CHAPTER FOUR
OFFICE OF THE PRESIDENT

420 EQUAL OPPORTUNITY

420.1 Administration

Under the general direction of the director of University Diversity and Inclusivity, the director of Equal Opportunity is responsible for implementing and maintaining employment policies and procedures that comply with applicable state and federal non-discrimination and Affirmative Action obligations, laws, and regulations.

420.2 Mission

The mission of the Office of Equal Opportunity is to expand, strengthen, and support inclusive excellence, and to increase respect for differences, multiculturalism, and collaboration within Cal Poly’s work and educational communities. In support of the Cal Poly mission, the Equal Opportunity staff members are committed to promoting a culture that values individual and organizational integrity, civility, and diversity.

In order to accomplish this mission, we:

- Ensure University adherence to Equal Employment Opportunity (EEO) laws and regulations;
- Serve as campus Americans with Disabilities Act (ADA) and Section 504 compliance officer, supporting the efforts of Cal Poly to comply with all relevant disability laws;
- Serve as campus Title IX Coordinator, overseeing Cal Poly’s handling of Title IX complaints, education and compliance efforts;
- Conduct investigations of alleged CSU or Cal Poly policy violations related to protected class status, whistleblowing, and/or other Equal Opportunity issues;
- Participate in campuswide efforts to increase inclusivity, assess and enhance campus climate;
- Provide direction on the implementation of the California Child Abuse and Neglect Reporting Act ("CANRA"), the requirement for mandatory reporting of child abuse and neglect; and
- Facilitate Conflict of Interest training, and assist with employee filings of the annual Form 700.

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

This policy applies to all members of the University community and everyone is expected to give the subject the serious attention it requires. Sexual harassment violates University policy, seriously threatens the academic environment, is contrary to law, and will not be tolerated. The University also will not tolerate sexually harassing conduct by a non-employee toward any member of the University community where the non-employee and the member of the University community are participating in University activities. Independent contractors, vendors, and others who do business with the University or on University premises are expected to comply with this policy, and the University will take appropriate action if they fail to do so.

420.4 Amorous Relationships between Students and Faculty or Instructional Staff Who Evaluate or Supervise

420.4.1 Positions of Authority

It is recognized that faculty or instructional staff hold positions of authority that involve the legitimate exercise of power over others. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power. The issue of appropriate and inappropriate relationships between students and faculty or instructional staff is very complex. It is the responsibility of Cal Poly faculty to maintain the highest standards of professional ethics. Cal Poly’s Faculty Code of Ethics and the American Association of University Professors Statement on Professional Ethics affirm that: “professors adhere to their proper roles as intellectual guides and counselors; they make every reasonable effort to assure that their evaluations of students reflect each student's true merit; and they avoid any exploitation of students.”

420.4.2 Academic Senate Resolution AS-471-96

On November 26, 1996, the Cal Poly Academic Senate adopted Academic Senate Resolution AS-471-96/SWC, Resolution on Amorous Relationships. On March 24, 1997, the resolution was approved by the President with a minor modification. This Policy was originally issued via Administrative Bulletin 98-1 to promulgate the policy, effective as of March 24, 1997.
References for CAP 420:

1. Date approved by the President: March 7, 2014
2. Effective Date: March 7, 2014
3. Responsible Department/Office: Equal Opportunity
4. Revision History: May 22, 2014 editorial name change.
5. Related University Policies, Procedures, Manuals and/or Documents:
   a. Equal Opportunity website.
   b. Campus Administrative Bulletin 98-1: Cal Poly Policy on Amorous Relationships Between Students and Faculty or Instructional Staff Who Evaluate or Supervise Them.
   c. CSU Executive Order 926, California State University Board of Trustees Policy on Disability Support and Accommodations.
   d. CSU Executive Order 929, Reporting Procedures for Protected Disclosure of Improper Governmental Activities and/or Significant Threats to Health or Safety (Whistleblower Complaints).
   e. CSU Executive Order 1058, Complaint procedure for CSU employees, former employees and applicants for specific CSU employment who believe they have been retaliated against for making a protected disclosure (Whistleblower Retaliation).
   f. CSU Executive Order 1072, Implementation of Title IX of the Education Amendments of 1972 and Related Sexual Harassment/Violence Legislation for CSU.
   h. CSU Executive Order 1074, Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students.
   i. Executive Order 1083, Systemwide policy which provides direction on the implementation of the California Child Abuse and Neglect Reporting Act ("CANRA") (Penal Code 11164-11174.3), the requirement for mandatory reporting of child abuse and neglect.
   j. Executive Order 1088, Reaffirms California State University’s commitment to maintaining and implementing employment policies and procedures that comply with applicable affirmative action laws and regulations. Previously, the Systemwide affirmative action policy was combined with the nondiscrimination policy in one executive order. For clarity, the two policies are now articulated in two separate executive orders. This executive order supersedes Executive Order 883 and articulates the Systemwide affirmative action policy.
   k. Executive Order 1089, Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Employees and Third Parties and Procedures for Handling Discrimination, Harassment and Retaliation Allegations by Employees and Third Parties.
m. [The CSU Systemwide Employment Discrimination Complaint Procedure](#), Outlines by unit/employee group which employment discrimination complaint policy (if any) applies to their group and the appropriate procedures.

n. [The California Political Reform Act of 1974](#), Requires the University to adopt and communicate Conflict of Interest (COI) codes. In addition, the code requires employees in designated positions to file a Statement of Economic Interest (Form 700) annually, and complete Ethics Training within 6 months of assuming office and every two years thereafter.
o. [AB 1825](#), California law requires that all employers with 50 or more employees provide supervisory employees with at least two hours of training on harassment prevention within 6 months of assuming their duties and every two years thereafter.

6. Laws, Regulations and/or Codes of practice referred to herein or related to this policy:
   b. [Title IX of the Federal Education Amendments of 1972](#): Title 20 U.S.C. Section 1681 et seq.
   i. The Federal statute prohibiting discrimination in employment against military service members and veterans, Title 38 U.S.C. Section 4311.
   j. [The California Fair Employment and Housing Act (FEHA)](#): California Government Code Section 12940 et seq.
   l. [The California Political Reform Act of 1974](#): California Code of Regulations Section 81000 et seq.
   m. California Government Code Section 12950.1.