

## **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 AND UNLAWFUL HARASSMENT POLICY**

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

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

Upon receipt of a complaint alleging unlawful discrimination from applicants to, or participants in, any program administered by an approved University auxiliary organization, other than the Associated

Students Incorporated (ASI), the Office of the Provost shall promptly acknowledge receipt of the complaint in writing and refer the investigation and resolution of such complaint to the auxiliary organization.

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

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

**Informal Inquiry.** The intent of the informal inquiry process is to provide persons who are concerned that they might have a discrimination complaint with an opportunity to receive information and advice about the definition of discrimination, the legitimacy of their concerns, and the procedures that exist for resolving complaints. It seeks to provide an opportunity for an informal, yet fair, resolution of the inquiry, while preserving, to the greatest extent possible, the confidentiality of the parties involved in an atmosphere of mediation and conciliation. At any time during the informal inquiry and resolution process, the person making the inquiry may initiate a formal complaint.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

After review of the investigative report, the Provost, Director or Designee shall evaluate the evidence in accordance with University policies related to unlawful discrimination or harassment, and shall make a Finding of "Cause" or "No Cause" regarding the allegations. The Provost, Director or designee shall notify complainant in writing of the finding of "Cause" or "No Cause". Such notice shall inform the complainant of the outcome of the complaint, including sufficient detail so as to permit an informed decision as to whether to appeal the finding. The Provost, Director or designee may also notify other persons with a legitimate need to know. This information is to be treated as confidential and is not to be disclosed to third parties.

If the Provost, Director or designee finds "Cause", s/he shall also issue a separate recommendation regarding corrective actions. This may include individual remedies for the complainant or a range of

formal or informal disciplinary measures or other personnel actions. If it is determined that disciplinary charges should be initiated, disciplinary proceedings shall be conducted in accordance with the current applicable collective bargaining agreement or, for charges against administrators or other non-represented employees, appropriate University policies shall be utilized. Whenever any information concerning recommended corrective action in connection with allegations of discrimination is provided to the complainant, such information shall be provided on a confidential basis. Failure on the part of the complainant to respect confidentiality could result in civil action initiated by person(s) alleged in the complaint to have committed a discriminatory act.

Once a formal complaint has been filed, the University has an obligation to investigate complaints raising significant claims of discrimination and sexual harassment. However, in appropriate circumstances, and in the discretion and judgment of the President, Provost, or Director the complainant may withdraw a Complaint. The appropriate Office shall notify complainant of such withdrawal.

Following receipt of a finding, the student or the employee filing a complaint may seek to have the finding reviewed by the President. The issues raised on appeal shall be limited to those issues raised during the investigation. To secure an appeal, the student or the employee must file a written request no later than fourteen (14) days from the date on which he/she received the finding. The President or Appeals Designee shall consider the facts in support of the request and develop any additional facts deemed necessary. The President or Appeals Designee shall complete the review in a timely manner and shall prepare and provide a written decision to complainant, the Provost or Director and to those individuals who received a copy of the finding. The decision by the Appeals Designee shall be final.

An investigation shall be considered complete and the investigation shall be closed after the period has passed within which an appeal may be timely filed, if no appeal has been filed, or following a final decision by the President or Appeals Designee. A matter also may be closed administratively when the Provost or Director decides that further investigation is either impossible or unnecessary.

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

## OTHER PROVISIONS

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

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

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

**Race, Color, and National Origin.** The California State University complies with the requirements of Title VI and Title VII of the Civil Rights Act of 1964, as well as other applicable federal and state laws prohibiting discrimination. No person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program of the California State University.

**Disability.** The California State University does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs and activities. Sections 504 and 508 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and various state laws prohibit such discrimination. The Director of Services for Students with Disabilities (SSD) has been designated to coordinate the efforts of California State University, Bakersfield to comply with all relevant disability laws. Inquiries concerning compliance may be addressed to the Director at the SSD office located in SA 140, (661) 654-3360 (voice), (661) 654-6288 (td).

**Sex/Gender.** The California State University does not discriminate on the basis of sex, gender or sexual orientation in the educational programs or activities it conducts. Title IX of the Education Amendments of 1972 and certain other federal and state laws prohibit discrimination on these bases in education programs and activities operated by California State University, Bakersfield. Such programs and activities include admission of students and employment. Inquiries concerning the application these laws to programs and activities of California State University, Bakersfield may be referred to the Counseling Center, the campus officer(s) assigned the administrative responsibility of reviewing such matters or to the Regional Director of the Office for Civil Rights, United States Department of Education, 50 Beale Street, Suite 7200, San Francisco, California 94105.

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

**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.

**Confidentiality of Disability Related Student Records.** California State University campuses comply with the Family Education Rights and Privacy Act of 1974 (FERPA) and its regulations. Each CSU campus shall maintain appropriate confidential records identifying students with disabilities. Information in these records shall include the student's name, address, social security number, nature of disability, support services recommended, and verifying statement by the director of disabled student services or designee, or documentation provided by the student. The confidential records will be protected in accordance with FERPA regulations with the purpose of providing appropriate academic accommodations to the student. Information about the student may be released with the student's consent or in accordance with FERPA or other applicable legislation.

**Service Animal Policy.** According to the Americans with Disabilities Act (ADA), a service animal is defined as "any animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals to an impending seizure or protecting individuals during one, and alerting individuals who are hearing impaired to intruders, or pulling a wheelchair and fetching dropped items". Service animals must be permitted to accompany a person with a disability everywhere on campus or off campus as the activity (e.g. internship, field work, etc.) pertains to the curriculum. If there are any questions as to whether an animal qualifies as a service animal, a determination will be made by the Section 504 Compliance Officer/ADA Coordinator in consultation with the Office of Services to Students with Disabilities (SSD).

In compliance with the ADA, service animals are welcome in all buildings on campus and may attend any class, meeting, or other event. Disabled students desiring to use a service animal on campus should first contact SSD to register as a student with a disability. The Director of SSD (or designee) will evaluate the disability and recommend any additional accommodations appropriate to the functional limitations of the disability.

Faculty or staff desiring the use of a service animal on campus should contact the Office of Personnel Services. The Director of Personnel (or designee), in consultation with the Director of SSD (or designee), will evaluate the disability and make any appropriate recommendations.

Requirements of service animals and their owners include:

- Dogs must be licensed in accordance with county regulations and wear a vaccination tag.
- Other types of animals (monkeys, snakes, miniature donkeys, etc.) must have vaccinations appropriate for that type of animal.

- Animals must be in good health. Animals to be housed in university housing must have an annual clean bill of health from a licensed veterinarian.
- Animals must be on a leash at all times.
- The owner must be in full control of the animal at all times.
- The owner should provide SSD information as to how the animal accommodates for their disability.

Reasonable behavior is expected from service animals while on campus. If a service dog, for example, exhibits unacceptable behavior, the owner is expected to employ the proper training techniques to correct the situation.

The owners of disruptive and aggressive service animals may be asked to remove them from university facilities. If the improper behavior happens repeatedly, the owner may be told not to bring the service animal into any facility until they take significant steps to mitigate the behavior. This mitigation may include muzzling a barking dog, or refresher training for the animal and its owner.

Cleanliness of the service animal is mandatory. Daily grooming and occasional baths (at a vet or a family home) should keep dog odor to a minimum. Flea control is essential and adequate preventative measures should be taken. If a flea problem develops, it should be dealt with immediately and in an effective manner.

Consideration of others must be taken into account when providing maintenance and hygiene of service animals.

Any questions regarding this policy may be directed to either the SSD Office SA 140 (661) 654-3360 (voice) (661) 654-6288 (tdd), or to the Section 504 Compliance Officer/ADA Coordinator, Provost & Vice President of Academic Affairs.

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

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

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

Sexual harassment will not be tolerated by the university and may result in disciplinary action, up to and including termination or dismissal. Administrative personnel are available to answer questions or handle complaints by students, employees, student applicants or employee applicants. The names and office locations of sexual harassment counselors and respective administrative personnel are available in the



Counseling Center and the Office of Personnel Services. Any employee who believes that this policy has been violated should promptly report the facts of the incident(s) and the person(s) involved.

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

**University Alcohol and Illicit Drug Policy (Philosophical Statement).** CSUB recognizes that the abuse of alcohol and other drugs is detrimental to the educational mission of the University, as well as to individual members of the University community and their families. All members of the University community have a stake in ensuring that alcohol is used in a responsible manner. To achieve this end, CSUB has developed a comprehensive approach to address potential and/or problems of substance abuse. This approach emphasizes the following components:

- Taking effective steps to create and maintain an environment conducive to educational growth for students, faculty, and staff.
- Providing continual education, prevention, and intervention services along with referrals to community treatment facilities as needed.
- Encouraging students who are experiencing difficulties associated with alcohol and/or illicit drug use to seek an assessment, counseling, and other treatment services voluntarily with the understanding that assistance is confidential.
- Assessing university sanctions for the manufacture, distribution, use or possession of illegal drugs or the possession of alcohol which may include prosecution under applicable state and federal laws.

**Student Policy on Alcohol.** Only those university students 21 years of age or older may possess or consume alcoholic beverages at approved university-related functions or in designated locations on campus, and they must do so in a responsible manner. Students are expected to assume responsibility for their own behavior while drinking and must understand that being under the influence of alcohol in no way lessens their accountability to the university community.

- Students will not provide alcoholic beverages to anyone under 21 years of age.
- University-recognized student living units and events sponsored by university-recognized groups are governed by university policy concerning alcohol. Individuals and groups are expected to follow appropriate on-campus residential hosting guidelines.
- Alcoholic beverages may not be present at student organization recruitment efforts. The use of university funds to provide alcohol to students is prohibited.
- The intention to serve alcoholic beverages must be registered with the office or department administratively responsible for the facility or location where the event is to be held.

Violation of University policies concerning alcohol will result in appropriate disciplinary action. If a determination that a violation of the alcohol policy has occurred, by either an individual or a student organization, sanctions will be assessed. Such sanctions for a group or individual may include any of the following:

- Community Service
- Educational Sessions
- Denial of use of university facilities
- Social Probation
- Disciplinary Probation
- Revocation of recognition as a student organization
- Suspension from the university
- Expulsion from the university

If a determination is made that a student organization has violated the university alcohol policy, sanctions will be assessed by the Office of Student Activities. If a determination is made that a student is in violation of the university alcohol policy, sanctions will be assessed by the President or a designee.

In addition, if a determination that a violation of the alcohol policy has occurred by an individual student (group grievances are not permitted), that student has the right to file a nonacademic grievance. A student wishing to file a grievance should consult the Student Complaint and Grievance Procedure. Copies of the procedure are available in the Office of the Vice President of Student Services and the Office of the Dean of Academic Programs.

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

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

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

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

The Department of Public Safety is responsible for enforcement for all unlawful possession, use, 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.

### **PRIVACY RIGHTS OF STUDENTS IN EDUCATION RECORDS**

Federal Family Educational Rights and Privacy Act (FERPA) - 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 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 the Vice President for Student Affairs' Office. Among the types of information included in the campus statement of policies and procedures are: (1) the types of student records maintained and the information they contain; (2) the official responsible for maintaining each type of record; (3) the location of access lists indicating persons requesting or receiving information from the record; (4) policies for reviewing and expunging records; (5) student access rights to their records; (6) the procedures for challenging the content of student records; (7) the cost to be charged for reproducing copies of records; and (8) the right of the student to file a complaint with the Department of Education. The Department of Education has established an office and review board to investigate complaints and adjudicate violations. The designated office is: Family Policy Compliance Office, U.S. Department of Education, 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, department employed, student employee status, grade level, enrollment status, degrees, honors, and awards received, and the most recent previous educational agency or institution attended by the student. Students employed by a department and directory information for their employment status apply ONLY to those under the Unit 11 bargaining unit. 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 the Vice President for Student Affairs' Office.

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

### **STUDENT DISCIPLINE**

## **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.
  - (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 sanction 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 message.
- (F) Use of computing facilities and resources to interfere with normal University operations.
- (G) Use of computing facilities and resources in violation of copyright laws.
- (H) Violation of a campus computer use policy.

(16) Violation of any published University policy, rule, regulation or presidential order.

(17) Failure to comply with directions or, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.

(18) Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well being of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.

(19) Violation of the Student Conduct Procedures, including:

- (A) Falsification, distortion, or misrepresentation of information related to a student discipline matter.

- (B) Disruption or interference with the orderly progress of a student discipline proceeding.
- (C) Initiation of a student discipline proceeding in bad faith.
- (D) Attempting to discourage another from participating in the student discipline matter.
- (E) Attempting to influence the impartiality of any participant in a student discipline matter.
- (F) Verbal or physical harassment or intimidation of any participant in a student discipline matter.
- (G) Failure to comply with the sanction(s) imposed under a student discipline proceeding.

(20) Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

### **(c) Procedures for Enforcing This Code**

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

### **(d) Application of This Code**

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

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