

# POLICIES AND REGULATIONS

## 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**

### **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.wascenior.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](mailto:eyoung3@csub.edu). See Procedure for Student Complaints—Executive Order No. 1063 for details regarding the complaint requirements and complaint process: <http://www.calstate.edu/eo/eo-1063.html>. 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.

### **Ethnicity, National Origin, Age, Genetic Information, Religion and Veteran Status**

The California State University does not discriminate on the basis of Age, Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color and ancestry), Religion (or religious creed), and Veteran or Military 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. Claudia Catota, Assistant to the President for Equity, Inclusion, and Compliance 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, Office of the President, Bakersfield, CA 93311, (661) 654-2137(voice), [ccatota@csub.edu](mailto:ccatota@csub.edu)/CSU Executive Order 1097 Revised October 5, 2016 (<http://www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf>) is the systemwide procedure for all complaints of discrimination, harassment or retaliation *made by students* against the CSU, a CSU employee, other CSU students or a third party.

### **Disability**

The California State University does not discriminate on the basis of Disability (physical and mental) 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. Claudia Catota, Assistant to the President for Equity, Inclusion, and Compliance, 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, Office of the President,, Bakersfield, CA 93311, (661) 654-2137 (voice), [ccatota@csub.edu](mailto:ccatota@csub.edu). CSU Executive Order 1097 Revised October 5, 2016 (<http://www.calstate.edu/EO/EO-1097-rev-10-5-16.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.

### **Gender/Gender Identity/Gender Expression/Sexual Orientation**

The California State University does not discriminate on the basis of gender (or sex), gender identity (including transgender), 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. **Claudia Catota, Assistant to the President for Equity, Inclusion, and Compliance, has** been designated to coordinate the efforts of California State University, Bakersfield to comply with all applicable federal and state laws prohibiting

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discrimination on these bases. Inquiries concerning compliance may be presented to this person at 9001 Stockdale Highway, Office of the President, Bakersfield, CA 93311, (661) 654-2137 (voice), ccatota@csu.edu The California State University is committed to providing equal opportunities to male and female CSU students in all campus programs, including intercollegiate athletics.

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

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

- **Sexual harassment**, a form of sex discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:

1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; **or**
2. The 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 Complainant, and is in fact considered by the Complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; **or**
3. The 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 Complainant, and is in fact considered by the Complainant, as creating an intimidating, hostile or offensive environment.

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework. Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on Gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Executive Order 1097 covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social

relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to this policy. Claiming that the conduct was not motivated by sexual desire is not a defense to a complaint of harassment based on Gender.

- **Sexual Misconduct:** All sexual activity between members of the University community must be based on affirmative consent. Engaging in any sexual activity without first obtaining affirmative consent to the specific activity is sexual misconduct, whether or not the conduct violates any civil or criminal law. Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, and dating violence. When based on gender, domestic violence or stalking also constitutes sexual misconduct. Sexual misconduct may include using physical force, violence, threat or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of sexual misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving consent.

- **Sexual Assault** is a form of sexual misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.

- **Sexual Battery** is a form of sexual misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification or abuse.

- **Rape** is a form of sexual misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical disability renders the person incapable of giving consent. The respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant.

- **Acquaintance Rape** is a form of sexual misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website.

- **Affirmative Consent** means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the affirmative consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent. Affirmative consent must be voluntary, and given without coercion, force, threats or intimidation.
- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent. A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.
- Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- A person who is incapacitated cannot give affirmative consent. A person is unable to consent when s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol, or medication so that s/he could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain affirmative consent before engaging in sexual activity.
- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving legal consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  - The respondent's belief in affirmative consent arose from the intoxication or recklessness of the respondent;
  - The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.
- **Consensual Relationships:** Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to discrimination, harassment, retaliation, sexual misconduct, dating or domestic violence, or stalking.
- A University employee shall not enter into a consensual relationship with a student or employee over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, each campus shall develop a procedure to reassign such authority to avoid violations of policy.
- This prohibition does not limit the right of an employee to make a recommendation on the personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or MPP/confidential personnel plan.
- **Domestic Violence** is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has or had a dating or engagement relationship, or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.
- **Stalking** means a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for his/her or others' safety or to suffer substantial emotional distress. For purposes of this definition:
  - Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or



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means, follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person's property;

- Reasonable person means a reasonable person under similar circumstances and with the same protected status as the complainant;
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

See further information in CSUB's sexual violence prevention and education statement, which includes facts and myths about sexual violence at [http://www.csub.edu/compliance/\\_files/myths.pdf](http://www.csub.edu/compliance/_files/myths.pdf).

### 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: Claudia Catota, Assistant to the President for Equity, Inclusion, and Compliance

Address (including email address):

9001 Stockdale Hwy, BDC 33  
Bakersfield, CA 93311-1099  
ccatota@csub.edu

Phone: (661) 654-2137

Office hours: Monday-Friday (8AM-5PM)

Website: <http://www.csub.edu/compliance/>

#### 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.csub.edu/bas/police](http://www.csub.edu/bas/police)

**Department of Education, Office for Civil Rights:** (800) 421-3481 or [ocr@ed.gov](mailto: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/%20complaintintro.html>.

Title IX requires the university to adopt and publish complaint procedures that provide for prompt and equitable resolution of gender discrimination complaints, including sexual harassment and misconduct as well as provide training, education and preventive measures related to sex

discrimination. CSU Executive Order 1097 (<http://www.calstate.edu/EO/EO-1097-rev-10-5-16.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 as provided below under confidentiality and sexual misconduct, dating violence, domestic violence, and stalking, any University employee who knows or has reason to know of allegations or acts that violate University policy shall promptly inform the Title IX Coordinator. These employees are required to disclose all information including the names of the parties, even where the person has requested that his/her name remain confidential. The Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident (see confidential reporting options outlined below).

Regardless of whether an alleged victim of gender discrimination ultimately files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or misconduct, violence, it must review the matter to determine if an investigation is warranted. The campus must then take appropriate steps to eliminate any gender discrimination/harassment/misconduct, 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 gender 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 misconduct 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, up to including suspension or expulsion. 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 gender discrimination, harassment or misconduct will be subject to discipline, pursuant to the California State University Student Conduct Procedures (see Executive Order 1098 at [www.calstate.edu/EO/EO-1098-rev-6-23-15.pdf](http://www.calstate.edu/EO/EO-1098-rev-6-23-15.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 but not be limited to: immediate interim suspension from the University; a required move from university-owned or affiliated housing; adjustments to course schedule; and/or prohibition from contact with parties involved in the alleged incident.

### **Confidentiality and Sexual Misconduct, Dating Violence, Domestic Violence and Stalking**

The University encourages victims of sexual misconduct, dating violence, domestic violence, or stalking (collectively sexual misconduct) to talk to someone about what happened – so they can get the support they need, and so the University can respond appropriately.

### **Privileged and Confidential Communications Physicians, Psychotherapists, Professional Licensed Counselors, Licensed Clinical Social Workers and Clergy**

Physicians, psychotherapists, professional, licensed counselors, licensed clinical social workers, and clergy who work or volunteer on or off campus, acting solely in those roles or capacities as part of their employment, and who provide medical or mental health treatment or counseling (and those who act under their supervision, including all individuals who work or volunteer in their centers and offices) may not report any information about an incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, licensed clinical social workers, and clergy without triggering a University investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to victims, if applicable.

### **Sexual Assault and Domestic Violence Counselors and Advocates**

Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women's centers, and health centers (including those who act in that role under their supervision, along with non-professional counselors or advocates who or volunteer in sexual assault centers, victim advocacy offices, women's centers, gender equity centers, or health centers) may talk to a victim without revealing any information about the victim and the incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal his/her identity or that a victim disclosed an incident to them. However, see limited exceptions below regarding when sexual assault and domestic violence

counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to victims, if applicable.

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a physician, professional licensed counselor, licensed clinical social worker, clergy member, sexual assault counselor, domestic violence counselor or advocate; and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the University and a separate complaint with local or University police. If a victim insists on confidentiality, such professionals, counselors and advocates will likely not be able to assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide victims with that assistance if requested by the victim. These counselors and advocates will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

### **Exceptions**

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a physical condition to a patient/victim who he or she knows or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including sexual misconduct, domestic violence, and dating violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, all professionals described above (physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable.

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Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

### **Reporting to University or Local Police**

If a victim reports to local or University Police about sexual misconduct, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that his/her identity be kept confidential, his/her name will not become a matter of public record and the police will not report the victim's identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator victim names/identities or compromise their own criminal investigation. The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

### **Reporting to the Title IX Coordinator and Other University Employees**

Most University employees have a duty to report sexual misconduct incidents when they are on notice of it. When a victim tells the Title IX Coordinator or another University employee about a sexual misconduct incident, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University strongly encourages victims to report sexual misconduct directly to the campus Title IX Coordinator. As detailed above, all University employees except physicians, licensed professional counselors, licensed clinical social workers, sexual assault counselors and advocates, must report to the Title IX Coordinator all relevant details about any sexual violence incidents of which they become aware. The University will need to determine what happened – and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employees will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in a sexual misconduct incident except as otherwise required by law or University policy. A sexual misconduct report may result in the gathering of extremely

sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual misconduct. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another University employee that his/her identity remain completely confidential, the Title IX Coordinator will explain that the University cannot always honor that request and guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, employees, and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited. See Executive Order 1095 for further details around confidential reporting, and other related matters ([www.calstate.edu/EO/EO-1095.pdf](http://www.calstate.edu/EO/EO-1095.pdf)).

### **Additional Resources**

**CSUB's** sexual violence prevention and education statement, which includes facts and myths about sexual violence, [http://www.csub.edu/compliance/\\_files/myths.pdf](http://www.csub.edu/compliance/_files/myths.pdf).

### **U.S. Department of Education, regional office:**

Office for Civil Rights  
50 United Nations Plaza  
San Francisco, CA 94102  
(415) 486-5555  
TDD (877) 521-2172

### **U.S. Department of Education, national office:**

Office for Civil Rights  
(800) 872-5327

### **California Coalition Against Sexual Assault:**

1215 K. Street, Suite 1850  
Sacramento, CA 95814  
(916) 446-2520  
<http://calcasa.org/>

**Know Your Rights about Title IX** <http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html>

**Domestic and Family Violence, Office of Justice Programs, U.S. Department of Justice**

**National Institute of Justice: Intimate Partner Violence, Office of Justice Programs, U.S. 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; LGBT Hotline (661) 332-1506

Office hours: Monday-Friday (8:30AM-5:30PM)

Website: [www.kernalliance.org/](http://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.

### **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 student's 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.



## POLICIES AND REGULATIONS

- 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, and/or sale of alcohol.

### **Student Policy on Illicit Drugs**

CSUB prohibits the possession, use, and/or sale of narcotics, marijuana, and/or other illicit drugs. Violation of university policies concerning illicit drugs shall result in appropriate disciplinary action up to and including suspension or expulsion from the university, and in the case of organizations, loss of recognition. The following is a brief summary of the state and federal criminal sanctions that may be imposed upon someone who violates the illicit drug policy at CSUB or elsewhere in the state of California:

- A violation of California law for the possession, use, and/or sale of narcotics, marijuana, and/or other illicit drugs includes imprisonment in the county jail or state prison for one to nine years, plus fines up to \$100,000 for each count
- A violation of federal law for the possession, use and/or sale of narcotics, marijuana, and/or other illicit drugs may include imprisonment in a federal penitentiary for one to fifteen years plus substantial financial penalties
- A violation of the law involving an individual being under the influence of a combination of alcohol and drugs (itself potentially fatal), may result in an increase in criminal sanctions and penalties

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 and 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.

## **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

## POLICIES AND REGULATIONS

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 will be disclosed to the Chancellor’s Office of the California State University in order to conduct research, to analyze trends, or to provide other administrative services on behalf of the CSU. 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.



## POLICIES AND REGULATIONS

- 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 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. **Note:** At the time of publication, such procedures are set forth in California State University Executive Order 1098 (Revised June 23, 2015), available at <http://calstate.edu/eo/EO-1098-rev-6-23-15.html>.

### **(d) Application of the 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.

### **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.

### **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 suffered as a result of the infringement along with any profits of the infringer attributable to the infringement that are not already taken into account in computing the 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 (see 17 U.S.C. §504). Courts also have discretion to award costs and attorneys’ fees to the prevailing party (see 17 U.S.C. §505). Willful copyright infringement can also result in criminal penalties, including imprisonment and fines (See 17 U.S.C. §506 and 18 U.S.C. §2319).