

Protected Status: Disability. The California State University does not discriminate on the basis of disability (physical and mental) – as this term is defined in CSU 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. Kirsten Corey, Department of Human Resources, has been designated to coordinate the efforts of Fresno State to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to this person at 5150 N. Maple Avenue, M/S JA41, Joyal Administration Building 211, Fresno, CA 93740, 559.278.3929. CSU Executive Order 1097 Revised October 5, 2016 (<http://www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf>) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment, or retaliation *made by students* against the CSU, a CSU employee, other CSU students, or a third party.

Protected Status: Gender (or sex), Gender Identity (including transgender), Gender Expression and Sexual

Orientation. The California State University does not discriminate on the basis of gender (or sex), gender identity (including transgender), gender expression or sexual orientation – as these terms are defined in CSU policy – 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. Erin Boele, campus interim Title IX coordinator, has been designated to coordinate the efforts of Fresno State to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to this person at the Residence Atrium, 5152 N. Barton M/S RH82, Fresno, CA 93740, or by calling 559.278.2677. The California State University is committed to providing equal opportunities to male and female CSU students in all campus programs, including intercollegiate athletics. CSU Executive Order 1097 Revised October 5, 2016 (www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation *made by students* against the CSU, a CSU employee, other CSU students or a third party.

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

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

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

1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; **or**
2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; **or**
3. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as creating an intimidating, hostile or offensive environment.

Sexual harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework.

Sexual harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Executive Order 1097 covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the university community may begin as consensual, they may evolve into situations that lead to sexual harassment or sexual misconduct, including dating or domestic violence, or stalking, subject to this policy.

Claiming that the conduct was not motivated by sexual desire is not a defense to a complaint of harassment based on gender.

Sexual misconduct: All sexual activity between members of the University community must be based on affirmative consent. Engaging in any sexual activity without first obtaining affirmative consent to the specific activity is sexual misconduct, whether or not the conduct violates any civil or criminal law. Sexual activity includes, but is not limited to,