POLICY ON ACADEMIC FREEDOM AND RESPONSIBILITY

Principles of Community

California State University, Bakersfield is a multicultural community of persons from diverse backgrounds and sets of beliefs and values. As a community our university is committed to ensure that our programs, classes, lectures, activities and everyday interactions are enriched by our acceptance of one another and by striving to learn from each other in an atmosphere of positive engagement and mutual respect. As a university, we are committed to maintain a learning climate free from expressions of bigotry and to protect diversity and lawful free speech. Our university affirms and seeks to promote tolerance, civility, and mutual respect for diversity of background, gender, ethnicity, race, religion, political beliefs, sexual orientation, and physical abilities.

Principles of Academic Freedom

Freedom of inquiry and the open exchange of ideas are fundamental to the vitality of our academic institutions. The notion that freedom and national security are opposed denies the basic premise of a free democratic society where open exchange of information, public access to vital information, and ability to openly challenge governmental decisions without fear of reprisals, increases rather than hinders national security.

The principles of academic freedom are critical to ensure higher education’s important contribution to the common good. Basic academic freedom includes the ability to do research and publish the freedom to teach and the freedom to communicate extramurally.

California State University is committed to assuring that all persons may exercise the rights of free expression, speech, and assembly and affirm below the following statements and principles:

1. CSU, Bakersfield strongly reaffirms its commitment to uphold and preserve the principles of Academic Freedom as contained in the 1940 Association of University Professors (AAUP) Statement on Academic Freedom and Tenure with the 1970 Interpretive Comments. These principles and comments have been widely adopted by many universities and Associations of Higher Education in the United States.

2. CSU, Bakersfield affirms that these principles reflect the fundamental mission of the University to discover and disseminate knowledge to its students and the society at large. CSU, Bakersfield shall support the pursuit of excellence and academic freedom in teaching, research, and learning through the free exchange of ideas among faculty, students, and staff. The university and its community recognizes that quality education requires an atmosphere of academic freedom and academic responsibility for academic freedom is always accompanied by a corresponding concept of responsibility to the University and its students and the University and its students to its faculty and staff.

3. CSU, Bakersfield reaffirms that it is the faculty who have primary responsibility for and jurisdiction over establishing hiring criteria for faculty positions; that these criteria must derive exclusively from the professional standards set forth by scholarly/professional organizations and by campus faculty (according to the shared governance processes of the University); and that conditions of hiring never include reference to an individual’s political affiliations.

4. CSU, Bakersfield affirms that academic freedom for student rests first upon their access to a high quality education and their right to pursue a field of study that they deem appropriate and desirable.

5. CSU, Bakersfield reaffirms its support of the principles of academic freedom as they apply to the rights of students in a class and university environment that fosters civil discourse, respect, open inquiry and freedom of expression.

6. CSU, Bakersfield affirms further that these principles also support the University’s mission to foster in students a maturity and independence of mind by providing within the class and university an environment where students as well as faculty are free to express the widest range of viewpoints within the standards of scholarly inquiry and professional ethics.

7. Students have the right to disagree with the conduct or content of courses and to seek change, but such freedom does not include the right to disrupt orderly classroom activities or to avoid fulfillment of expectations of the course. Academic freedom for faculty members must include a means for seeking the censure or dismissal of students guilty of disruption, destruction, or unethical classroom behavior. This is done through the established university discipline procedures.

8. Academic freedom for students includes the rights of students to be fairly and competently evaluated and graded. Punitive grading is not acceptable except in the cases of cheating or plagiarism. The university provides established Student Grievance Procedures for students to seek redress in such matters.

9. Academic freedom includes the rights of both faculty and students to seek censure of faculty members by complaint, petition, or seeking discipline for incompetence or unprofessional behavior including improper and clearly documented intrusion on student rights to academic freedom. The university provides established procedures through its Committee on Professional Responsibilities for such redress. Complaints about infringement of such rights should be brought either to the Provost and Vice President for Academic Affairs or the University
Ombudsman and then, after review, forwarded to the Chair of the Committee on Professional Responsibilities. Before such formal action is sought the normal informal procedures for grievance resolution should be followed. These informal procedures are described in the “Student Complaint and Academic Grievance Procedures” which may be found on the web page of Academic Programs.

Philosophy Regarding Academic Freedom in the Classroom
The expression of different points of view in the classroom by faculty and students is not only a right but also a responsibility. Although we cannot control the interpretations of others, we must always remember why we are here: to enlighten, nurture and educate. It is our responsibility to try to provide an environment of mutual respect in which individuals can express their opinions. Instructors often present controversial opinions (some of which they do not personally believe to be true) in order to stimulate conversations and higher reasoning amongst students. This ability must not be eroded. Students do have the right to be graded fairly and the right for professors and the university to protect their academic freedom. Having an ideological divergent opinion does not constitute grounds for punitive action.

Nondiscrimination Policy
CSUB is committed to maintaining an environment free from unlawful discrimination. To fulfill this commitment, the University will work to prevent unlawful discrimination from occurring and will ensure that University policies prohibiting discrimination are fully enforced. The University affirms and protects the rights of students and employees to seek and obtain the services of the University without unlawful discrimination. No employee or student shall on the basis of race, color, gender, religion, age, sexual orientation, marital status, pregnancy, disability, veteran status or national or ethnic origin be excluded from participation in, be denied the benefits of or be otherwise subjected to unlawful discrimination, including discriminatory harassment, under any program of the University. Employees and students who cause these rights to be violated may be subject to discipline. This policy should not be interpreted as superseding or interfering with collective bargaining agreements or other California State University policies and procedures currently in effect. If discipline of an employee is sought as a remedy under this policy, the procedural rights under applicable collective bargaining agreements and system-wide procedures will continue to apply. However, those rights may not supersede or interfere with the requirements of state and federal law.

Responsible Office
In carrying out the applicable policies of the University, the Office of the Provost and Academic Vice President is responsible for responding to complaints of discrimination for faculty and students and the Director of Human Resources is responsible for responding to complaints from staff employees at the University. They arrange for investigations of such complaints and issues findings of fact following such investigation.

Upon receipt of a complaint alleging unlawful discrimination from applicants to, or participants in, any program administered by an approved University auxiliary organization, other than the Associated Students Incorporated (ASI), the Office of the Provost shall promptly acknowledge receipt of the complaint in writing and refer the investigation and resolution of such complaint to the auxiliary organization.

Complaints against the ASI will be referred to the Student Discipline Coordinator.

Filing of Complaints
Individuals who believe they are or may have been victims of discrimination and/or discriminatory harassment, may initiate either an informal inquiry or file a formal complaint.

Informal Inquiry
The intent of the informal inquiry process is to provide persons who are concerned that they might have a discrimination complaint with an opportunity to receive information and advice about the definition of discrimination, the legitimacy of their concerns, and the procedures that exist for resolving complaints.

It seeks to provide an opportunity for an informal, yet fair, resolution of the inquiry, while preserving, to the greatest extent possible, the confidentiality of the parties involved in an atmosphere of mediation and conciliation. At any time during the informal inquiry and resolution process, the person making the inquiry may initiate a formal complaint.

The University designates the Student Ombudsman (Student Counseling Center) to receive informal inquiries from students, the Director of Human Resources (ADM 104, 661-654-2266), to receive informal inquiries from staff employees, and the Office of the Provost and Vice President for Academic Affairs (ADM 100, 661-654-2154) to receive informal inquiries from faculty.

In addition to giving information and advice, those designated to receive informal inquiries may seek to achieve informal resolution to problems by bringing together the two parties. This attempt will likely require the agreement of the inquirer to enlarge the scope of confidentiality to include the second party.

The University will endeavor to restrict confidentiality to the person making the informal inquiry and the designee receiving it, but this restriction cannot be guaranteed. As a means of fulfilling its obligation to create and maintain an environment free from discrimination and discriminatory harassment, the University may conduct reasonable and appropriate investigations designed to assess whether a violation of the
nondiscrimination policy has occurred and this may require enlarging the scope of confidentiality. A confidential record of informal inquiries shall be maintained in the office conducting the investigation. Both parties are encouraged to keep the results of the resolution confidential.

In the event this informal inquiry leads to a resolution, both parties are precluded from subsequently filing a formal complaint under these procedures unless it is demonstrated to the satisfaction of the Provost and Vice President for Academic Affairs or the Director of Human Resources that the terms and conditions of the resolution, if any, have been violated.

The University, under the charge of protecting its members from discrimination, may have a legal duty to initiate an investigation, a resolution, or disciplinary action, even if a formal complaint is not filed and independent of the intent or wishes of the person making the informal inquiry.

**Formal Complaints**

Students or faculty employees may file a formal complaint with the Office of the Provost and staff employees may file with the Director of Human Resources. To be timely, the person must submit a complaint no later than 20 days after the most recent allegedly discriminatory act occurred. The President, Provost or Director of Human Resources may extend the deadline based on extenuating circumstances.

The person filing the complaint may, but is not required to, have a consultant of their own choosing present at their interviews conducted during the course of the investigation into the complaint. The consultant shall not be a person admitted to the practice of law before any state or federal court. The role of the consultant is limited to observing and consulting with the Complainant.

The student or the employee may initiate a formal complaint by filing a paper with the appropriate individual, which contains the following information.

1. The full name, address and telephone number of the complainant, who must be the individual claiming to be harmed by the discrimination;
2. The name of person(s) alleged to have committed a discriminatory act;
3. A clear and concise written statement of the facts that constitute the alleged discriminatory act(s), including pertinent dates and sufficient information to identify any other individuals who may provide information during the course of an investigation conducted under these procedures;
4. A statement by complainant verifying that the information supporting the allegations of unlawful discrimination is true and accurate to the best of complainant’s knowledge;
5. Complainant’s signature;
6. The date of submission of the complaint;
7. Information that establishes that both complainant and person(s) alleged to have committed a discriminatory act have a sufficient relationship to the University to require application of University policies and procedures to the allegedly discriminatory act(s); and
8. The full name, address and telephone number of the complainant’s consultant, if any.

At, or a mutually agreed time after, the time a student or employee initiates a complaint, a representative from the appropriate office shall conduct an interview with the complainant. If the proffered complaint fulfills the requirements set forth above, the representative shall inform the complainant in writing that the complaint has been filed. However, if the complaint alleges conduct that, if true, would not constitute a violation of University policies related to unlawful discrimination on the basis of race, color, gender, religion, age, sexual orientation, marital status, pregnancy, disability, veteran status or national or ethnic origin, the matter shall be dismissed without further investigation.

With the exception of notice to person(s) alleged in the complaint to have committed a discriminatory act, only those persons with a legitimate need to know will be appraised of the filing of and final disposition of a complaint. Those persons may include, but are not necessarily limited to, appropriate organization unit administrators (Deans, Department Heads, Directors or Vice Presidents) who may have an obligation to monitor the workplace to ensure that retaliatory action does not occur during or after the investigative process concludes, and who may be required to implement recommendations resulting from the investigation of the Complaint.

The student or employee who filed the complaint, upon inquiry and during the course of an investigation, shall be advised of the status of the investigation.

Following the filing of a complaint, the Provost and Vice President for Academic Affairs or Director of Human Resources will designate an investigator to act as a neutral fact-finder. This investigator shall assemble statements, documents and other relevant evidence, and interview witnesses and other identified individuals who have or may have information concerning the allegations set forth in the complaint. The investigator will make every reasonable attempt to complete the investigation within 90 days of the filing of a formal complaint.

Upon completion of an investigation, the investigator will make findings of fact regarding the allegations, which s/he shall reduce to an investigative report and which shall be submitted to the Provost and Vice President for Academic Affairs or Director of Human Resources.

After review of the investigative report, the Provost, Director or Designee shall evaluate the evidence in accordance with University policies related to unlawful discrimination or harassment, and shall make a Finding of “Cause” or “No Cause” regarding the allegations. The Provost, Director or
POLICIES AND REGULATIONS

When a formal complaint is made to the Office of the Provost alleging discrimination or sexual harassment by a student, the complainant shall be referred to the University Student Discipline Coordinator. Upon receiving a formal complaint, or upon determining that the University has an obligation to pursue an inquiry into possible incidents of discrimination or sexual harassment even without a signed Complaint, the Student Discipline Coordinator or appropriate University personnel shall promptly begin an investigation. The Student Discipline Coordinator or designee shall complete the investigation within ninety (90) instructional days from receipt of the complaint against a student and shall thereafter inform the complainant in writing as to whether the University will or will not initiate formal disciplinary charges. If the Student Discipline Coordinator or designee concludes that disciplinary action may be required, formal disciplinary charges shall be initiated in accordance with the Student Disciplinary Procedures for the California State University.

Student Complaint Procedure
The California State University takes very seriously complaints and concerns regarding the institution. If you have a complaint regarding the CSU, you may present your complaint as follows:

(1) If your complaint concerns CSU’s compliance with academic program quality and accrediting standards, you may present your complaint to the Western Association of Schools and Colleges (WASC) at http://www.wascsenior.org/comments. WASC is the agency that accredits the CSU’s academic program.

(2) If your complaint concerns an alleged violation by CSU of a state law, including laws prohibiting fraud and false advertising, you may present your claim to the campus president or designee at Evelyn Young, Executive Assistant to the President, eyoung3@csub.edu. The president or designee will provide guidance on the appropriate campus process for addressing your particular issue.

If you believe that your complaint warrants further attention after you have exhausted all the steps outlined by the president or designee, or by WASC, you may file an appeal with the Associate Vice Chancellor, Academic Affairs at the CSU Chancellor’s Office. This procedure should not be construed to limit any right that you may have to take civil or criminal legal action to resolve your complaint.

OTHER PROVISIONS

Confidentiality
The Provost, Director of Student Discipline Coordinator, or designee shall respect confidentiality of information obtained during the course of an investigation, except where disclosure is required by an obligation imposed on the University by law, to investigate a Complaint or to advise parties to the complaint of the outcome of an investigation or to facilitate other legitimate University processes. As a means of fulfilling
its obligation to create and maintain an environment free from discrimination and discriminatory harassment, the University may conduct reasonable and appropriate investigations designed to assess whether a violation of the University policies related to nondiscrimination or sexual harassment has occurred and this activity may require enlarging the scope of disclosure.

Retaliation; Cooperation
Threats or other forms of intimidation or retaliation against any person who files a Complaint of discrimination or sexual harassment, participates in an investigation or opposes an unlawful discriminatory practice or policy are prohibited and shall form an independent basis for investigation under the procedures. Employees and students are expected to cooperate in an investigation into a complaint of discrimination or sexual harassment.

Complaints Filed with Outside Agencies
The University acknowledges that individuals have rights to file charges with external agencies at any time within that agency’s deadlines, and that those charges may be filed concurrently with complaints that are filed with the University in accordance with these procedures. The fact that a charge has been filed with an external agency will in no way deter an investigation by the University concerning the same or similar events, so long as the complaint is filed in a timely manner pursuant to these procedures.

Race, Color, Ethnicity, National Origin, Age, Genetic Information, Religion and Veteran Status
The California State University does not discriminate on the basis of race, color, ethnicity, national origin, genetic information, religion or veteran status in its programs and activities, including admission and access. Federal and state laws, including Title VI of the Civil Rights Act of 1964 and the California Equity in Higher Education Act, prohibit such discrimination.

Disability
The California State University does not discriminate on the basis of disability in its programs and activities, including admission and access. Federal and state laws, including sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, prohibit such discrimination. Janice Clausen, Director, Disability Services, has been designated to coordinate the efforts of California State University, Bakersfield to comply with all applicable federal and state laws prohibiting discrimination on the basis of disability. Inquiries concerning compliance may be presented to this person at 9001 Stockdale Highway, SA 140, Bakersfield, CA 93311, (661) 654-3360 (voice), (661) 654-6288 (tdd).

Sex/Gender/Gender Identity/Gender Expression/Sexual Orientation
The California State University does not discriminate on the basis of sex, gender, gender identity, gender expression or sexual orientation in its programs and activities, including admission and access. Federal and state laws, including Title IX of the Education Amendments of 1972, prohibit such discrimination. Kellie Garcia, Associate Vice President, Human Resources and Administrative Services has been designated to coordinate the efforts of California State University, Bakersfield to comply with all applicable federal and state laws prohibiting discrimination on these bases.

Inquiries concerning compliance may be presented to this person at 9001 Stockdale Highway, ADM 104, Bakersfield, CA 93311, (661) 654-2266 (voice), (661) 654-6051 (tdd).

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

- **Sexual discrimination** means an adverse act of sexual discrimination (including sexual harassment and sexual violence) that is perpetrated against an individual on a basis prohibited by Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., and its implementing regulations, 34 C.F.R. Part 106 (Title IX); California Education Code §66250 et seq., and/or California Government Code §11135.

- **Sexual harassment** is unwelcome conduct of a sexual nature that includes, but is not limited to, sexual violence, sexual advances, requests for sexual favors, indecent exposure and other verbal, nonverbal or physical unwelcome conduct of a sexual nature, where such conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the individual, and is in fact considered by the individual, as limiting the individual’s ability to participate in or benefit from the services, activities or opportunities offered by the university. Sexual harassment also includes gender-based harassment, which may include acts of verbal, non-verbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

- **Sexual violence** means physical sexual acts (such as unwelcome sexual touching, sexual assault, sexual battery and rape) perpetrated against an individual without consent or against an individual who is incapable of giving consent due to that individual’s use of drugs or alcohol, or disability.
Regardless of whether an alleged victim of sexual discrimination ultimately files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or violence, it must review the matter to determine if an investigation is warranted. The campus must then take appropriate steps to eliminate any sex discrimination/harassment, prevent its recurrence, and remedy its effects.

**Safety of the Campus Community is Primary**

The university’s primary concern is the safety of its campus community members. The use of alcohol or drugs never makes the victim at fault for sexual discrimination, harassment or violence; therefore, victims should not be deterred from reporting incidents of sexual violence out of a concern that they might be disciplined for related violations of drug, alcohol or other university policies. Except in extreme circumstances, victims of sexual violence shall not be subject to discipline for related violations of the Student Conduct Code.

**Information Regarding Campus, Criminal and Civil Consequences of Committing Acts of Sexual Violence**

Individuals alleged to have committed sexual assault may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, employees and students may face discipline at the university. Employees may face sanctions up to and including dismissal from employment, pursuant to established CSU policies and provisions of applicable collective bargaining unit agreements.

Students who are charged by the university with sexual discrimination, harassment or violence will be subject to discipline, pursuant to the California State University Student Conduct Procedures (see Executive Order 1073 at http://www.calstate.edu/oe/EO-1073.pdf or any successor executive order) and will be subject to appropriate sanctions. In addition, during any investigation, the university may implement interim measures in order to maintain a safe and non-discriminatory educational environment. Such measures may include: immediate interim suspension from the university; a required move from university-owned or affiliated housing; adjustments to course schedule; and/or prohibition from contact with parties involved in the alleged incident.

**Additional Resources**

- CSUB’s sexual violence prevention and education statement, which includes facts and myths about sexual violence, at www.csusb.edu/osrr/policies.shtml.
- U.S. Department of Education, Office for Civil Rights: (800) 421-3481 or ocr@ed.gov
- U.S. Department of Education, regional office: Office for Civil Rights 50 Beale Street, Suite 7200 San Francisco, CA 94105 (415) 486-5555 TDD (877) 521-2172
- U.S. Department of Education, national office: Office for Civil Rights (800) 872-5327

**POLICIES AND REGULATIONS**

- See further information in CSUB’s sexual violence prevention and education statement, which includes facts and myths about sexual violence at www.csusb.edu/osrr/policies.shtml.

**Whom to Contact If You Have Complaints, Questions or Concerns**

Title IX requires the university to designate a Title IX Coordinator to monitor and oversee overall Title IX compliance. Your campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint (for example, in cases of sexual assault); the university’s complaint process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters. **If you are in the midst of an emergency, please call the police immediately by dialing 9-1-1.**

**Campus Title IX Coordinator:**

Name: Kellie Garcia, Associate Vice President Human Resources & Administrative Services
Address (including email address): 9001 Stockdale Hwy, ADM 108B Bakersfield, CA 93311-1099 kgarcia@csusb.edu
Phone: (661) 654-3206
Office hours: Monday-Friday (8AM-5PM)

**University Police Department**
Address:9001 Stockdale Hwy, 6PS Bakersfield, CA 93311-1099
Phone: (661) 654-2111 or 911 from any CAMPUS phone, Available 24 hours, 7 days per week
Website:www.csusb.edu/bas/police

**U.S. Department of Education, Office for Civil Rights:**
(800) 421-3481 or ocr@ed.gov
If you wish to fill out a complaint form online with the OCR, you may do so at: http://www2.ed.gov/about/offices/list/ocr/complaintintro.html.

Title IX requires the university to adopt and publish complaint procedures that provide for prompt and equitable resolution of sex discrimination complaints, including sexual harassment and violence. CSU Executive Order 1074 (http://www.calstate.edu/eo/EO-1074.pdf) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made by students against the CSU, a CSU employee, other CSU students or a third party.

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

Available 24 hours, 7 days per week

**Additional Resources**

- CSUB’s sexual violence prevention and education statement, which includes facts and myths about sexual violence, at www.csusb.edu/osrr/policies.shtml.
- U.S. Department of Education, regional office: Office for Civil Rights 50 Beale Street, Suite 7200 San Francisco, CA 94105 (415) 486-5555 TDD (877) 521-2172
- U.S. Department of Education, national office: Office for Civil Rights (800) 872-5327
• Know Your Rights about Title IX
  http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html
California Coalition Against Sexual Assault (http://calcas.org/)
1215 K. Street, Suite 1850
Sacramento, CA 95814
(916) 446-2520

• Domestic and Family Violence, Office of Justice Programs, United States Department of Justice

• National Institute of Justice: Intimate Partner Violence, Office of Justice Programs, United States Department of Justice

• National Domestic Violence Hotline: 1-800-799-SAFE (7233)

• Office of Violence against Women, United States Department of Justice

• Centers for Disease Control and Prevention: Intimate Partner Violence

• Defending Childhood, United States Department of Justice

• Local Community Resource Information:
  Name of Agency: Alliance Against Family Violence and Sexual Assault Outreach Center
  Address: 1921 19th Street, Bakersfield, CA 93301
  Phone: (661) 322-0931, 24 Hour Crisis Line: (661) 327-1091
  Office hours: Monday-Friday (8:30AM-5:30PM)
  Website: www.kernalliance.org/

Observance of Religious Holidays
The Academic Senate recognizes and welcomes the religious diversity of our student body. Further, the Academic Senate recognizes that, upon occasion, students’ religious observances may conflict with course requirements (such as examinations) and requests all faculty to be sensitive to that fact and to make reasonable accommodations for those students.

POLICIES ON THE RIGHTS OF INDIVIDUALS

Campus Policy on Disruptive and Violent Behavior
California State University, Bakersfield is committed to creating and maintaining a safe working, learning, and social environment for all students, employees and visitors which is free from violence, threats, intimidation, hostile acts, and disruptive behavior.

Civility, understanding, and mutual respect toward all persons are intrinsic to the existence of a safe and healthy campus. Threats or acts of violence, or hostile, intimidating, or disruptive behavior not only impact the individuals concerned, but also the mission of the University. The University prohibits acts or threats of violence, and any person who commits such acts is subject to disciplinary action, and/or civil or criminal prosecution.

The University has zero tolerance for potentially violent or violent acts against any member of the campus environment, or against any property.

For the purpose of this policy, violence, threats of violence and other inappropriate behaviors include, but are not limited to:
• any act that is physically or emotionally assaultive; or
• any threat, behavior or action which is interpreted by a reasonable person to carry the potential of:
  –harm or endangering the safety of others;
  –resulting in an act of aggression; or
  –destroying or damaging property.

Established student, personnel, and public safety procedures will serve as the mechanisms for resolving such situations. Each incident will be taken very seriously and may be reported to, and records maintained in, the Office of Risk Management (SSS 109, 661-654-2066).

Members of the campus community are encouraged to report to the Public Safety Office, the appropriate school dean, or the employee’s area supervisor, acts of violence, threats of violence or any other behavior which by intent, act or outcome could harm another person or property.

Individuals who severely disrupt classrooms, offices or common spaces may be removed from the campus. Deans may deny class enrollment to a student whose behavior compromises the learning environment. Formal sanctions may also be administered by the Coordinator for Student Discipline and Judicial Affairs.

Sexual Harassment
Sexual harassment is prohibited by Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the California Fair Employment and Housing Act, as well as under CSU Executive Order 345. California State University, Bakersfield 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 faculty, staff, and students are entitled to be treated on the basis of their qualifications, competence, and accomplishments without regard to gender. Individuals are entitled to benefit from university programs and activities without being discriminated against on the basis of their sex. Sexual harassment violates university policy, seriously threatens the academic environment, and is illegal. The policy on campus is to eliminate sexual harassment and to provide prompt and equitable relief to the extent possible.

Sexual harassment includes such behavior as sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature directed toward an employee, student, or applicant when one or more of the following circumstances are present:
POLICIES AND REGULATIONS

- Submission to or toleration of the conduct is an explicit or implicit term or condition of appointment, employment, admission, or academic evaluation;
- Submission to or rejection of such conduct is used as a basis for a personnel decision or an academic evaluation affecting an individual;
- The conduct has the purpose or effect of interfering with an employee’s work performance, or creating an intimidating, hostile, offensive or otherwise adverse working environment;
- The conduct has the purpose or effect of interfering with a student’s academic performance, creating an intimidating, hostile, offensive or otherwise adverse learning environment, or adversely affecting any student.

Sexual harassment will not be tolerated by the university and may result in disciplinary action, up to and including termination or dismissal. Administrative personnel are available to answer questions or handle complaints by students, employees, student applicants or employee applicants. The names and office locations of sexual harassment counselors and respective administrative personnel are available in the Counseling Center and the Office of Personnel Services. Any employee who believes that this policy has been violated should promptly report the facts of the incident(s) and the person(s) involved.

Formal complaints alleging sexual harassment of employees or applicants for employment should be made to the Director of Personnel Services (ADM 108, 661-654-2266). Complaints involving sexual harassment of students should be made to the Ombudsman, located in the Counseling Center (HC, 661-654-3366). Such complaints will be investigated without delay in accordance with university procedures and appropriate action taken.

University Alcohol and Illicit Drug Policy (Philosophical Statement)
CSUB recognizes that the abuse of alcohol and other drugs is detrimental to the educational mission of the University, as well as to individual members of the University community and their families. All members of the University community have a stake in ensuring that alcohol is used in a responsible manner. To achieve this end, CSUB has developed a comprehensive approach to address potential and/or problems of substance abuse. This approach emphasizes the following components:
- Taking effective steps to create and maintain an environment conducive to educational growth for students, faculty, and staff.
- Providing continual education, prevention, and intervention services along with referrals to community treatment facilities as needed.

- Encouraging students who are experiencing difficulties associated with alcohol and/or illicit drug use to seek an assessment, counseling, and other treatment services voluntarily with the understanding that assistance is confidential.
- Assessing university sanctions for the manufacture, distribution, use or possession of illegal drugs or the possession of alcohol which may include prosecution under applicable state and federal laws.

Student Policy on Alcohol
Only those university students 21 years of age or older may possess or consume alcoholic beverages at approved university-related functions or in designated locations on campus, and they must do so in a responsible manner. Students are expected to assume responsibility for their own behavior while drinking and must understand that being under the influence of alcohol in no way lessens their accountability to the university community.
- Students will not provide alcoholic beverages to anyone under 21 years of age.
- University-recognized student living units and events sponsored by university-recognized groups are governed by university policy concerning alcohol. Individuals and groups are expected to follow appropriate on-campus residential hosting guidelines.
- Alcoholic beverages may not be present at student organization recruitment efforts. The use of university funds to provide alcohol to students is prohibited.
- The intention to serve alcoholic beverages must be registered with the office or department administratively responsible for the facility or location where the event is to be held.

Violation of University policies concerning alcohol will result in appropriate disciplinary action. If a determination that a violation of the alcohol policy has occurred, by either an individual or a student organization, sanctions will be assessed. Such sanctions for a group or individual may include any of the following:
- Community Service
- Educational Sessions
- Denial of use of university facilities
- Social Probation
- Disciplinary Probation
- Revocation of recognition as a student organization
- Suspension from the university
- Expulsion from the university

If a determination is made that a student organization has violated the university alcohol policy, sanctions will be assessed by the Office of Student Activities. If a determination is made that a student is in violation of the university alcohol policy, sanctions will be assessed by the President or a designee.
In addition, if a determination that a violation of the alcohol policy has occurred by an individual student (group grievances are not permitted), that student has the right to file a nonacademic grievance. A student wishing to file a grievance should consult the Student Complaint and Grievance Procedure. Copies of the procedure are available in the Office of the Vice President of Student Services and the Office of the Dean of Academic Programs.

**State and Federal Criminal Sanctions**
Additionally, the university expects all students and student groups to comply with all current laws of the state of California and the city of Bakersfield. It is the responsibility of each student to be aware of, and to abide by, all state and local ordinances and university regulations. Current laws provide for severe penalties for violations, which may result in a criminal record. Students should note that state and local laws include but are not limited to, the following provisions:

- The purchase, possession or consumption of any alcoholic beverages by any person under the age of 21 is prohibited.
- It is unlawful to provide alcohol to anyone under the age of 21.
- Selling, either directly or indirectly, any alcoholic beverage except under the authority of a California Alcoholic Beverage Control Board license is prohibited.
- Serving alcohol to an intoxicated person or to someone to the point of intoxication is prohibited.
- Being intoxicated and disorderly in public is prohibited.
- Driving a motor vehicle or a bicycle while under the influence of alcohol is prohibited.

The following is a brief summary of the state and federal criminal sanctions that may be imposed upon someone who violates the alcohol policy at CSUB or elsewhere in the state of California:

- A violation of California law for the unlawful sale of alcohol may include imprisonment in the county jail for six months, plus fines and penalties.
- A violation of California law for the use of alcohol by obviously intoxicated individuals will vary with particular circumstances but may include imprisonment in the county jail and substantial fines and penalties. Additionally, minors who are arrested for violations concerning the use of alcohol run the risk of having their driving privileges suspended or revoked until they are 18 years of age.

The Department of Public Safety is responsible for enforcement for all unlawful possession, use, or distribution of illicit drugs.

**Counseling and Intervention Services**
Any student, who is concerned about problems resulting from his/her use of alcohol and/or other drugs, is encouraged to seek assistance from the Student Health Center and Counseling Center. Students will receive an initial counseling assessment, and a referral will be provided, when appropriate, to a community treatment agency for diagnosis and treatment. In addition, regular Alcoholics Anonymous meetings are held on campus.

CSUB is an institution of higher education which complies with the Drug-Free Schools and Campuses Regulations of 1989, which states that “as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students.”

Therefore, for the benefit of all students, California State University, Bakersfield will strive to maintain an environment free of alcohol and substance abuse.

**Career Placement**
The Center for Community Engagement & Career Education may furnish, upon request, information about the employment of students who graduate from programs or courses of study preparing students for a particular career field. Any such data provided must be in a form that does not allow for the identification of any individual student. This information includes data concerning the average starting salary and the percentage of previously enrolled students who obtained employment. The information may include data collected from either graduates of the campus or graduates of all campuses in the California State University system.
POLICIES AND REGULATIONS

CHANGES IN RULES AND POLICIES

Although every effort has been made to assure the accuracy of the information in this catalog, students and others who use this catalog should note that laws, rules, and policies change from time to time and that these changes may alter the information contained in this publication. Changes may come in the form of statutes enacted by the Legislature, rules and policies adopted by the Board of Trustees of the California State University, by the Chancellor or designee of the California State University, or by the President or designee of the campus. It is not possible in a publication of this size to include all of the rules, policies and other information that pertain to students, the institution, and the California State University. More current or complete information may be obtained from the appropriate department, school, or administrative office.

Nothing in this catalog shall be construed as, operate as or have the effect of an abridgment or a limitation of any rights, powers, or privileges of the Board of Trustees of the California State University, the Chancellor of the California State University, or the President of the campus. The Trustees, the Chancellor, and the President are authorized by law to adopt, amend, or repeal rules and policies that apply to students. This catalog does not constitute a contract or the terms and conditions of a contract between the student and the campus or the California State University. The relationship of students to the campus and the California State University is one governed by statute, rules, and policy adopted by the Legislature, the Trustees, the Chancellor, the Presidents and their duly authorized designees.

PRIVACY RIGHTS OF STUDENTS IN EDUCATION RECORDS

The federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) and regulations adopted thereunder (34 C.F.R. 99) set out requirements designed to protect students’ privacy in their records maintained by the campus. The statute and regulations govern access to certain student records maintained by the campus and the release of such records. The law provides that the campus must give students access to most records directly related to the student, and must also provide opportunity for a hearing to challenge the records if the student claims they are inaccurate, misleading, or otherwise inappropriate. The right to a hearing under this law does not include any right to challenge the appropriateness of a grade determined by the instructor. The law generally requires the institution to receive a student’s written consent before releasing personally identifiable data about the student. The institution has adopted a set of policies and procedures governing implementation of the statute and the regulations. Copies of these policies and procedures may be obtained at Vice President for Student Affairs’ Office. Among the types of information included in the campus statement of policies and procedures are: (1) the types of student records maintained and the information they contain; (2) the official responsible for maintaining each type of record; (3) the location of access lists indicating persons requesting or receiving information from the record; (4) policies for reviewing and expunging records; (5) student access rights to their records; (6) the procedures for challenging the content of student records; (7) the cost to be charged for reproducing copies of records; and (8) the right of the student to file a complaint with the Department of Education. The Department of Education has established an office and review board to investigate complaints and adjudicate violations. The designated office is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

The campus is authorized under the Act to release “directory information” concerning students. “Directory information” may include the student’s name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors, and awards received, and the most recent previous educational agency or institution attended by the student. The above-designated information is subject to release by the campus at any time unless the campus has received prior written objection from the student specifying what information the student requests not be released. Written objections should be sent to Vice President for Student Affairs’ Office.

The campus is authorized to provide access to student records to campus officials and employees who have legitimate educational interests in such access. These persons have responsibilities in the campus’s academic, administrative or service functions and have reason for accessing student records associated with their campus or other related academic responsibilities. Student records may also be disclosed to other persons or organizations under certain conditions (e.g., as part of the accreditation or program evaluation; in response to a court order or subpoena; in connection with financial aid; or to other institutions to which the student is transferring).

RIGHTS AND RESPONSIBILITIES OF STUDENTS

Academic Integrity

The principles of truth and integrity are recognized as fundamental to a community of teachers and scholars. The University expects that both faculty and students will honor these principles and in so doing will protect the integrity of all academic work and student grades. Students are expected to do all work assigned to them without unauthorized
assistance and without giving unauthorized assistance. Faculty has the responsibility of exercising care in the planning and supervision of academic work so that honest effort will be encouraged and positively reinforced.

There are certain forms of conduct that violate the university's policy of academic integrity. Academic dishonesty (cheating) is a broad category of actions that involve fraud and deception to improve a grade or obtain course credit. Academic dishonesty (cheating) is not limited to examination situations alone, but arises whenever students attempt to gain an unearned academic advantage. Plagiarism is a specific form of academic dishonesty (cheating) which consists of the misuse of published or unpublished works of another by claiming them as one's own. Plagiarism may consist of handing in someone else's work as one's own, copying or purchasing a pre-written composition and claiming it as one's own, using paragraphs, sentences, phrases, words or ideas written by another without giving appropriate citation, or using data and/or statistics compiled by another without giving appropriate citation. Another example of academic dishonesty (cheating) is the submission of the same, or essentially the same paper or other assignment for credit in two different courses without receiving prior approval from the instructors of the affected courses.

When a faculty member discovers a violation of the university’s policy of academic integrity, the faculty member is required to notify the Office of Student Rights and Responsibilities and the student(s) involved. A course grade of 'F' may be assigned or another grade penalty may be applied at the discretion of the course instructor. Additional disciplinary sanctions are determined by the Director of the Office of Student Rights and Responsibilities. Disciplinary sanctions may include disciplinary probation, suspension, permanent expulsion from the university or from the California State University system, administrative hold on the release of records, and withholding a degree. Disciplinary probation shall be noted on the student’s formal academic record only for the duration of the probationary period. Disciplinary suspension of more than one academic year and expulsion are a part of the student’s permanent record.

The student may pursue a formal hearing or make a settlement agreement with the Director of the Office of Student Rights and Responsibilities. The Office of Student Rights and Responsibilities shall conduct an investigation, confer with the faculty member, students and any witnesses identified, and review all evidence. The student is entitled to a formal hearing scheduled by the Office of Student Rights and Responsibilities, in which the evidence of the alleged violation shall be presented before an impartial Hearing Officer (appointed by the President) and the student shall be present to provide an explanation or defense. The Hearing Officer shall submit a written report to the President containing the findings, conclusions, and recommendations. Alternatively, a settlement agreement may be made with the Office of Student Rights and Responsibilities. The settlement agreement will specify the disciplinary sanctions, the length and terms of disciplinary probation or suspension, and the conditions the student is expected to meet in order to remain in good standing (e.g., training or regular meetings with the Office of Student Rights and Responsibilities). All sanctions are reported to the instructor reporting the incident, the student’s Chair, and the student’s Dean.

Any repeated violation of academic integrity shall result in more serious academic sanctions. Normally, this will include suspension or expulsion from the university with a note on the student’s permanent record.

**Academic Freedom**

Freedom to pursue truth and to achieve personal and intellectual development is essential to CSUB’s community of scholars. The University is firmly committed to such freedom for both students and faculty. Academic freedom is the University’s guarantee of freedom of expression by all students and faculty under the First Amendment.

For the achievement of academic freedom, a necessary condition for such pursuit is an acceptance of the spirit of inquiry and appreciation for diverse ideas, viewpoints, cultures, and life-styles. Acceptance must be demonstrated not only in the classroom but in all other areas of the campus. The achievement of academic freedom, however, must occur within a respect for law and the protection of the opinions and dignity of others.

**Civility and Respectful Conduct**

The classroom is essential for the achievement of academic freedom, the pursuit of truth, and the development of students. Because of its importance, students are expected to exhibit respect for the views of others, the professionalism of the instructor, and the goals of academic freedom whenever they are in the classroom.

Faculty is obligated to recognize and respect student diversity, ideas, perceptions, and opinions. At the same time, faculty has a fundamental responsibility to maintain the integrity of the learning environment. When confronted by unreasonable disruption in the classroom, faculty is expected to initiate actions to correct such conditions. Such actions may result in disciplinary action ranging from removal from the classroom to formal disciplinary sanctions, including probation, suspension, or expulsion.

**Financial Responsibility**

The Student Financial Responsibility Act (AB 521, now California Education Code Section 99030) specifies that all CSUB students are expected to accept personal responsibility for all debts incurred, whether they are owed to the university, local businesses, or another person. Students who become so indebted financially that they are unable to make expected
monthly payments on their debt should contact the Counseling Center (Health Center, 661-654-3366) to receive advice and possible referral for additional financial counseling and debt restructuring.

Credit Cards
The Student Financial Responsibility Act (AB 521, now California Education Code Section 99030) also specifies the following policies regulating the marketing practices of vendors offering credit cards to students on campus:
1. Vendors offering credit cards to students on campus shall register with campus administration through Academic Scheduling (EDUC 239, 661-654-2285) to schedule an approved site on campus for their marketing efforts.
2. No more than two (2) vendors shall be allowed on campus at the same time for marketing credit cards to students.
3. Vendors marketing credit cards to students on campus shall be prohibited from offering gifts of any kind, regardless of monetary value, to students as an incentive for completing credit card applications.

Students are encouraged to exercise caution and “due diligence” before completing any credit card application, especially from vendors offering credit cards. Before completing any credit card application, students are reminded to ask questions about interest rates on any unpaid balance, likely changes to interest rates over time, and “grace period” allowed before interest is applied to the unpaid balance.

STUDENT CONDUCT

Title 5, California Code of Regulations, § 41301. Standards for Student Conduct
(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.
(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.

CIVIL AND CRIMINAL PENALTIES FOR VIOLATION OF FEDERAL COPYRIGHTS LAW

Anyone who is found to be liable for copyright infringement may be ordered to pay either actual damages or “statutory” damages between $750 and $30,000 per work infringed. In the case of a “willful” infringement, a court may award up to $150,000 per work infringed. Courts also have discretion to award costs and attorneys’ fees to the prevailing party. (See 17 U.S.C. §§504 & 505.) Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to $250,000 per offense. (See 17 U.S.C. §506 & 18 U.S.C. §2319.)

Title 5, California Code of Regulations, § 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.