

CHAPTER FOUR
OFFICE OF THE PRESIDENT

420 EQUAL OPPORTUNITY

420.1 Administration

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.

[CSU 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 Consensual Relationships

Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking subject to this policy.

Per CSU Executive Order 1096, A CSU Employee shall not enter into a consensual relationship with a Student or Employee over whom s/he exercises or influences direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, the campus shall develop a procedure to reassign such authority to avoid violations of this policy.

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: March 7, 2014, November XX, 2015 editorial changes only.
5. Related University Policies, Procedures, Manuals and/or Documents:
 - a. [Equal Opportunity website.](#)

- b. [CSU Executive Order 1095](#), Revised June 23, 2015: Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy
- c. [CSU Executive Order 1096](#), Revised June 23, 2015: Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide *Procedure* for Addressing Such Complaints by Employees and Third Parties.
- d. [CSU Executive Order 1097](#), Revised June 23, 2015: Systemwide *Policy* Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide *Procedure* for Addressing Such Complaints by Students.
- e. [CSU Executive Order 926](#), California State University Board of Trustees Policy on Disability Support and Accommodations.
- f. [CSU Executive Order 929](#), Reporting Procedures for Protected Disclosure of Improper Governmental Activities and/or Significant Threats to Health or Safety (Whistleblower Complaints).
- g. [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).
- h. [CSU Executive Order 1098](#), Revised June 23, 2015: Student Conduct Procedures, issued in response to the April 2011 “Dear Colleague” letter from the U.S. Department of Education Office of Civil Rights, addressing Title IX of the Federal Education Amendments of 1972.
- 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. The Federal Genetic Information Nondiscrimination Act (GINA): The CSU, in its [HR Technical Letter HR/EEO 2011-02](#), Summary of the mandates of the law provides a copy of the Federal Register, Part III, EEOC 29 CFR Part 1635, “Regulations Under the Genetic Information Nondiscrimination Act of 2008; Final Rule.”

- l. [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.
 - m. [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.
 - n. [CA Govt. Code Sec. 12950.1](#): 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:
- a. [Title VII of the Federal 1964 Civil Rights Act](#): Title 42 U.S.C. Section 2000 et seq.
 - b. [Title IX of the Federal Education Amendments of 1972](#): Title 20 U.S.C. Section 1681 et seq.
 - c. [The Federal Genetic Information Nondiscrimination Act of 2008](#): Title 42, U.S.C. Section 2000ff.
 - d. [The Federal Age Discrimination in Employment Act of 1967](#), Title 29 U.S.C. Section 633a(c).
 - e. [The Federal Rehabilitation Act](#), Sections 501, 502, 503, 504 and 508: 29 U.S.C. Section 791.
 - f. [The Federal Americans with Disabilities Act](#) of 1990, Titles I, II, III, and IV, and the ADA Amendments Act of 2008: 42 U.S.C. Section 12101 et seq.
 - g. [The Federal Family and Medical Leave Act](#) of 1993: Title 29 U.S.C. Sections 2611 – 2615.
 - h. [The Federal Pregnancy Discrimination Act](#): Title 42 U.S.C. Section 2000e(k).
 - 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.](#)
 - k. [The California Whistleblower Protection Act: California Government Code Section 8547.](#)
 - l. [The California Political Reform Act of 1974: California Code of Regulations Section 81000 et seq.](#)
 - m. [California Government Code Section 12950.1.](#)