
Policies On The Rights Of Individuals

INTRODUCTION

Cal Poly is a community enriched by individual differences. The University is committed to respecting and protecting the rights of individuals, irrespective of race, color, national origin, disability, gender or sexual orientation.

This section of the Cal Poly Catalog presents a summary of University nondiscrimination policies and procedures for pursuing complaints under these policies. The Office of Employment Equity and Faculty Recruitment (<http://employequity.calpoly.edu>), working with the University Diversity Enhancement Committee, has been designated to oversee and coordinate implementation of campus nondiscrimination policies.

Specific protocols and procedures related to pursuing complaints of sexual harassment are presented in the section on “sexual harassment policy,” below.

Except where otherwise indicated, procedures for reporting incidents of discrimination can be found in the section on **Implementation**, below.

NONDISCRIMINATION POLICY

Cal Poly and its auxiliary organizations are committed to maintaining and implementing employment policies and procedures in compliance with applicable state and federal nondiscrimination and affirmative action laws and regulations and ensuring equality of opportunity in all aspects of employment. The University supports an environment free of unlawful discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age, disability, medical condition and covered veteran status. Moreover, retaliation against individuals who have or are believed to have filed a discrimination complaint, opposed a discriminatory act, or participated in a discrimination investigation or proceeding, is prohibited. Cal Poly shall, upon request, provide reasonable accommodation to qualified individuals with a disability or medical condition so that they may perform the essential duties of their jobs, unless doing so would impose an undue hardship on the University. Reasonable accommodation is to be determined by the University following receipt of an individual’s request for accommodation and subsequent engagement in an interactive process with the individual to identify the nature and extent of the individual’s restrictions and the appropriate reasonable accommodation.

Race, Color, National Origin and Disability

As part of the California State University, Cal Poly 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. The California State University also 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. The Office of Employment Equity and Faculty Recruitment (Health Center (Bldg 27), Room 113, 805-756-6770) has been designed to coordinate the efforts of the campus to comply with all relevant disability laws.

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 California Polytechnic State University, San Luis Obispo. Such programs and activities include admission of students and employment. Inquiries concerning the application of these laws to programs and activities of California Polytechnic State University, San Luis Obispo may be referred to the Dean of Students, Student Services (Bldg 124), Room 125, 805-756-0327, 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.

Gender Harassment

Sex discrimination in the form of gender harassment consists primarily of repeated comments, jokes, and innuendoes directed at persons because of their gender or sexual orientation. This behavior typically is not aimed at eliciting sexual cooperation, but, like racial harassment, it contaminates the learning and work environment and has no place at Cal Poly.

Examples of gender harassment include the following:

- * *Disparaging women’s intellectual abilities and potential;*
- * *Using sexist statements in classroom discussions;*
- * *Disparaging the life styles or behaviors of gays or lesbians.*

These behaviors in isolation do not constitute *sexual harassment* as defined in AB 98-2. They are prohibited by federal, state, CSU and Cal Poly policies on discrimination.

IMPLEMENTATION GUIDELINES

The following guidelines clarify how to make inquiries, file complaints, and resolve disputes under Cal Poly's Policies on the Rights of Individuals in cases other than those involving sexual harassment (see the policy on sexual harassment).

The processes described here are in place to help sort out the nature of discrimination complaints and to resolve them.

- * Complaints from or about students may be directed to the office of the Vice President for Student Affairs (805-756-1521) or the Disability Resource Center (805-756-1395).
- * Complaints from non-represented employees may be directed to the Office of Employment Equity and Faculty Recruitment (<http://employequity.calpoly.edu>), Health Center Room 113 (805-756-6770).
- * Complaints by or against employees who are covered by either collective bargaining agreements or CSU system-wide procedures shall be processed in accordance with the applicable collective bargaining agreement or system-wide procedures. Questions should be directed to: the office of the Associate Vice President for Academic Personnel, Administration Building, Room 314 (805-756-2844), for faculty matters; and the office of the Director of Human Resources, Administration Building, Room 110 (805-756-6564), for staff or management issues.
- * Complaints by or against employees of the Cal Poly Foundation must follow the Foundation's "Procedures for Resolving Harassment Complaints." Any such complaints should be directed to either her or his supervisor or the Advisor on Harassment Concerns in the Foundation, Building 15 (805-756-1151).
- * Employees and students of Associated Students, Inc., comply with University policies. Employees of Associated Students, Inc., or others who believe that they have been discriminated against can file a complaint using the A.S. I.'s "Policy Prohibiting Harassment."
- * If an act of discrimination is alleged to have occurred over the campus's information resources infrastructure—telephones, computers, network, etc.—redress may be through Instructional Technology Service's "Responsible Use Policy." Initial inquiries regarding violations should be directed to the office of the Vice Provost and Chief Information Officer, Building 14, Room 113 (805-756-5541).

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

Cal Poly provides two options for addressing a complainant's concern—**Informal** and **Formal**:

Informal: *When the complainant believes that the alleged behavior can be corrected informally, this option should be pursued.*

Except as otherwise indicated above, complainants should meet with the Director of Employment Equity and Faculty Recruitment or the designee of the Vice President for Student Affairs prior to or in *lieu* of meeting with a college or unit representative. The complainant completes the appropriate form, indicating the nature of the complaint and how she or he was affected adversely. An informal meeting will be arranged to evaluate and clarify the nature of the claim and to facilitate a resolution. The resolution shall not be precedent-setting.

Formal: *If informal resolution is not pursued or is not successful, the complainant can file a formal complaint.*

A complainant must complete the appropriate form, indicating the nature of the complaint and how she or he was affected adversely. Except as otherwise indicated above, the complainant should meet with the Director of Employment Equity and Faculty Recruitment (<http://employequity.calpoly.edu>), Health Center (Bldg. 27), Room 113 (805-756-6770) or the designee of the Vice President for Student Affairs, who (in cases involving students) may refer the case to the Office of Judicial Affairs, Health Center (Bldg. 27), Room 188 (805-756-2794). Formal complaints must be filed within forty-two (42) days of either the alleged incident or the complainant's awareness of it.

Except as otherwise indicated above, the Director of Employment Equity and Faculty Recruitment or the designee of the Vice President for Student Affairs will conduct the examination and make the report.

If the complaint is not settled, a complainant can file with the Chancellor's Office within fourteen (14) days of receiving notice of the decision.

SEXUAL HARASSMENT POLICY (AB98-2)

California Polytechnic State University is committed to creating and maintaining an environment in which faculty, staff, and students work together in an atmosphere of mutual respect and unconstrained academic interchange. In the university environment, all individuals are entitled to benefit from university programs and activities without having to tolerate inappropriate behavior because of their gender.

This policy applies to all members of the university community and everyone is expected to give the subject the serious attention it requires. Sexual harassment violates university policy, seriously threatens the academic environment, is contrary to law, and will not be tolerated.

The University also will not tolerate sexually harassing conduct by a non-employee toward any member of the university community where the non-employee and the member of the university community are participating in

university activities. Independent contractors, vendors, and others who do business with the University or on University premises are expected to comply with this policy, and the University will take appropriate action if they fail to do so.

Sexual harassment is unwelcome or unwanted attention of a sexual nature.

Examples include:

- *Unwelcome sexual propositions, invitations, or solicitations;*
- *Unwelcome and inappropriate touching, patting, pinching, or obscene gestures;*
- *Requests for sex in exchange for grades, letters of recommendation, or employment;*
- *Unwelcome verbal expressions of a sexual nature, including graphic sexual comments about a person's body, dress, appearance, or sexual activities;*
- *Consensual sexual relationships where such relationships lead to favoritism of the student or subordinate employee with whom the professor or supervisor is involved;*
- *Threatening demands for sexual favors.*

If you experience sexual harassment, first state that it is *not* welcome and ask the harasser to stop the behavior. If the harassment continues, please report it to a campus sexual harassment advisor or to the department head/chair or program manager.

Informal Procedures

Complainant directly, or through an advisor, notifies the harasser to stop the offensive behavior; *or*

Complainant may attempt to resolve complaint with the alleged harasser's supervisor, department head/chair; *or*

Students may bring complaints directly to the office of the Vice President for Student Affairs (Administration Building Room 209, 805-756-1521).

Employees should contact the Office of Employment Equity and Faculty Recruitment, Health Center Room 113, www.employequity.calpoly.edu (805-756-6770).

Formal Procedures

Students file written charges with the office of the Vice President for Student Affairs (Admin. Bldg. Room 209, 756-1521) within 120 days of the alleged date of the harassment.

Employees and applicants for employment file written charges with the Office of Employment Equity and Faculty Recruitment, Health Center, Room 113, www.employequity.calpoly.edu (805-756-6770).

Sexual harassment investigators endeavor to complete a review within 20 days and send a preliminary report of findings to the complainant and the respondent, who have five days to provide any additional information.

The investigators forward a final report to the President's designee who imposes corrective measures.

Sexual Harassment Advisors

Cal Poly employees serving as sexual harassment advisors help complainants by providing information about sexual harassment. Advisors may assist in mediating a resolution between parties. Advisors are prepared to discuss sexual harassment concerns with any constituent who needs assistance. A list of advisors may be obtained from office of the Vice President for Student Affairs (805-756-1521) or the Office of Employment Equity and Faculty Recruitment (<http://employequity.calpoly.edu>) (805-756-6770).

STATEMENT ON DIVERSITY

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

"At the heart of a university is the responsibility for providing its students with a well-rounded education, an education that fosters their intellectual, personal and social growth. The ultimate product of universities is education in the broadest sense, including preparation for life in the working world." In this regard, it is in the compelling interest of Cal Poly, the State, and the Nation to provide our students with an education that is rich with a diversity of ideas, perspectives, and experiences."

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

STATEMENT ON ACADEMIC FREEDOM

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

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

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

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

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

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

STATEMENT ON STUDENT ACADEMIC RIGHTS AND RESPONSIBILITIES
Academic Rights

The classroom (including laboratories, field trips, independent study, etc.) is the essential part of any

university where freedom to learn should flourish. The instructor has the responsibility for the manner of instruction and the conduct of the classroom. The instructor should not act in any way that denies the rights of students as set forth below:

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

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

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

A **Fairness Board** has been established to hear grievances of students who believe their academic rights have been denied or violated. The process and procedure of evaluation in the course shall be the sole criterion of the Fairness Board. Students may contact the Academic Senate (756-1258) for clarification of the description and procedures for the Fairness Board and the appeal process for grade disputes. Students may also contact the Dean of Students (756-0327) for informal assistance with grade disputes.

Academic Responsibilities

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

Cheating and Plagiarism

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

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

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

University policy can be summarized simply:

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

USE AND RELEASE OF STUDENT INFORMATION

http://www.ess.calpoly.edu/_records/stu_info/ferpa.htm

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

STATEMENT ON RESPONSIBLE USE OF INFORMATION TECHNOLOGY RESOURCES

www.calpoly.edu/computing/policy.html

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

- use the resources appropriately and efficiently;
- respect the freedom and privacy of others;
- protect the stability and security of the resources; and
- understand and fully abide by established University policies and applicable public laws.

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

The full policy describes consequences of non-compliance and procedures for reporting and responding to complaints. It includes definitions and examples of responsible and irresponsible use. Information Technology Services is responsible for policy oversight and compliance. For more information, call 805-756-2966 or it-policy@calpoly.edu.