



CDU Anti-Discrimination\Harassment Investigation Definitions

Anti-Discrimination\Anti Retaliation

CDU has a zero tolerance for any form of discrimination and/or harassment including, but not limited to, discrimination and/or harassment on the basis of race, color, sex, sexual orientation, gender, gender identity, gender expression, age (over 40), physical handicap, disability, national origin, ancestry, marital status, medical condition, military or veteran status, genetics, or religion. CDU does not prohibit the use of any language unless such prohibition is required for business or academic purposes.

CDU supports, and is in compliance with, Title IV, Title VI, Title VII, Title IX, Clery Act, Violence Against Women Act, SaVE Act, Americans with Disabilities Act, California Fair Employment and Housing Act, and all other applicable State and Federal Statutes.

CDU will not retaliate against any employee, applicant, student or prospective student because they have engaged in protected activity.

Bystander Intervention

Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of rape, sexual violence, dating violence, domestic violence, sexual assault, or stalking. This includes recognizing situations of potential harm and understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

Confidentiality

Confidentiality means information shared by an individual with certain professionals cannot be revealed to any other entity without the express permission of the individual, unless required by law. These professionals include mental health and health care providers, ordained clergy, and attorneys (within established professional-client privilege), all of whom must keep information confidential by virtue of their professions and licenses. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or if a report involves suspected abuse of a minor under the age of 18. Confidential entities, like many other professions, including employees in higher education, are required by state law to notify Child Protective Services or local law enforcement in cases of suspected child abuse.

Consent

Consent is a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. There must be clear and unambiguous consent to sexual activity, each step of the way. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with

another. Consent can be withdrawn at any time. Coercion, force, or threat invalidates consent. In California only “Yes means Yes” is the standard.

Dating Violence

Violence committed by a person who is in a social relationship of a romantic or intimate nature with the victim.

Disability\Reasonable Accommodation

An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment.

Generally, a reasonable accommodation is one that effectively enables an employee to perform the essential functions of the job. The University need not provide a requested accommodation if to do so would pose an undue hardship. This determination is made on a case-by-case basis. The employee is responsible for providing medical documentation to assist in assessing the extent of the employee's functional limitations and facilitate the interactive process to determine possible reasonable accommodations.

Domestic Violence

Violent offenses committed by the victim's current or former spouse, current or former cohabitant, a person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Harassment

Verbal, emotional, or physical conduct related to a person's protected class that unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment.

Hostile Environment

Unwelcome conduct by an individual or individuals against another individual based upon her/ his protected class that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive.

Incapacitation/Impairment

Incapacity to evaluate or control conduct, because an individual is unconscious, asleep, intoxicated, or under the influence of other drugs or, for any other reason, physically, mentally or legally unable to communicate or grant consent.

Intimidation

Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, with or without displaying a weapon or subjecting the victim to actual physical attack.

Privacy

Privacy generally means information related to a report of alleged violation of CDU Policies, including but not limited to discrimination, bullying, harassment or sexual misconduct brought to the university's attention will only be shared with a limited number of persons who “need to know”, and only to the extent they “need to know”, in order to investigate, provide support for the

individual and to ensure safety for individuals and the community as well as legal compliance. The circle of people with knowledge of the situation will be limited as much as possible to preserve privacy and ensure safety.

Rape

In California the penetration, no matter how slight, of any body part by any body part or object, for sexual purposes, without consent. For Clery \VAWA\SaVE Act reporting purposes rape is defined by FBI UCR standards and is limited to anal and/or vaginal penetration.

Required Reporters

Required reporters include all employees of the university (full-time, part-time, faculty and adjunct faculty, full-time and part-time classified, administrative, management and executive staff, contract employees, and student employees) and volunteers working under the auspices (authority) of the university.

Retaliation

An individual's adverse action against another person because that person has filed a complaint or participated in an investigation.

Sex Discrimination

An umbrella term encompassing multiple types of actions involving the unfavorable treatment of an individual or a group of identifiable individuals based on sex, sexual orientation, gender, gender identification, or gender expression.

Sexual Exploitation

Occurs when a person or group of people takes advantage of another person by doing something sexual in a nonconsensual, abusive, or unjust manner. Examples include nonconsensual video or audio taping of a sexual activity, nonconsensual photography of a sexual nature, voyeurism, knowingly transmitting a sexually transmitted infection (STI) or HIV, or prostituting another person.

Sexual Harassment

One type of sex discrimination under Titles VII and IX and California Fair Employment and Housing Act (FEHA). The U.S. Department of Education's Office for Civil Rights (www2.ed.gov/ocr) states that sexual harassment is "unwelcomed conduct of a sexual nature." The term conduct is broadly construed and may include conduct that is verbal, physical, printed or electronic.

Sexual Violence

Conduct involving physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's incapacity. An individual's incapacity may arise from use of drugs or alcohol or individual conditions including intellectual or other disability.

Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress.