116
(Bookstore Building)

(909) 869-3220

www.dsa.csupomona.edu/caps/

For faculty and staff, the Employee Assistance Program is a campus resource that can provide appropriate referrals for assistance with drug or alcohol related problems. Benefits eligible employees may have coverage in their medical benefits package for counseling and the treatment of alcohol/drug related problems. The Human Resources EAP web site contains referrals to resources. Auxillary employees and volunteers should check with the Human Resources Representative in their respective auxillary.

Employee Assistance Program (EAP)

Hotline (909) 869-4551

<http://www.csupomona.edu/~hr/er/eap.shtml>