UNIVERSITY 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.

Student Complaint Procedure (Complaints Regarding The CSU)

The California State University (CSU) 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 on the Western Association of Schools and Colleges (WASC) website. WASC is the agency that accredits the CSU's academic program.
2. If your complaint concerns an alleged violation by CSU of any law that prohibits discrimination, harassment or retaliation based on a protected status, including age, disability (physical and mental, gender, gender identity (including non-binary or trans-gender), gender expression, genetic information, marital status, medical condition, nationality, pregnancy or related conditions, race or ethnicity (including color, caste, or ancestry, religion or religious creed, sex (including sex stereotyping or sex characteristics), sexual orientation, and veteran or military status, you may present your complaint as described in Section XVI (Interim Nondiscrimination Policy).
3. If your complaint concerns an alleged violation by the CSU of other state law, including laws prohibiting fraud and false advertising, you may present your claim complaint to the university president or designee at excellence@csub.edu (https://catalog.csub.eduMAILTO:excellence@csub.edu). See the Student/Applicant (https://calstate.policystat.com/policy/11218423/latest/) Complaint Procedure for Alleged Violations of State Law Not Covered by Another CSU (https://calstate.policystat.com/policy/11218423/latest/) Complaint (https://calstate.policystat.com/policy/11218423/latest/) Procedure (https://calstate.policystat.com/policy/11218423/latest/)for details regarding the complaint requirements and complaint process.
4. Other complaints regarding the CSU may be presented to the university dean of students [or other appropriate administrator], who will provide guidance on the appropriate university 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 university, or by WASC, you may file an appeal with the Assistant Vice Chancellor, Academic and Student Affairs (or designee) at the CSU Chancellor's Office.

This procedure should not be construed to limit any right that you may have to take legal action to resolve your complaint.

Nondiscrimination Policy and Complaint Procedures

Protected Status: Age, Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color or ancestry), Religion or Religious Creed, and Veteran or Military 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, caste and ancestry), religion (or religious creed), and veteran or military status – as these terms are defined in the Interim CSU Nondiscrimination Policy (https://www.calstate.edu/csu-system/administration/systemwide-human-resources/civil-rights/titleix/Pages/policies.aspx) in its programs and activities, including admission and access. Federal and state laws, including Title VI of the Civil Rights Act of 1964 (https://www.justice.gov/crt/fcs/TitleVI/) and the California Equity in Higher Education Act (https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml/?bill_id=202320240SB1491), prohibit such discrimination. Allan Williams, Title IX Coordinator & DHR Administrator, 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 California State University, Bakersfield. Inquiries concerning compliance may be presented to this person at (661) 654-2713(voice) or write to:

Office of the President
9001 Stockdale Highway
Bakersfield, CA 93311,
mcarleton@csub.edu (ccatota@csub.edu/)

The CSU Nondiscrimination Policy-Student Respondent Procedure (https://www.calstate.edu/csu-system/administration/systemwide-human-resources/civil-rights/titleix/Documents/Superseded-Procedures-Student-Dated-8-1-2024.pdf)s (or any successor procedure) is the systemwide procedure for all complaints or discrimination, harassment or retaliation ***made against*** other CSU students**.** The Interim CSU Nondiscrimination Policy-Employee or Third-Party Respondent Procedures (https://calstate.policystat.com/policy/17650990/latest/) (or any successor procedure) is the system wide procedure for all complaints of discrimination, harassment or retaliation made against the CSU, a CSU employee or a third party.

Protected Status: Disability

The California State University does not discriminate on the basis of disability (physical and mental) – as this term is defined in the Interim CSU Nondiscriminatio (https://www.calstate.edu/csu-system/administration/systemwide-human-resources/civil-rights/titleix/Pages/policies.aspx)n Policy– 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. Allan Williams, Title IX Coordinator & DHR Administrator, 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:

Office of the President
9001 Stockdale Highway, SA 140
Bakersfield, CA 93311
(661) 654-2713 (voice)
mcarleton@csub.edu (ccatota@csub.edu/)
(661) 654-6288 (tdd)

The Interim CSU Nondiscrimination Policy-Student Respondent Procedures (https://calstate.policystat.com/policy/17650729/latest/)(or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation ***made against,*** **other CSU students**. The Interim CSU Nondiscrimination Policy-Employee or Third-Party Respondent Procedures (https://calstate.policystat.com/policy/17650990/latest/) r any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made against the CSU, a CSU employee or a third party).**

Protected Status: Gender (or sex), Gender Identity (including Nonbinary and Transgender), Gender Expression, Pregnancy and Sexual Orientation

The California State University does not discriminate on the basis of gender (or sex), gender identity (including nonbinary and transgender) gender expression, pregnancy and sexual orientation – as these terms are defined in CSU policy (https://www.calstate.edu/csu-system/administration/systemwide-human-resources/civil-rights/titleix/Pages/policies.aspx) – 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. Allan Williams, Title IX Coordinator & DHR Administrator, 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

Office of the President
9001 Stockdale Highway, ADM 104
Bakersfield, CA 93311
(661) 654-2713 (voice)
(661) 654-6051 (tdd)
mcarleton@csub.edu (ccatota@csub.edu/)

he California State University is committed to providing equal opportunities to all CSU students in all university programs, including intercollegiate athletics. The Interim CSU Nondiscrimination Policy-Student Respondent Procedures (https://calstate.policystat.com/policy/17650729/latest/) (or any successor policy) are the systemwide procedures for all complaints of discrimination, harassment or retaliation made against other CSU students. The Interim CSU Nondiscrimination Policy-Employee or Third-Party Respondent Procedures (https://www.calstate.edu/csu-system/administration/systemwide-human-resources/civil-rights/titleix/Pages/policies.aspx) (or any successor procedure) are the systemwide procedure for all complaints of discrimination, harassment or retaliation made against the CSU, a CSU employee or a third party.

1. Track 1 (Federal Mandated Hearing Process) applies to Complaints against a Student, Employee, Third Parties, and/or Student-Employees where the alleged conduct:
   a. Meets the definition of Sexual Harassment as defined in Article V.B of the Nondiscrimination Policy (also defined in Track 1, Article II.K); **and**
   b. Occurred in the United States; **and**
   c. Occurred in an education program or activity at the university, as defined in Track 1, Article II.E.

As a matter of federal and state law and California State University policy, the following types of conduct are prohibited:

Discrimination

1. **Discrimination** is conduct that causes harm to a Complainant based on their actual or perceived Protected Status within the CSU's educational programs, activities, or employment which results in the denial or limitation of services, benefits, or opportunities provided by the CSU. Under the CSU Nondiscrimination Policy, the definition of Discrimination includes:

   - Different Treatment Discrimination: Different Treatment Discrimination occurs when the Complainant is: 1) treated less favorably; 2) than other similarly situated individuals under similar circumstances; 3) because of the Complainant's actual or perceived Protected Status; and 4) not for a legitimate, nondiscriminatory reason. Insignificant or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant do not constitute "Different Treatment Discrimination."
   - Under this Nondiscrimination Policy, discrimination in employment includes any adverse employment action or conduct that is reasonably likely to impair the Employee's job performance or prospects for advancement or promotion.
   - An allegation that an Employee is receiving unequal pay because of their Protected Status (for example, under the California Equal Pay Act) constitutes a Discrimination Complaint under this Nondiscrimination Policy.

Harassment

1. **Harassment** means unwelcome verbal, nonverbal or physical conduct engaged in because of an individual Complainant's Protected Status. Harassment includes, but is not limited to, verbal harassment (e.g., epithets, derogatory comments, or slurs), physical harassment (e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement), and visual forms of harassment (e.g., derogatory posters, cartoons, drawings, symbols, or gestures.). Single, isolated incidents will typically be insufficient to rise to the level of Harassment.

   Harassment may occur when:

   - Submitting to, or rejecting, verbal, nonverbal, or physical conduct is explicitly or implicitly a basis for:
   - Any decision affecting a term or condition of the Complainant's employment; or
   - 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

   - The conduct is sufficiently severe or pervasive so that its effect, whether intended or not, could be considered by a reasonable person under similar circumstances and with similar identities, and is in fact considered by the Complainant, as creating an intimidating, hostile, or offensive work or educational environment that denies or substantially limits an individual's ability to participate in or benefit from employment and/or educational, services, activities, or other privileges provided by the CSU.

   Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

   - The frequency, nature, and duration of the conduct;
   - Whether the conduct was physically threatening;
   - Whether the conduct arose in the context of other discriminatory conduct or other misconduct;
   - The degree to which the conduct affected the Complainant's ability to access the CSU's educational programs, activities, or employment;
   - The Parties' ages, roles within the CSU's educational programs or activities, previous interactions, and

other factors about each Party that may be relevant to evaluating the effects of the conduct; and

- Other Harassment in the CSU's educational programs, activities, or employment.

2. **Sexual Harassment** means unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, offering employment benefits or giving preferential treatment in exchange for sexual favors, or any other conduct of a sexual nature. There are two kinds of Sexual Harassment:

Quid pro quo: Quid pro quo is Latin for "this for that" and occurs when an Employee, agent, or other person in a position of power conditions an employment or educational benefit or service on submission to sexual advances or other conduct based on sex. Quid pro quo harassment exists when submitting to, or rejecting, the verbal, nonverbal or physical conduct is explicitly or implicitly a basis for:

- Any decision affecting a term or condition of the Complainant's employment; or
- 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

Hostile environment harassment is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe, persistent, or pervasive that it limits or denies the Complainant's ability to participate in or benefit from the CSU's educational programs, activities, or employment. Hostile environment harassment must either:

- Create an intimidating, hostile or offensive work environment; or
- Limit a Student's ability to participate in or benefit from the services, activities, or opportunities offered by the University. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
- The frequency, nature, and duration of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct arose in the context of other discriminatory conduct or other misconduct;
- The degree to which the conduct affected the Complainant's ability to access the CSU's educational programs, activities, or employment;
- The Parties' ages, roles within the CSU's educational programs or activities, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct; and
- Other Sexual Harassment in the CSU's educational programs, activities, or employment. Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization or in exchange for a raise or promotion; being subjected to video exploitation or a campaign of sexually explicit content; or frequently being exposed to unwanted images of a sexual nature in a work environment, or in a classroom where the images are unrelated to the coursework. Claiming that the conduct was not motivated by sexual desire is not a defense to a Complaint of Sexual Harassment.

Sexual Misconduct

All sexual activity between members of the CSU 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.

1. Sexual activity includes, but is not limited to:
   - Kissing
   - touching intimate body parts
   - fondling
   - intercourse
   - penetration, no matter how slight, of the vagina or anus with any part or object
   - oral copulation of a sex organ by another person.
2. Sexual Misconduct includes, but is not limited to, the following conduct:
   - an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or Sex,
   - the intentional touching of another person's intimate body parts without Affirmative Consent,
   - intentionally causing a person to touch the intimate body parts of another without Affirmative Consent,
   - using a person's own intimate body part to intentionally touch another person's body without Affirmative Consent,
   - any unwelcome physical sexual acts, such as unwelcome sexual touching,
   - using physical force, violence, threat, or intimidation to engage in sexual activity,
   - ignoring the objections of the other person to engage in sexual activity,
   - causing the other person's incapacitation through the use of drugs or alcohol to engage in sexual activity,
   - taking advantage of the other person's incapacitation to engage in sexual activity.
3. Intimate body part means the sexual organ, anus, groin, buttocks, or breasts of any person.
4. Sexual activity between a Minor (a person younger than 18 years old) and a person who is at least 18 and two years older than the Minor always constitutes Sexual Misconduct, even if there is Affirmative Consent to all sexual activity. The existence of Affirmative Consent and/or the type of sexual activity may be relevant to the determination of an appropriate Sanction.
5. Persons of all Genders, Gender Identities, Gender Expressions, and Sexual Orientations can be victims of these forms of Sexual Misconduct. Sexual Misconduct can be committed by an individual known to the victim including a person the Complainant may have just met, i.e., at a party, introduced through a friend, or on a social networking website.

Affirmative Consent

- **Affirmative Consent** means an agreement to engage in sexual activity that is informed, affirmative, conscious, voluntary, and mutual. Affirmative Consent must be given freely and without coercion, force, threats, intimidation, or by taking advantage of another person's incapacitation. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) prior to engaging in the sexual activity.
  - Affirmative consent is given by clear words or actions. Affirmative consent includes knowledge and agreement to engage in the specific sexual activity.
  - Affirmative Consent must be ongoing throughout a sexual activity and can be withdrawn or revoked at any time, including after sexual activity begins. Once consent is withdrawn or revoked and clearly communicated, the sexual activity must stop immediately.
  - Consent to one form of sexual activity or one 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.
  - Affirmative Consent cannot be inferred from an existing or previous dating, social, or sexual relationship between the Parties.
  - Silence does not mean there is Affirmative Consent.
  - Lack of protest or resistance does not mean there is Affirmative Consent.
  - A request for someone to use a condom or birth control does not, in and of itself, mean there is Affirmative Consent.
  - Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious, or incapacitated due to the influence of drugs, alcohol, or medication.
- **Incapacitation:** A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions about whether or not to engage in sexual activity. A person with a medical or mental disability may also lack the capacity to give consent. Incapacitation exists when a person could not understand the fact, nature, or extent of the sexual activity. 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; or
  - The person was unable to communicate due to a physical or mental 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.
  - Whether an intoxicated person (as a result of using alcohol, drugs, or medication) is incapacitated will require an individualized determination about the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. The level of intoxication may change over a period of time based on a variety of individual factors, including the amount of substance consumed, speed of intake, body mass, height, weight, tolerance, food consumption, drinking patterns, and metabolism. 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.
  - Incapacitation due to alcohol, drugs or medication is a state of intoxication that is so severe that it interferes with a person's capacity to make informed and knowing decisions. A person who is incapacitated may not be able to understand where they are, whom they are with, how they got there, or what is happening. Signs that a person may be incapacitated due to the influence of drugs, alcohol, or medication include, but are not limited to, the following:
  - slurred speech or difficulty communicating clearly;
  - clumsiness or lack of physical coordination (e.g., difficulty standing or walking without assistance);
  - impaired motor skills (e.g., eating, drinking, texting);
  - disorientation regarding time and place;
  - difficulty concentrating;
  - vomiting;
  - combativeness or emotional volatility; or
  - sleeping, unconsciousness, or going in and out of consciousness.
  - Incapacitation may also include memory impairment or an inability to recall entire or partial events (sometimes referred to as "black-out" or "brown-out"). A person may experience this symptom while appearing to be functioning "normally," including communicating through actions or words that can reasonably and objectively be interpreted as communicating consent to engage in sexual activity. Total or partial loss of memory alone may not be sufficient, without additional evidence, to prove that an individual was incapacitated under this Policy. Whether sexual activity under these circumstances constitutes Prohibited Conduct depends on the presence or absence of the outwardly observable factors indicating that an individual is incapacitated, as described above.
  - In evaluating Affirmative Consent in cases involving incapacitation, the CSU considers the totality of available information in determining whether a Respondent knew or reasonably should have known that the Complainant was incapacitated.
- **Sexual Exploitation** means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

- The prostituting of another person.
- The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor of services, through force, fraud, or coercion.
- The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
- The distribution of images, including video or photographs, or audio of another person's sexual activity or private body parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure. This includes distribution of digitally altered or artificial-intelligence-generated images, video, and audio.

The viewing of another person's sexual activity or private body parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

Dating Violence and Domestic Violence

Dating Violence means physical violence or threat of physical violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
   a. The length of the relationship.
   b. The type of relationship.
   c. The frequency of interaction between the persons involved in the relationship.

Domestic Violence means physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant. Domestic violence also includes acts against a Minor or adult victim who is protected from those acts under the family or domestic laws of the state.

Stalking

Stalking means engaging in a Course of Conduct directed at a specific person that would cause a reasonable person to fear for the safety of self 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 one party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the other party, or interferes with the other party's property.
- **Substantial Emotional Distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Prohibited Consensual Relationships

A Prohibited Consensual Relationship includes consensual sexual or romantic relationships between an Employee and any Student or Employee over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority.

1. A consensual relationship means a sexual or romantic relationship between two individuals who voluntarily enter into such a relationship.
2. 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, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking subject to this Nondiscrimination Policy.
3. It is a violation of this Nondiscrimination Policy for an Employee to enter into a Prohibited Consensual Relationship.
4. Examples of Prohibited Consensual Relationships include, but are not limited to, a supervisor and an employee in their chain of command; a faculty member and a student enrolled in their class; a counselor and a student they are advising; a resident advisor and a student in their building; a club advisor and club member.

Retaliation

Retaliation is intimidation, coercion, or discrimination against any individual for the purpose of interfering with their exercise of any rights under this Nondiscrimination Policy by:

- Reporting or filing a Complaint;
- Participating or refusing to participate in any manner in any Policy-related investigation or proceeding, including a hearing;
- Opposing conduct which was reasonably and in good faith believed to be in violation of this Nondiscrimination Policy;
- Assisting or participating in an investigation or proceeding under this Nondiscrimination Policy, regardless of whether the Complaint was substantiated; or
- Assisting someone else in reporting or opposing a violation of this Nondiscrimination Policy or assisting someone else in reporting or opposing Retaliation under this Nondiscrimination Policy.
  - For purposes of this definition, Retaliation includes conduct that would discourage a reasonable person from reporting or participating in a process provided for in this Policy, including threats, intimidation, coercion, reprisals, discrimination, and adverse employment or educational actions.
  - Peer Retaliation, which is defined as Retaliation by one Student against another Student, is also prohibited.
  - Retaliation may occur even when there is not a power or authority differential between the individuals involved.
  - The exercise of rights protected under the First Amendment does not constitute Retaliation prohibited under this definition.
  - Good faith actions lawfully pursued in response to a Complaint, such as gathering evidence, providing Supportive Measures, or disciplining Students or Employees found to be in violation of this Nondiscrimination Policy, without more, are not considered Retaliation.

Track 1 Prohibited Conduct Definitions

1. **Sexual Harassment** means conduct on the basis of Sex that satisfies one or more of the following:
   a. An Employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

   b. Unwelcome conduct determined based on the reasonable person standard to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to an Education Program or Activity.
2. **Sexual Assault** includes the following:
   a. **Rape** is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant. Rape also includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.
   b. **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.
   c. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
   d. **Statutory Rape** is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent. The definition of Affirmative Consent is that under Article VII.A.3 above.
   e. **Dating Violence** means physical violence or threat of physical violence committed by a person:
      i. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; **and**
      ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
         1. The length of the relationship.
         2. The type of relationship.
         3. The frequency of interaction between the persons involved in the relationship.
3. **Domestic Violence** means physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant.
4. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
   a. fear for their safety or the safety of others; or
   b. suffer substantial emotional distress.

See further information in California State University, Bakersfield sexual violence prevention and education statement, Title IX Notice of Nondiscrimination (which includes facts and myths about sexual violence), and Victim's Rights and Options Notice, at https://www.csub.edu/equity-inclusion-compliance/title-ix (https://www.csub.edu/equity-inclusion-compliance/title-ix/).

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. The university Title IX Coordinator is available to explain and discuss the university's complaint process, including the investigation and hearing process; the availability of reasonable supportive measures (both on and off campus regardless of whether the person chooses to report the conduct); the right to file a criminal complaint (for example, in cases of sexual misconduct); how confidentiality is handled; 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:
Allan Williams, Title IX Coordinator & DHR Administrator
9001 Stockdale Hwy, BDC 33
Bakersfield, CA 93311-1099
mcarleton@csub.edu
Phone: (661) 654-2713
Office hours: Monday-Friday (8AM-5PM)
Website: https://www.csub.edu/equity-inclusion-compliance (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/)

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. Interim CSU (https://calstate.policystat.com/policy/17650729/latest/) Nondiscrimination Policy – Student Respondent Procedure (https://calstate.policystat.com/policy/17650729/latest/) (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made against, other CSU students. CSU Nondiscrimination Policy – The Interim CSU Nondiscrimination Policy-Employee or Third-Party Respondent Procedures (https://calstate.policystat.com/policy/17650990/latest/) (or any successor procedures) are the systemwide procedures for all complaints of discrimination, harassment or retaliation made against the CSU, a CSU employee or a third party.

Duty to Report

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 their 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 university knows or has reason to know about possible sexual discrimination, harassment or misconduct, it must review the matter to determine if an investigation is warranted. The university must then take appropriate steps to eliminate any gender discrimination/harassment/misconduct, prevent its recurrence, and remedy its effects.

U.S. Department of Education, Office for Civil Rights (OCR):

(800) 421-3481 (National Headquarters); or (800) 877-8339 (TDD) or ocr@ed.gov (ocr@ed.gove) (National Headquarters) or (206) 607-1600 (Settle office for California Complaints), or OCR.Seattle@ed.gov (Seattle office)

If you wish to fill out a complaint form online with the OCR, you may do so using the OCR Electronic Complaint Form.

Safety of the Campus Community is Primary

The university's primary concern is the safety of its university community members. The use of alcohol or drugs never makes the victim at fault for gender discrimination, harassment or sexual misconduct; therefore, victims should not be deterred from reporting incidents of sexual misconduct 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 misconduct 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, students may face discipline at the university, up to and including suspension or expulsion and withholding of their degrees. Employees may face sanctions up to and including suspension, demotion or dismissal from employment, pursuant to established CSU policies and provisions of applicable collective bargaining unit agreements.

Students who are found responsible by the university with gender discrimination, harassment or sexual misconduct will be subject to discipline, pursuant to The Interim CSU Nondiscrimination Policy-Student Respondent Procedures (https://calstate.policystat.com/policy/17650729/latest/) for complaints made against a student and the California State University and Student Conduct Procedures (see the Student Conduct Procedures Policy, revised on August 14, 2020, or any successor policy) 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 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 work 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 services, 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 retaliation 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 the health practitioner provides medical services for a physical condition to a patient/victim who the health practitioner 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.

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 misconduct, dating or domestic violence, or stalking 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 crimes, 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 their identity be kept confidential, their name will not become a matter of public record. However, even if the victim requests confidentiality of identity, the University Police should specifically ask the victim if the victim's name can be provided to the Title IX Office so that the Title IX Coordinator can contact the victim to discuss supportive measures that can be offered. If a victim gives consent to law enforcement to provide their name to the Title IX Coordinator, their name will not become a matter of public record. Even if a victim does not give the police permission to provide their name to the Title IX Coordinator, University police will 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 incidents of sexual misconduct when they are on notice of it. When a victim tells the Title IX Coordinator or another university employee about an incident of sexual misconduct, 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 incidents of sexual misconduct directly to the university Title IX Coordinator. As detailed above, in the "Privileged and Confidential Communications" section of this policy, 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 incidents of sexual misconduct 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 violence incident except as otherwise required by law or university policy. A report of sexual misconduct may result in the gathering of extremely sensitive information about individuals in the university 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 their identity remain completely confidential, the Title IX Coordinator will explain that the university cannot always honor that request or 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

the Interim CSU Nondiscrimination Policy (or any successor policy) (https://www.calstate.edu/csu-system/administration/systemwide-human-resources/civil-rights/titleix/Pages/policies.aspx) for further details around confidential reporting, and other related matters.

Additional Resources

CSUB's sexual violence prevention and education statement, which includes facts and myths about sexual misconduct violence, at https://www.csub.edu/equity-inclusion-compliance/title-ix (https://www.csub.edu/equity-inclusion-compliance/title-ix/) or http://www.csub.edu/compliance/_files/myths.pdf.

U.S. Department of Education, regional office:

Office for Civil Rights
810 3rd Avenue, Suite 750, Seattle, WA 98104-1627
(206) 684-4505
TDD (800) 877-8339
OCRcivilrights@seattle.gov

U.S. Department of Education, national headquarters:

Office for Civil Rights
(800) 872-5327
OCR@ed.gov

VALORUS

1215 K. Street, Suite 1850
Esquire Plaza
Sacramento, CA 95814
(916) 446-2520

VALORUS website (https://www.valor.us/)

1. Domestic and Family Violence, Office of Justice Programs, United States Department of Justice: Intimate Partner Violence
2. National Institute of Justice: Intimate Partner Violence, Office of Justice Programs, United States Department of Justice
3. National Domestic Violence Hotline Website and phone number 1-800-799-SAFE (7233)
4. Office of Violence against Women, United States Department of Justice
5. Centers for Disease Control and Prevention: Intimate Partner Violence (http://www.justice.gov/archives/defendingchildhood/)

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.

- 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 *Career Services Center and/or Center for University Advancement* 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. 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 graduates of the university or graduates of all universities in the California State University system.

Changes of 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 designees of the California State University, or by the president or designees of the university. 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 university. 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 contract5 between the student and the university or the California State University. The relationship of students to the university 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 designess. Additionally, the California State University may, immediately and without notice, modify, alter, adjust or amend any rule, policy, activity or item contained in this catalog if a *force majeure* event occurs. *Force Majeure* events include, but are not limited to, (a) acts of God; (b) flood, fire, earthquake or explosion; (c) terrorist threats or acts, riot or other civil unrest; (d) government orders or laws; (e) judicial orders or rulings; (f) national or regional emergencies; (g) strikes, labor stoppages or slowdowns; (h) epidemic, pandemic or health outbreaks which may cause serious illness; (i) power or transportation disruptions; and (j) other similar occurrences beyond the reasonable control of the California State University.

FERPA
PRIVACY RIGHTS OF STUDENTS IN EDUCATION RECORDS

The federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) (FERPA) and regulations adopted thereunder (34 C.F.R. 99) set out requirements designed to protect students' privacy in their educational records maintained by the university. The statute and regulations govern access to certain student records maintained by the university and the release of those records. FERPA provides that the university must give a student access to most records directly related to the student and must also provide an opportunity to correct the records if the student believes the records are inaccurate, misleading, or otherwise inappropriate. The right to petition to correct a record under FERPA does not include the right to challenge the appropriateness of a grade determined by the instructor. In addition, FERPA generally requires the university obtain a student's written consent before releasing personally identifiable data pertaining to the student. The university has adopted a set of policies and procedures governing the implementation of FERPA and its regulations. Copies of these policies and procedures may be obtained at the Vice President for Student Affairs' Office. Among the information included in the university statement of policies and procedures is:

1. The student records maintained and the information they contain;
2. The university official responsible for maintaining each record;
3. The location of access lists identifying persons requesting or receiving information from the record;
4. Policies for reviewing and expunging records;
5. Student access rights to their records;
6. Procedure for challenging the content of student records; and
7. The student's right to file a complaint with the Department of Education, which enforces FERPA. The Department of Education has established an office and review board to investigate complaints and adjudicate potential FERPA violations. The designated office is: Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

FERPA authorizes that the university may release "directory information" pertaining to 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 the student attended. The university may release this "directory information" at any time unless the university has received prior written objection from the student specifying the information the student requests not be released. Written objections must be sent to Vice President for Student Affairs' Office ***FOR RECEIPT OF FERPA "OPT OUTS"***.

FERPA authorizes the university to provide access to student records without prior student consent to university officials, employees and others who have legitimate educational interests in such access. These persons include those with legitimate reasons to access student records to perform the university's academic, administrative or service functions, and those with a reason for accessing student records associated with their university or other related academic responsibilities. Student records will also be disclosed to the CSU Chancellor's Office to conduct research, to analyze trends, or to provide other administrative services. Student records may also be disclosed without prior student consent 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

Rights and Responsibilities of Students

Academic Integrity

The principles of truth and integrity are recognized as fundamental to our campus community. CSUB administrators, faculty, staff, and students are expected to honor and uphold these principles and in so doing protect the integrity of all academic work. A degree at CSUB is a product of our campus's commitment to ethical behavior, academic integrity, and academic excellence. When a violation of academic integrity occurs, it diminishes the value of that degree. Students at CSUB are expected to do all work assigned to them without getting or giving unauthorized assistance. Faculty have the responsibility of planning and supervising academic work so that honest effort is encouraged and positively reinforced.

Click this link to access the CSUB Undergraduate Academic Integrity Policy (https://www.csub.edu/deanofstudents/_files/UndergraduateAcademicIntegrity_Policy.pdf) and the CSUB Graduate Academic Integrity Policy (https://www.csub.edu/deanofstudents/_files/GraduateAcademicIntegrity_Policy.pdf)

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

University 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 university 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 university community and contribute positively to student and university life.

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. Misrepresenting one's self to be an authorized agent of the university or one of its auxiliaries.
   b. Forgery, alteration, or misuse of a university document, key, or identification instrument.
   c. Furnishing false information to a university official, faculty member, or university office.
   d. Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.
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 university 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 university 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 their 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 matte
   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.

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 (https://calstate.policystat.com/policy/8453518/latest/) Conduct Code (https://calstate.policystat.com/policy/8453518/latest/). [Note: At the time of publication, such procedures are set forth in the California State University Student Conduct Procedures Policy (https://calstate.policystat.com/policy/8453518/latest/) (Revised October 6, 2023).

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 university 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: University Emergency; Interim Suspension.

The president of the university 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 the student is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester, quarter, or summer session in which the student is suspended, no additional tuition or fees shall be required of the student on account of the suspension.

During periods of emergency, as determined by the president of the individual university, 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 of the CSUs 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 COPYRIGHT LAWS

Anyone who is found to be liable for copyright infringement may be liable for either the owner's actual damages along with any profits of the infringer or statutory damages of up to $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.) Under certain circumstances, willful copyright infringement may also result in criminal penalties, including imprisonment and fines. (See 17 U.S.C. §506 and 18 U.S.C.§2319.)