2025 ANNUAL FIRE SAFETY AND SECURITY REPORT

PITZER COLLEGE

JANUARY 1, 2024 - DECEMBER 31, 2024

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FROM THE PRESIDENT

Dear Pitzer College Community,

Pitzer's mission and core values call on each of us to work together to develop and enhance a safe, secure and supportive community and environment. One important step in that vital work is collecting and disseminating information and data around our policies, procedures and outcomes regarding the security and safety of our community. To that end, we are pleased to share with the Pitzer College community this year's *Annual Fire and Safety Security Report*. This report contains information about a range of policies and measures, at both the College and Consortium level, designed to enhance the safety and security of our community. It also provides statistics on crime and related campus violations and information around our educational efforts to combat alcohol and drug abuse.

Let us all deepen our commitment to each other in this important work. Thank you for taking the time to review this report in pursuit of a stronger Pitzer College.

Strom C. Thacker
President
Pitzer College

FROM THE DIRECTOR OF CAMPUS SAFETY

To the Pitzer College Community:

On behalf of the members of the Department of Campus Safety, I want to thank you for your attention to the Annual Fire Safety and Security Report. The Claremont Colleges Services (TCCS) Department of Campus Safety is staffed by dedicated security professionals who are committed around the clock to making Pitzer College and all of The Claremont Colleges (TCC) safe places in which to live, work, and study. Our commitment is to serve TCC by protecting individuals and property to the best of our ability while striving for excellence in all our endeavors.

Pitzer College and TCCS Department of Campus Safety publish this report because it contains valuable information for our campus community. This report also complies with important provisions of the Jeanne Clery Campus Safety Act. Campus safety and security, and compliance with the Clery Act, continues to be a part of everyone's responsibility at The Claremont Colleges. We encourage you to review the information made available to you in this report, where you will find information about our organization and descriptions of the services that we provide. As you read this report, you will also become more familiar with our strong commitment to victims of crimes and the specific extensive services we make available to crime victims. Lastly, very important information about security policies and procedures on our campus, crime data, and crime prevention information is included.

As a significant part of our campus-oriented public safety programming, we join Pitzer College in the commitment to foster a secure and supportive environment at TCC. Campus safety and security indeed requires a collaborative effort at TCC, and so we proudly partner with the many Departments at Pitzer College that have a critical role in fostering campus safety, including: the Dean of Students office, Senior Administrators, Campus and Residential Life, Facilities Management and other departments. It will always remain our goal to provide the highest quality of public safety services to The Claremont Colleges community and we are honored to collaborate with each of our campuses.

Desiree Flores

Interim Director of Campus Safety

A NOTE ABOUT THE CLAREMONT COLLEGES

The Claremont Colleges are a unique consortium of seven independent institutions including:

- Claremont Graduate University,
- Claremont McKenna College,
- Harvey Mudd College,
- Keck Graduate Institute,
- Pitzer College,
- Pomona College, and
- Scripps College.

Each has its own campus, administration, student body, faculty, trustees, curricular emphasis, and distinctive style and mission. They all, however, share the resources and services of a central coordinating body known as The Claremont Colleges (TCC). Under the auspices of TCC, Campus Safety and 17 other organizations provide support and services to TCC.

ANNUAL FIRE SAFETY AND SECURITY REPORT

PREPARATION OF THE ANNUAL FIRE SAFETY AND SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The Associate Dean for Residence Life and Community Standards at Pitzer College prepares this report to comply with the Jeanne Clery Campus Safety Act using policy information and crime data provided and maintained by:

- Campus Safety,
- Residence Life and Housing Services,
- Division of Student Affairs,
- Office of Discrimination, Harassment and Sexual Misconduct,
- Office of Human Resources and Payroll Services,
- Office of Facilities and Campus Services
- Office of Study Abroad and International Programs,
- Office of Academic Affairs and the Dean of Faculty,
- Campus Security Authorities, and
- Claremont Police Department.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings, or property owned, leased, or controlled by Pitzer College. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

The College distributes a notice of the availability of this Annual Fire Safety and Security Report (AFSSR) by October 1 of each year to every member of the College community. Pitzer College students, faculty, and staff will receive an email containing the link to the AFSSR and the document can be found on the Pitzer College and Campus Safety webpages. Current/prospective students and employees may view the document from the Pitzer College website (Pitzer College home page > Scroll to bottom of page> select Federal Compliance & Student Consumer Information link> Health, Safety and Security heading > **Annual Fire Safety and Security Report.**
A printed version may also be requested by emailing dsa@students.pitzer.edu.

REPORTING CRIMES AND OTHER EMERGENCIES

The College has several ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate College officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire College community that you immediately report all incidents to Campus Safety at 909-607-2000 to ensure an effective investigation and appropriate follow-up actions, including issuing a Timely Warning Notification or emergency notification.

VOLUNTARY, CONFIDENTIAL REPORTING

We encourage Pitzer community members to report crimes promptly and to participate in and support crime prevention efforts. The College community will be much safer if all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the College or criminal justice system, we ask that you consider filing a voluntary, confidential report. We also highly recommend this method for the accurate and prompt reporting of crimes to campus safety officers and appropriate police agencies when the victim of a crime elects to or is unable to make such a report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential reports allow the College to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Fire Safety and Security Report. In limited circumstances, the College may not be able to assure confidentiality, and you will be informed in those cases.

Anyone may call Campus Safety at 909-607-2000 to report concerning information. A caller's information may remain confidential.

Another step the College has made toward making reporting crimes easy and accessible is the "LiveSafe" app for smartphones. The LiveSafe app allows Pitzer students to submit tips and reports quickly and discreetly, access essential safety resources and information, and to use the "SafeWalk" feature that includes a location sharing option so friends can track your travel between points to ensure your safe arrival. LiveSafe is available for download on Android and iPhone for free at the app store.

REPORTING TO CAMPUS SAFETY

We encourage all members of the College community to report all crimes and other emergencies to Campus Safety in a timely manner. Campus Safety has a dispatch center that is available by phone at 909-607-2000 or in person 24 hours a day at the Claremont Colleges' Administrative Campus Center located at 101 South Mills Avenue. Though there are many resources available, Campus Safety should be notified of any crime, whether an investigation continues, to assure the College can assess all security concerns and inform the community if there is a significant threat to the College community.

All crimes can be called in to TCC Services Office of Campus Safety at (909) 607-2000. Callers who wish to remain confidential should share with the Dispatcher who answered the call that they wish to keep their name private. Campus Safety Dispatch will honor that request and not press the caller for their information.
However, please note that the Cisco IP Phones often records a phone number that Dispatch may call back if additional information is necessary. Should a Campus Safety Incident Report result from the phone call, the caller information will be written as "Jane Doe" or "John Doe".

EMERGENCY PHONES

The College has installed 17 interior and 26 exterior Stanchion or Wall Mounted Ringdown emergency phones throughout the College campus. Phones are located in public areas of buildings including parking lots, residence halls, elevators, administration buildings, and numerous outdoor locations. Emergency phones provide direct voice communications to Campus Safety. For more information regarding Pitzer College's emergency and preparedness procedures, please visit https://www.pitzer.edu/offices/facilities/emergency-preparedness/procedures

ANONYMOUS REPORTING

Anyone may share information anonymously through Campus Safety's Silent Witness Form available on the Campus Safety website at https://cuc.formstack.com/forms/silent_witness_incident_report. The form provides a user the opportunity to communicate directly with the Director of Campus Safety. It is not intended for reporting emergencies or crimes-in-progress. The user will submit a description of the event, date, time, and location of the event. Contact information is optional. Once all pertinent information has been disclosed, the user will click the 'submit' button, which in turn sends it directly to the Director of Campus Safety. By policy, Campus Safety does not attempt to trace the origin of the person who submits this form, unless such is deemed necessary for public safety.

Students, faculty, and staff may download the LiveSafe app from their mobile device for free. The app is available in the Apple app store https://itunes.apple.com/us/app/livesafe/id653666211 and in Google Play https://play.google.com/store/apps/details?id=com.livesafe.activities. Once downloaded, the user will find their institution by clicking on 'Manage Organizations' in Settings. Users can send an email, make a phone call, and send pictures to Campus Safety in real time from the convenience of their mobile device. It also provides the user with updated information regarding: Emergency Procedures, Sexual Assault Assistance, Health and Wellness Assistance, Student Life Resources, and Local Resources. All messages sent to Campus Safety through the LiveSafe app give the user the option to send the transmission anonymously by simply clicking the box that asks the user if they wish to remain anonymous.

REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES

While the College prefers that community members promptly report all crimes and other emergencies directly to Campus Safety at 909-607-2000 or 911, we also recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes certain College officials and offices as "Campus Security Authorities (CSA)." The Act defines these individuals as an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

While the College has identified over one hundred CSAs throughout Pitzer College and more have been identified when including TCC, we officially designate the following offices as places where campus community members should report crimes:

Office	**Campus Address**	**Phone Number**
Campus Safety	101 South Mills Ave.	909-607-2000
Human Resources	McConnell Center 310	909-621-8254
Division of Student Affairs	Scott Hall, 120 Suite	909-621-8241
Office of Residence Life & Housing Services, *including all Resident Directors and Resident Assistants*	E. Sanborn, C300	909-607-3900

PASTORAL AND PROFESSIONAL COUNSELORS

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by TCC to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. TCC has four Chaplains that work out of McAlister Center for Religious Activities of the Claremont Colleges. McAlister Center is located at 919 North Columbia Ave., and the Chaplains can be reached at 909-621-8685 or via email at chaplains@claremont.edu. As a matter of policy, the College encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential support, and options available.

The staff of Monsour Counseling and Psychological Services (MCAPS) consists of psychologists, marriage and family therapists, psychiatrists, post-doctoral fellows, and administrative staff who are committed to providing excellent mental health and psychological wellness service to the 5 undergraduate colleges of The Claremont Colleges. MCAPS can be found on the first floor of the Tranquada Student Services Center at 757 College Way. They can be reached at (909)621-8202. To reach the crisis line, please dial (909)621-8202 and press "1".

ABOUT THE TCCS DEPARTMENT OF CAMPUS SAFETY

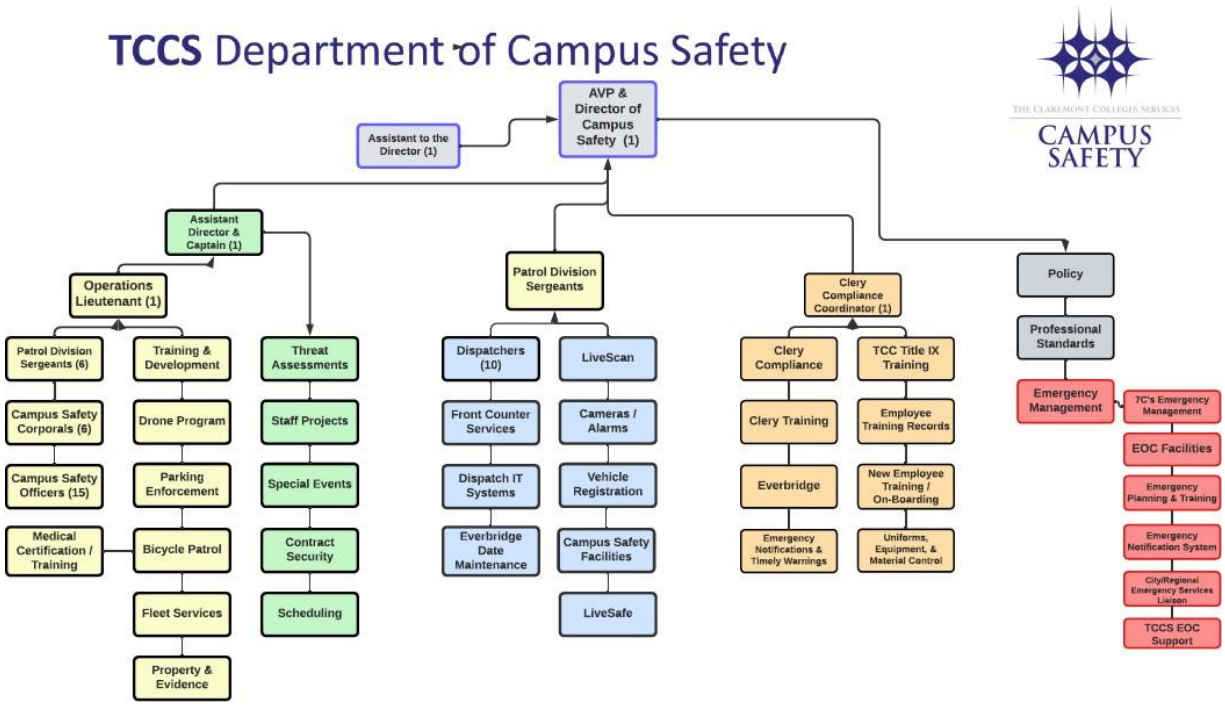
ROLE, AUTHORITY, TRAINING, AND JURISDICTION

TCCS Campus Safety protects and serves TCC community 24 hours a day, 365 days a year. Campus Safety is responsible for a number of campus safety and security programs that include Emergency Management, Community Safety, and Security Education, Physical Security, including security technology, Behavioral Threat Assessment, and Special Event Management. Other specific tasks include but are not limited to the following:

- First responders to emergencies of any kind.
- Protect the persons and property of students, faculty, staff, and visitors to TCC.
- Patrol by vehicle, electric carts, and on foot all campus streets, byways, and interior areas.
- Apprehend criminals.
- Provide first aid until the arrival of paramedics.
- Provide security and traffic control at parties, special events, and performances.
- Monitor fire alarms, intrusion alarms, theft alarms, panic alarm systems, and a variety of temperature alarms campus-wide.
- Enforce traffic and parking regulations.
- Take reports of crimes and incidents and forward them to the Claremont Police Department for investigation.
- Provide incident reports to student deans, maintain records of crimes, incidents, and reported activities for analysis purposes.
- Assist law enforcement and other emergency service providers as needed.
- Offer security survey/audit services to campus administrators.
- Provide security/crime prevention presentations to students and staff.

Campus Safety is led by the Director, and staffed by a Captain, Lieutenant, Sergeants, Dispatchers, full-time uniformed Campus Safety Officers, an Assistant to the Director, and a Clery Compliance Coordinator.

See the organizational chart on the next page.



Campus Safety officers are unarmed and have no police powers. Their arrest powers are identical to those of a private person, as provided in the California Penal Code section 837. Current certification requirements for the officers include Guard Registration, Basic Life Support for Health Care Providers, which includes CPR, First Aid, and AED. Officers are also trained in Blood Borne Pathogens, Baton usage, the administration of Oleoresin Capsicum (Pepper Spray), Auto Epinephrine Pen, Narcan (Naloxone), and receive various FEMA training. Select officers and supervisors receive Rape Aggression Defense (RAD) training, and Dignity Protection. Employees undergo continuous education and training to upgrade their skills. Campus Safety is not a police department but is responsible for law enforcement, security, and emergency response protocols at TCC. Campus Safety also provides support services tailored to meet the needs of the Colleges including, high visibility patrols to prevent and detect crime, responding to suspicious activity and crime reports, as well as respond to: medical emergencies, fire and intrusion alarms, traffic accidents, parking enforcement, and enforcement of College rules and regulations.

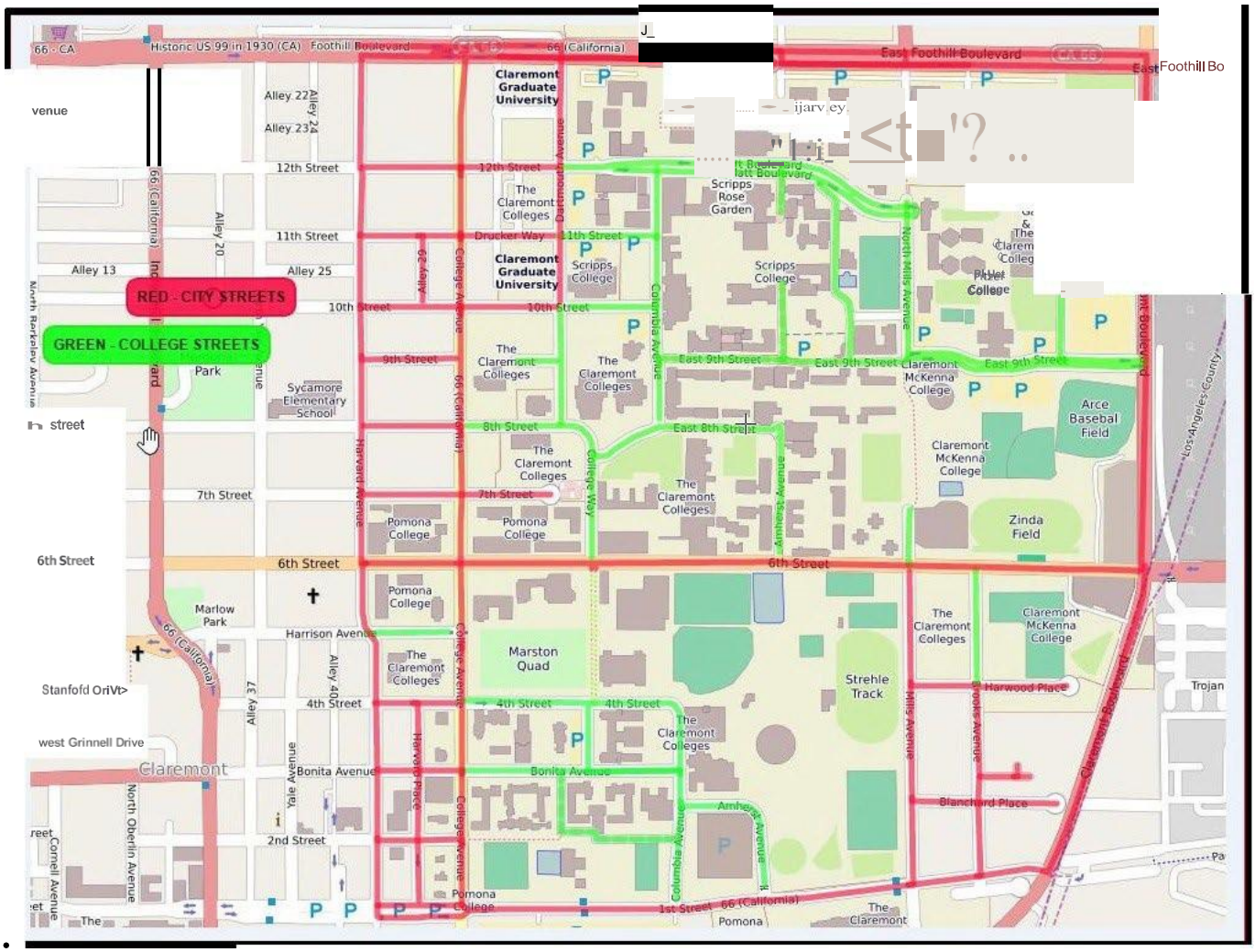
TCC contain both city streets and streets owned by the Colleges. However, all streets are considered public access. The map on the following page reflects the streets that are owned by the City of Claremont and those owned and controlled by TCC. However, all streets are considered public access. There are seven separate and distinct Colleges within TCC, with six of the Colleges sharing contiguous space. The Campus Safety perimeter patrol jurisdiction for the following Colleges: Claremont Graduate University, Claremont McKenna College, Harvey Mudd College, Pitzer College, Pomona College and Scripps College are Foothill Boulevard to the north, Claremont Boulevard to the east, First Street to the south and Harvard Avenue to the west. Additional details of the patrol jurisdiction for each campus are described below.

Claremont McKenna College (CMC) owns "The Pit," also known as the East Campus property, in 2020, which is currently undeveloped land. This parcel of land borders Foothill Boulevard to the north, Monte Vista Avenue to the east, Arrow Route to the south and Claremont Boulevard to the west. Pitzer sold our portion to Claremont McKenna College (CMC) in June 2021.

Claremont Graduate University, Harvey Mudd College, Pomona College, Scripps College, and TCCS own parcels of undeveloped land called the North Campus Property and is set back off Foothill Boulevard. One specific parcel of land within the North Campus Property is Pitzer College's Robert Redford Conservancy. All this land is bordered to the north by the backyards of residential housing not affiliated with the Colleges to the North, Mills Avenue to the east, Foothill Boulevard to the south, and the Rancho Santa Ana Botanical Gardens to the west. The Rancho Santa Ana Botanical Gardens are affiliated with TCC, although they are not owned or controlled by TCC.

Set back from the main street and north of Foothill Boulevard are the Claremont Collegiate Apartments (CCA), which were formally Claremont Graduate University housing. CCA is bordered by TCCS undeveloped land that was formerly a golf course to the north, the Rancho Santa Ana Botanical Gardens to the east, the former School of Theology campus, which is now owned and controlled by TCC, to the southeast, Via Los Altos to the southwest, and Via Zurita Street to the west.

The exception to this is Keck Graduate Institute, which does not reside on the same parcel of land as the other six Colleges. As of July 1, 2023, KGI has discontinued Campus Safety services and has chosen to handle this directly.



WORKING RELATIONSHIP WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT AGENCIES

TCCS Campus Safety works closely and cooperatively with the City of Claremont Police Department (CPD) and maintains a Memorandum of Understanding (MOU) with CPD and the Upland Police Department to ensure effective operational roles and responsibilities. The police are notified immediately and respond to: crimes against persons, violent crimes, major felonies, crimes involving a known or identified suspect, all private persons arrested on campus and are called when police presence and/or assistance is deemed appropriate for the situation. As appropriate, and in accordance with Uniform Crime Reports standards, crime reports initiated by Campus Safety may be forwarded to the police for investigation and mandated reporting. An MOU will be maintained on file at all times pursuant to the Kristen Smart Act.

In addition, Campus Safety staff assists local fire/paramedic personnel as well as other local and county, state, and federal law enforcement agencies when they respond to campus.

SAFETY, OUR NUMBER ONE PRIORITY

Pitzer College takes great pride in its ability to offer a wide array of services and offerings to students, staff and faculty. Our community is a great place to live, learn, work, and study; however, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in other communities. With that in mind, Pitzer College has taken progressive measures to create and maintain a reasonably safe environment on campus.

Though the College is progressive with its policies, programs, and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working, or visiting on campus. The following are precautionary measures for the safety of Pitzer College students, faculty, and staff:

- Exterior Residence Hall doors stay locked at all times. Entry is by ID card, using the card reader access system.
- Administrative and academic buildings are locked by custodial staff.
- Residence Halls are served by a central Residence Life Office (located in East Sanborn (C300). The hours may vary but will minimally cover 9:00 a.m. to 12:00 a.m. Sunday- Thursday and 9:00 a.m. to 2:00 a.m. Friday - Saturday. The office provides supplies to students and may answer questions for visitors.
- Mead Residence Hall roof doors are locked until open hours can be designated and voted on by the specific hall council that oversees the roof being discussed. There is no roof access in Pitzer, Atherton, Sanborn, West, East, or Skandera Residence Halls.
- Resident Assistants perform security checks in each residence hall to build community and observe student safety and building security.
- Access to residence hall basement storage/work areas is restricted to authorized staff with keys.
- Master keys are restricted. The incidence of lost keys has been reduced by the installation of Knox Boxes, which enable rapid building entry by Campus Safety and authorized staff. Pitzer, Atherton, Sanborn, West, East, and Skandera Halls students have room access built into their Pitzer ID card and Mead Hall students have suite access built into their Pitzer ID card, which can be quickly deactivated in the event the card is lost or stolen.
- Timely Warning Notifications are distributed campus wide in a timely manner to inform the campus community of crimes or suspected crimes that may threaten the safety of Pitzer students and employees.
- Regular trimming of trees and shrubbery is done to minimize concealment, ensure lighting effectiveness, and maintain good visibility near building entrances and exits.
- Exterior lighting has been increased throughout the campus.
- Building inspections for safety and security are performed continuously. Work orders are issued as needed.

CRIMES INVOLVING STUDENT ORGANIZATIONS AT OFF-CAMPUS LOCATIONS

Pitzer College relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Pitzer College students and recognized student organizations, on and off campus. In coordination with local law enforcement agencies, Campus Safety will actively investigate certain crimes occurring on campus. Claremont Police Department or other local law enforcement have jurisdiction off campus. If Campus Safety learns of criminal activity involving students or student organizations, it will coordinate with the Claremont Police Department to forward information about the situation to the Division of Student Affairs, as appropriate.

The College requires all recognized student organizations to abide by federal, state, and local laws, and College regulations. The College may become involved in the off-campus conduct of students when such conduct is determined to violate the law. The Pitzer College Code of Student Conduct Special Powers policy states that the College reserves the right to impose sanctions against students for conduct that may violate any federal, state, or local law on or off campus, even though such crimes may also be tried in the local courts. The Code of Student Conduct Special Powers policy is outlined in the Pitzer College Student Handbook, of which the current academic year's version can be found via the drop-down menu on the Pitzer catalog website: https://catalog.pitzer.edu/index.php.

As of the time of the publishing of this report, Pitzer College had no recognized off-campus student organizations.

TIMELY WARNING REPORTS

The purpose of this policy is to outline procedures TCC will use to issue Timely Warning Notices in compliance with the Clery Act.

A Timely Warning Notice will be issued in the event any of TCC institution receives notice of an alleged Clery Act reportable crime (identified below) occurring on campus, on public property within or immediately adjacent to one of the campuses of TCC, or in or on non-campus buildings or property controlled by any of TCCs, where the College determines, in its judgment, that the allegations present a serious or continuing threat to the TCC community. For purposes of this policy, "timely" means as soon as reasonably practicable, after an incident has been reported to: Campus Safety, one of the Campus Security Authorities (CSAs) identified by each College, or a local police agency. Determining which designated official from Campus Safety makes the decision is based on availability during a 24-hour cycle. Campus Safety maintains designated individuals throughout each 24-hour cycle who are trained in determining the need for issuing a Timely Warning Notification. These designated officials are the Director of Campus Safety and the Captain or Watch Commanders.

Whether to issue a Timely Warning Notice is determined on a case-by-case basis for Clery Act reportable crimes: arson, criminal homicide, burglary, robbery, sex offenses, aggravated assault, motor vehicle theft, domestic violence, dating violence, stalking, and hate crimes[1], as defined by the Clery Act. Timely Warning Notices also may be issued for other crimes as determined necessary by Campus Safety, the Dean on-call, or Senior Administrator on-call. TCCS Campus Safety/TCC will issue a Timely Warning Notice even if insufficient information is available if it is likely that there is an ongoing threat to the community.

The above individuals determine if an alert should be sent and are the senders of the notices. In determining whether to issue a Timely Warning Notice, the responsible individuals described above will consider any factors reflecting on whether the reported crime represents a serious or continuing threat to the TCC community, including, but not limited to, (a) the nature of the incident; (b) when and where the incident occurred; (c) when it was reported; (d) the continuing danger to TCC community; and (e) the amount of information known by TCC and TCCS Campus Safety. TCC will follow its Emergency Notification procedures upon the confirmation of a significant emergency or dangerous situation (including a Clery reportable crime), involving an immediate threat to the health or safety of students or employees occurring on TCC.

A Timely Warning Notice Decision Matrix/Timely Warning Notice Determination Form will be used in the decision-making process to document the decision to alert or not to alert the community. Once completed the form and any and all information related to the decision will be maintained by TCC for a seven-year period.

Timely Warning Notices will be distributed in various ways. A multi-modal integrated communications system for mass notifications is used to notify students and employees by way of text message to a mobile phone. Generally, notification will occur through the Everbridge system to all TCC students and employees. KGI discontinued Campus Safety services as of 7/1/2023 and has chosen to disseminate Timely Warning Notifications to their community directly.

[1] A hate crime is a criminal offense including: murder and non-negligent murder, forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny theft, simple assault, intimidation, destruction/damage/vandalism of property, domestic violence, dating violence, or stalking incidents, where the criminal offense was committed against a person or property, which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, or ethnicity/national origin.

The Timely Warning Notice will typically include, to the extent known, the date, time, and nature of the offense, a brief overview of its particular circumstances, a physical description of the actor(s), law enforcement's immediate actions, a request and method for witnesses to contact local law enforcement, and, where applicable and appropriate, cautionary advice that would promote safety. In **no instance** will a Timely Warning Notice include the name of the victim or other identifying information about the victim. In developing the content of the Timely Warning Notice, Campus Safety will make all reasonable efforts not to compromise on-going law enforcement efforts. Campus Safety will document and retain the justification for determining whether to issue a Timely Warning Notice for a seven-year period.

Anyone with information about a serious crime or incident is encouraged to report the circumstances to Campus Safety by phone at 909-607-2000 or from campus phones at ext. 72000 and in person at 101 S. Mills Ave. If a report is made to another TCC official, those officials should immediately notify Campus Safety.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

EMERGENCY MANAGEMENT AT PITZER COLLEGE

The Emergency Operations Committee is responsible for Pitzer College's Emergency Procedures. This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines for Higher Education that includes preparedness, planning, mitigation, response, and recovery actions.

Our priorities are:

- Life safety, infrastructure integrity, and environmental protection during an emergency, and
- Cooperation, integration, and mutual aid with local, state, and federal planning, response, and public safety agencies and their emergency plans.

A summary of the College's emergency response procedures is located on our Emergency Procedures page. Included at this web page is detailed information regarding the College's emergency notification policy, including a link that outlines our emergency procedures for earthquake, fire, bomb threat, lockdown, and medical. Our Emergency Procedures protocol has been distributed to every residence hall room, classroom, and office across campus.

DRILLS, EXERCISES AND TRAINING

Annually, the College conducts an emergency management exercise to test emergency procedures. The scenarios for these exercises change from year-to-year and include several campus departments.

To ensure the College's emergency management plans remain current and actionable, the College will conduct an emergency management exercise, at minimum once yearly. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises. The College conducts after-action reviews of all emergency management exercises. All seven residence hall complexes at Pitzer College conduct a drill each fall and spring to ensure that students know how to evacuate the buildings, know the initial evacuation site, and permanent evacuation site.

In conjunction with at least one emergency management exercise each year, the College will notify the campus.

EMERGENCY NOTIFICATION

Everbridge is an emergency notification service available to students, faculty, and staff. Everbridge can be used to send emergency messages within minutes of the occurrence of an incident. Pitzer College performs a College-wide annual test of the Everbridge system.

Pitzer College is committed to ensuring the campus community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members

Updating Contact Information for Everbridge Notifications

- **Faculty and Staff:** Faculty and staff contact information is loaded into Everbridge through the Workday system. Faculty and staff can update their contact information in Workday.
- **Students:** Student contact information is loaded into Everbridge through the student information system. Students can update their contact information by updating the **Student Contact Information form** in the Registrar's Office.

PROCEDURES USED TO NOTIFY THE CAMPUS COMMUNITY

In the event of a situation that poses an immediate threat to members of the campus community, the College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of emergency notification to all or a segment of the campus community. These methods of communication include the Everbridge mass notification system, the College's email system, and a verbal announcement from the emergency ring down phones. The College will post updates during a critical incident on the homepage. If the situation warrants, the College will establish a telephone call-in center to communicate with the College community during an emergency that will be posted on our emergency website https://www.pitzer.edu/emergency/.

DETERMINING THE APPROPRIATE SEGMENT OR SEGMENTS OF THE CAMPUS COMMUNITY TO RECEIVE AN EMERGENCY NOTIFICATION

The Claremont Colleges are a consortium of seven separate and distinct Colleges that share a multitude of social, residential, dining, and academic programs, among other services. Due to the nature of our configuration, once a significant emergency or dangerous situation occurring on one of the campuses has been established, and an emergency notification is deemed necessary, it is disseminated via text message to all seven-College students and employees enrolled in the Everbridge emergency management system. KGI discontinued Campus Safety services as of 7/1/2023 and has chosen to disseminate Emergency Notifications to their community directly.

Depending on the nature of the emergency, Campus Safety may work with TCCS Communications and the Claremont Police Department to issue subsequent notifications to a wider group of local community members. In addition, Pitzer College maintains an emergency information and preparedness webpage (https://www.pitzer.edu/emergency/). In the event of an emergency, this webpage will be used to provide timely information for students, parents, faculty, staff, and other members of the College family. The webpage is updated as new information becomes available.

PROCEDURES FOR DISSEMINATING EMERGENCY INFORMATION TO THE LOCAL COMMUNITY

Pitzer College is committed to providing a safe environment for everyone. In the event of an emergency facing the Pitzer College campus, there is a webpage designed to provide timely information for students, parents, faculty, staff, and other members of the College family. It would be updated regularly as new information becomes available.

In the case of an emergency, Pitzer College would communicate to the Pitzer College community via the link below, College email address, mobile phone, and campus broadcast system.

The link to view updated emergency information is https://www.pitzer.edu/emergency/.

ENROLLING IN THE COLLEGE'S EMERGENCY NOTIFICATION SYSTEM

Pitzer College uses Everbridge as our mass notification system for quickly disseminating emergency information to the community. All staff and faculty are automatically enrolled in the emergency notification system during onboarding. All active students are automatically enrolled in the emergency notification system as well. Student information is updated in CX by the Office of the Registrar. Parents and guardians are not currently enrolled in Everbridge at Pitzer, but it is a function we hope to incorporate soon.

SECURITY OF AND ACCESS TO COLLEGE FACILITIES

At Pitzer College, all administrative and academic buildings are open Monday through Friday from 8:00 a.m. until 10:00 p.m., during the academic year. Academic buildings are scheduled to be open on weekends only as needed. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there. Likewise, access to most programs is limited to those enrolled in the program or otherwise authorized access. All residence hall exterior doors are always locked and can only be accessed by authorized users.

Many athletic events held in the Pomona-Pitzer facilities are open to the public. Other Claremont Colleges facilities such as the bookstore and library are likewise open to the public. Only those who have demonstrated a need are issued keys to a building.

SPECIAL CONSIDERATIONS FOR RESIDENCE HALL ACCESS

Pitzer College is very concerned about the safety and welfare of all students, employees, and visitors, and is committed to providing a safe and secure environment. In addition to services provided by Campus Safety, Pitzer has precautionary measures in place intended to enhance the quality of life and to assure the safety and security of the students, faculty, and staff.

The Associate Dean for Residence Life and Community Standards and the Assistant Dean & Director of Housing and Conference Operations are the College officers responsible for the residence halls. A Dean or a professional staff member is always on-call, 24 hours a day, seven days a week during the academic year. All residence halls are served by live-in Residence Directors (RDs) and Resident Assistants (RAs) who are always available and/or on-call throughout the school year and breaks to supervise and help govern residence life.

At the College, all exterior residence hall doors operate under Blackboard, a computerized access control and security monitoring system. Identification cards are coded so that all students are authorized electronic access entry to all residence hall exterior doors. The system denies entry to all unauthorized persons. Individual room doors in WES and PAS Halls and unit doors in Mead Hall are programmed through Onity, and only authorized occupants of that specific room are granted access. Resident Assistants, through nightly security checks, are responsible for checking and securing doors, when needed. When a door is malfunctioning, Facilities personnel are summoned for immediate repair by calling Campus Safety and requesting to speak to the Facilities staff member on-call. Many residence hall student rooms and Faculty In-Residence/professional staff apartment exterior doors are equipped with deadbolts.

Only residents and their invited guests are permitted in the living areas of the residence halls. It is the resident's responsibility to ensure that their guest is aware of the College and residence hall policies. Guests are not provided with room keys or door access cards. Guests should be escorted by a resident of the building at all times. All exterior doors are locked 24 hours a day. It is the responsibility of residents and staff members to remain aware of their surroundings and report individuals who cannot be identified as residents or the guests of residents. When Campus Safety receives a report of an unescorted person in a residence hall, an officer is dispatched to identify that person. Campus Safety has personnel assigned to monitor TCC property 24 hours a day, 7 days a week, and 365 days a year. During low-occupancy periods such as holidays and scheduled breaks where the residence halls remain open, students are asked to remain mindful of their surroundings and report any suspicious behavior immediately. During the summer when groups who are not regularly associated with Pitzer College are using the College residence halls, exterior doors are locked 24 hours a day. Each guest is issued an electronic key card and/or physical key by the Office of Residence Life and Housing Services that allows summer groups to gain access to only their assigned building via the electronic access control system. Residence Halls are staffed 24 hours per day. Campus Safety personnel also conduct regular checks of residence hall areas.

SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF CAMPUS FACILITIES

Pitzer College is committed to campus safety and security. At the College, landscaping and outdoor lighting are designed with safety and security in mind. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building.

The Facilities Office, in conjunction with representatives from the Division of Student Affairs, Campus Safety, and student leaders, conducts surveys of College property once each year to evaluate campus lighting.

We encourage community members to promptly report any security concerns, including concerns about locking mechanism, lighting, or landscaping to Campus Safety or the Division of Student Affairs.

PITZER COLLEGE HAZING POLICY

Hazing Policy Statement

Hazing can be psychologically and/or physically harmful to individuals, can damage organizations and teams, and undermine the educational mission and values of Pitzer College. Hazing is strictly prohibited by Pitzer College policy and California state law (Sections 32050 & 32051 of the California Education Code and Sections 245.6 ("Matt's Law") & 48900 q of the California Penal Code). No student, College employee or volunteer, student organization, or athletic team, shall conduct or condone hazing activities. Violations of this policy will result in disciplinary action. If you have knowledge of hazing or potential hazing activities, you should contact the Dean of Community Life staff who will investigate and take action to stop the conduct. Reporting options include:

- Email conduct@pitzer.edu
- Fill out the Pitzer Incident/Informational Report form

Hazing Defined

Any act or the creation of a situation that tends to endanger the mental or physical health or safety of a student; an act or the creation of a situation which tends to humiliate or degrade a student; or an act or creation of a situation which destroys or removes public or private property when these are part of initiation, admission into, affiliation with or continued membership in a group or organization. An act or a situation becomes hazing when an organization creates a dangerous, illegal, or humiliating situation and exposes students to it.
Hazing often involves a level of coercion; an individual being hazed may not feel they can opt out of participation because of peer pressure or a desire to belong or "fit in" to the group.
Because of the socially coercive nature of hazing, this definition of hazing applies whether or not the participants consent to such activity or perceive the activity as "voluntary."
Hazing does not include actions or situations that are part of officially sanctioned and supervised College activities such as athletic training and conditioning.
An individual can be responsible for violating this policy for soliciting, directing, aiding, or otherwise participating actively or passively in activities which violate this policy.

Examples of Hazing

Hazing activities often involve alcohol; however, activities need not involve alcohol to violate this policy. Common examples of behaviors that can be hazing include, but are not limited to, the following:

- Shaving, tattooing, piercing or branding
- Engaging in or simulating sexual acts
- Threatening to physically restrain someone or actually restraining them
- Assigning unreasonable chores or acts of servitude

- Causing excessive exercise, sleep deprivation or excessive fatigue
- Interfering with an individual's personal hygiene
- Requiring the wearing of specific apparel or acting in a way that is conspicuous and may cause the individual embarrassment or ridicule
- Degrading or humiliating games and activities, including paddling
- Activities that would unreasonably interfere with students' other activities or obligations (academic, extracurricular, family, religious, etc.)
- Physical threats or abuse of any kind including throwing objects or substances at an individual
- Encouraging or requiring a person to consume alcohol, drugs, or foreign or unusual substances, including consumption of large quantities
- Encouraging the use of alcohol or illegal drugs
- Forcing a student into a violation of the law or College policy such as indecent exposure, theft, or trespassing

Hazing Investigation

Once a report of hazing allegations has been received by campus personnel, staff Pitzer's Office of Community Life and Office of Discrimination, Harassment & Sexual Misconduct will review the specifics of each allegation and move forward with an investigation per the policies laid out in the Pitzer DSHM and/or TCC Title IX policies. If an allegation does not rise to the level of a DHSM or Title IX violation, the alleged behavior will be investigated utilizing Community Standards processes as laid out in the Pitzer Code of Student Conduct Section II. Judicial Authority.

The College will use a "reasonable person" standard when evaluating such conduct and its potential effects. Determining whether a particular activity constitutes hazing will depend on the circumstances and context in which that activity occurs. Some key questions that are used to evaluate whether an activity is hazing include:

- Was a person or group being singled out because of their status with the group or team?
- Was there a risk of physical or psychological discomfort or harm as a result of the activity? Was the activity demeaning, abusive, or dangerous?
- Was there a level of coercion and/or peer pressure involved? How easily was someone able to opt out of the activity?
- Did the current members refuse to do what the new members were asked to do?
- Did the activity or activities interfere with the participants' other activities or obligations (academic, extracurricular, family, religious, etc.)?
- Was alcohol involved?
- Was there a sexual element to the activity?
- Did any activities violate College policy or federal, state or local law?

Hazing Prevention & Awareness Statement

How to Avoid Hazing

There are many positive ways to welcome new members into a group or team. Team coaches or the Dean of Community Life staff can assist you in identifying such activities which can help build cohesiveness and foster teamwork. When you are considering an activity associated with membership in an organization or team ask yourself: Would you feel comfortable describing the activity to others (parents, grandparents, College official, law enforcement, etc.)? If you would be hesitant to describe the activity to others, then the activity may constitute hazing and the group would be best served in participating in a different activity.

If you have knowledge of hazing or potential hazing activities, please utilize any of the following methods of reporting so that College staff can investigate and take action to stop the conduct:

- Email Pitzer Community Standards Office at conduct@pitzer.edu
- Email Pitzer's Title IX & VI Office at title_ix@pitzer.edu
- Fill out the Pitzer Incident/Informational Report Form
- Fill out the Pitzer Student of Concern Referral Form

Hazing Prevention Trainings and Programs

Date	Topic	Audience
Aug/Sept 2024	Catharsis Hazing Prevention training	Athletics

NON-DISCRIMINATION

Pitzer College adheres to both the letter and the spirit of Equal Employment Opportunity and Affirmative Action. It does not discriminate on the basis of race, color, creed, religion, national or ethnic origin, sex, gender, gender identity, gender expression, age, sexual orientation, marital status, pregnancy, physical or mental disability, medical condition, family care leave status, veteran status, or any other category protected by law, in the administration of its admission policies, educational policies, scholarship and loan programs, athletic and other College-administered programs, and employment policies.

Pitzer College's Non-Discrimination policy can be found on the Career Services webpage at https://www.pitzer.edu/offices/career-services/employers/employer-policies-and-guidelines

Pitzer College's discrimination and harassment policies and complaint procedures were approved by College Council on April 17, 2014, effective July 1, 2014. The policy was updated July 26, 2016, was revised and approved by President Oliver on July 12, 2018. Pitzer College also adopted The Claremont Colleges' (TCC) Interim Title IX Policy, effective on August 14, 2020 and revised on August 18, 2020. TCC's Interim Title IX Policy governs formal complaints of sexual harassment involving conduct alleged to have occurred on or after August 14, 2020, and which meet the Title IX regulatory definition of sexual harassment. The policy was revised on August 20, 2022

PITZER COLLEGE'S DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT POLICIES AND PROCEDURES AND TITLE IX POLICY AND PROCEDURES

INCLUDING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

Pitzer College

Discrimination, Harassment and Sexual Misconduct Policies and Procedures
Introduction

I. Jurisdiction

The Discrimination, Harassment, and Sexual Misconduct Policies and Procedures set forth in this Document apply to all Pitzer College (hereafter referred to as "College") faculty, staff, and students. This Document also applies to third parties (such as campus visitors or vendors) who may have contact with members of the College community either on the College's campus or at other College events and programs. If the alleged perpetrator (hereafter referred to as "Respondent") is an employee or student from one of the other Claremont Colleges or the Claremont University Consortium, the College will investigate the matter and take steps to stop the conduct and remedy its effects to the extent reasonably possible. However, the complaint or other relevant procedures for any disciplinary action against the Respondent will be those of the Respondent's home institution. If the Complainant is an employee or student from one of the other Claremont Colleges or the Claremont University Consortium, the complaint procedures set forth in this Document will prevail.

The complaint procedures set forth in this Document are administrative in nature and are separate and distinct from the criminal, civil, and administrative legal systems. Pursuing resolution through these procedures does not preclude someone from pursuing legal action at the same time or in the future. If the conduct in question is alleged to be a violation of both College policy and State or Federal law, the College will proceed with its normal process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these or other College procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent.
Throughout the complaint, investigatory, hearing, appeal, and/or disciplinary process, the College will maintain its authority to take action to ensure campus safety.

II. Authority

The disciplinary authority of Pitzer College originates in the Board of Trustees and has been delegated to the President. The President has designated the Senior Director of Discrimination, Harassment, Sexual Misconduct (DHSM) & Title IX to oversee the administration of the policies outlined in this Document, including Discrimination, Harassment, and Sexual Misconduct and the complaint procedures for resolving complaints of violations of the Civil Rights Policies, detailed below. Changes to the policies and procedures in this Document may be made with the approval of the Board of Trustees and/or the President.

Complaint Officers

Senior Director of Discrimination, Harassment, Sexual Misconduct & Title IX Coordination:

Christine R. Guzman, PhD, LCSW

Phone: 909-607-2958
E-mail: Christine_guzman@pitzer.edu

Madeline Hisamoto, Title IX Deputy Coordinator
Email: Madeline_Hisamoto@pitzer.edu

Students: Division of Student Affairs
Andres Fernandez, Vice president of Student Affairs and Dean of Students
Scott Hall 123
Phone: 909-607-7356
Email: Andres_Fernandez@pitzer.edu

Faculty:
Chawne Kimber, Vice President for Academic Affairs & Dean of Faculty
Phone: 909-621-8218
E-mail: chawne_kimber@pitzer.edu

Staff and Third Parties:
Deanna Caballero, Associate Vice President of Human Resources and Payroll Services
Phone: 909-607-8533
E-mail: deanna_caballero@pitzer.edu

III. General Policy Statement

Pitzer College seeks to maintain an environment of mutual respect among all members of its community. All forms of harassment and discrimination on the basis of sex, gender identity and expression, pregnancy, religion, creed, color, race, national or ethnic origin, ancestry, sexual orientation, medical condition, physical or mental disability, age, marital status, veteran status, family care leave status, or any other basis described in this Document or otherwise prohibited by state or federal law destroy the foundation for such respect and violate the sense of community vital to the College's educational enterprise. Sexual misconduct offenses are a form of sexual harassment and are strictly prohibited by the College. Retaliation against a person who reports, complains about, or participates in the investigation of a complaint of discrimination, harassment, and/or sexual misconduct is likewise prohibited.

This policy strictly prohibits discrimination against, or the harassment of, any individual at the College or at college activities occurring away from campus, including but not limited to all individuals regularly or temporarily employed, studying, or with an official capacity at Pitzer College (such as Trustees, guest lecturers, volunteers, and contractors). Persons violating this policy will be subject to disciplinary action up to and including discharge from employment or expulsion from the College.

It is the responsibility of all faculty, staff, and students at the College to ensure compliance with this policy. Accordingly, faculty, staff or students who believe they are being harassed, discriminated, or retaliated against, have observed harassment of, discrimination, or retaliation against, another person at the College in violation of this policy, or believe such conduct has occurred, should immediately report the incident following the complaint reporting procedures below.

Because harassment, discrimination, and retaliation can also constitute violations of federal and state law (Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and/or the California Fair Employment and Housing Act ("FEHA") Section 12940, et seq. of the California Government Code), individuals who feel that they have been subjected to harassment or discrimination may, in addition to notifying the College by using the complaint reporting procedures below, file a complaint with the appropriate state or federal agencies. Such complaints may be filed with the California Department of Fair Employment and Housing

("DFEH") or the comparable federal agency, the Equal Employment Opportunity Commission ("EEOC"). Complaints may also be filed with the federal government's Office of Civil Rights ("OCR").

The faculty and other academic appointees, staff, and students of Pitzer College enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This policy is intended to protect members of the College community from discrimination, not to regulate protected speech. This policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. The College also has a compelling interest in unfettered inquiry, the collective search for knowledge, and ensuring that faculty base their decisions about teaching, both inside and beyond the classroom, on their knowledge and best professional judgment. The College thus affirms, and indeed embraces, principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member, or of the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom do not protect conduct (inclusive of speech) that violates federal or state anti-discrimination laws.

In addition, consistent with California Education Code Section 94367, the definition of harassment contained in this policy and its application to student speech shall be subject to the limitations of the First Amendment to the United States Constitution and Article 1, Section 2 of the California Constitution.

Last updated 9/18/18

Civil Rights Related Policies

I. Statement on Non-Discrimination, Equal Opportunity, and Related Laws

Pitzer College does not discriminate on any illegal basis in the administration of its admission, educational, or employment policies and practices, nor in the recruitment, training, promotion, financial support, or compensation of its faculty, students, or staff. The College complies with all applicable state and federal laws, including, but not limited to:

1. Title IX of the Higher Education Amendments of 1972;
2. Title VI of the Civil Rights Act of 1964
3. Title VII of the Civil Rights Act of 1964;
4. California Fair Employment and Housing Act ("FEHA");
5. California Unruh Civil Rights Act;
6. Family Educational Rights and Privacy Act of 1974;
7. Section 504 of the Rehabilitation Act of 1973;
8. Americans with Disabilities Act (the "ADA");
9. Age Discrimination in Employment Act of 1967, as amended by the Older Worker's Benefit Protection Act ("ADEA");
10. Any other applicable federal, state, or local law addressing nondiscrimination and/or equal employment opportunity.

Inquiries about applying Title VI and Title IX to this institution should be referred to Christine Guzman, Sr. Director DHSM & TIX (chrisg@pitzer.edu; 909-607-2958). Inquiries about the application of all other laws referenced in this section should be referred to the Associate Vice President for Human Resources and Payroll Services, Deanna Caballero (Deanna_Caballero@pitzer.edu; 311 McConnell, 909-607-8533).

Students: For specific inquiries concerning potential accommodation of disabilities, pursuant to the ADA, Section 504 of the Rehabilitation Act of 1973, and/or the FEHA, please contact academicsupport@pitzer.edu.

Faculty and Staff: For specific inquiries concerning potential accommodations of disabilities, pursuant to the ADA, Section 504 of the Rehabilitation Act of 1973, and/or the FEHA, please contact Deanna Caballero,

Associate Vice President for Human Resources and Payroll Services (Deanna_Caballero@pitzer.edu, 311 McConnell, 909-607-8533).

II. Equal Employment Opportunity

Pitzer College prides itself on being an open, competitive, and equal-opportunity employer. The College is committed to a policy of equal employment opportunities for all applicants and employees and complies with all applicable state and federal laws on the matter. The College does not unlawfully discriminate on the basis of race, color, creed, religion, national or ethnic origin, ancestry, sex, age, sexual orientation, gender identity and expression, marital status, pregnancy, physical or mental disability, medical condition, family care leave status, veteran's status, or any other category described in this Document or protected by law. The College also prohibits the harassment of any employee on any of these basis and retaliation for the exercise of rights protected herein. The College also

makes reasonable accommodations for disabled employees. This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social and recreational programs. It is the responsibility of every manager and employee to follow this policy conscientiously. Employees with questions regarding this policy should discuss them with the Associate Vice President for Human Resources and Payroll Services or their supervisor.

III. Harassment Policy

A. Policy Statement

It is the policy of Pitzer College to maintain an environment for students, faculty, and staff that is free of sexual, racial, and other unlawful harassment. All members of the community should be aware that the College is concerned about such harassment and is prepared to take prompt remedial action to prevent and correct such behavior. Individuals who engage in sexual harassment as well as other unlawful harassment based on such factors as religion, color, race, national or ethnic origin, ancestry, sex (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity and expression, physical or mental disability, age, marital status, family care leave status or veteran status, will be subject to discipline, up to and including expulsion or termination. Retaliation against a person who reports, complains about, or participates in the investigation of such harassment is likewise prohibited.

B. Unlawful Harassment Defined

1. Title VI and Race, Color, and National Origin Discrimination

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, or national origin in programs or activities that receive Federal financial assistance. Title VI states that:

> No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance - Department of Education, Civil Rights Act of 1964.

Unlawful harassment is conduct that creates an intimidating, offensive, or hostile working or academic environment or that interferes with work or academic performance based on a person's protected status, including race, color, national origin, ancestry, sex (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity and expression, age, religion, physical or mental disability, medical condition, marital status, veteran status, family care leave status or other status protected by anti-discrimination and anti-harassment statutes, such as Titles VI, VII or IX of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the California Fair Employment and Housing Act. Such harassment can be physical, verbal, or visual. Harassment can be committed by employers, coworkers, fellow students, and third parties. Generally, statements and/or conduct legitimately and reasonably related to the College's mission of

education do not constitute harassment.

To count as harassment under this policy, such conduct must: be based upon one or more of the categories mentioned above;

- be offensive to the individual complaining of harassment and offensive to a reasonable person; and
- be so persistent, repetitive, pervasive, or severe that it has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, abusive or hostile educational, employment or living environment at the College.

Harassment may also occur when submission to conduct described above is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment at the College, or participation in a College activity.

2. *Sexual Harassment*

One form of unlawful harassment is sexual harassment. Sexual harassment may be either "quid pro quo" harassment, that is sexual advances or requests for sexual favors where submission is made an explicit or implicit term or condition of an individual's employment or education or where submission or rejection is used as the basis for making employment or educational decisions affecting an individual; or "environmental" harassment, where the individual is subjected to a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere with an individual's work or education or to affect an individual's living conditions adversely. Occasional compliments that are generally accepted as not offensive or other generally accepted social behavior, on the other hand, do not constitute sexual harassment. Sexually harassing conduct need not be motivated by sexual desire.

Examples of sexual harassment may include such conduct as:

a. Physical assault or other unwelcome touching;
b. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendations;
c. Direct propositions of a sexual nature;
d. Subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic and employment purpose. A pattern of conduct that would discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (1) unnecessary touching, patting, hugging, or brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (3) remarks about sexual activity or speculations about previous sexual experience; or (4) other comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes;
e. Certain visual displays of sexually oriented images outside the educational context;
f. Letters, notes, or electronic mail containing comments, words or images as described in (e) above;
g. Sexual harassment includes harassment of women by men, of men by women, and same gender gender-based harassment. Sexual misconduct offenses are specific forms of sexual harassment and are strictly prohibited by the College. Due to the unique nature of sexual misconduct the College has a separate Sexual Misconduct Policy which is outlined below.

C. Other Campus Assistance

In addition to offering counseling and academic support, the College provides assistance to students who believe they have been sexually harassed by:

- Separating the individual who engaged in the harassment and the target of the harassment, provided that such steps avoid or minimize to the extent possible any burden on the target;
- Informing the target of the harassment how to report any subsequent problems, including retaliation;
- Conducting follow-up inquiries to determine whether there have been any new incidents of harassment or any instances of retaliation against the harassed student or any witnesses, and responding promptly and appropriately to address continuing or new instances; and

- Providing training, or other interventions for the larger College community to ensure that all students, and College staff can recognize harassment if it recurs and know how to respond.

D. Bullying and Intimidation

Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another student or group of students. Bullying conduct may not only cause a negative effect on individuals targeted but also others who observe the conduct. Conduct constitutes bullying in violation of this policy when it is severe, persistent, or pervasive; and when it: 1) has the effect of substantially interfering with a community member's education, employment, or full enjoyment of the college; 2) creating a threatening or intimidating environment; or 3) substantially disrupting the orderly operation of the College. Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for their physical well-being. Intimidation is prohibited and will result in disciplinary action.

IV. Sexual Misconduct Policy

A. **Consent:** The expectations of our community regarding sexual consent can be summarized as follows: For individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable and clear permission regarding willingness to engage in (and the conditions of) sexual activity. To give effective consent, one must be of legal age and have the capacity to give consent. The legal age of consent in the state of California is 18 years.

- Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity.
- A previous relationship or prior consent does not imply consent to future sexual acts.
- Consent can be withdrawn. Thus, even if a person agreed to sexual interaction or continued sexual interaction, that person has the right to change their mind, irrespective of how much sexual interaction may have already taken place.

1. **Force and Coercion:** Consent obtained through force is not effective consent. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force includes the use of threats, intimidation (implied threats) and/or coercion to produce consent. Coercion is unreasonable pressure for sexual activity ("Have sex with me or I'll hit you." "Okay, don't hit me; I'll do what you want."). Coercive behavior differs from seductive behavior based on the type of pressure used to get consent. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

   NOTE: There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force, however, is not demonstrated by the absence of resistance.

1. **Capacity/Incapacitation:** Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing effective consent (e.g., to understand the "who, what, when, where why or how" of their sexual interaction or contact). Sexual activity with someone who one should have known to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness, asleep, or blacked out), constitutes a violation of this policy.

2. **Incapacitation due to alcohol or other drugs**: Because alcohol or other drug use can place an individual's capacity to consent in question, sober sex is less likely to raise such questions. Being under the influence of alcohol or other drugs does not in and of itself indicate incapacitation. When alcohol or other drugs, including date rape drugs (such as Rohypnol, Ketamine, GHB, etc.), are involved, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (the who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Administering a date rape drug to another individual is a violation of this policy. More information on these drugs can be found at **www.911rape.org.**
3. **Incapacitation due to other reasons**: This policy also covers a person whose incapacity results from mental or physical disabilities, sleep, unconsciousness, or involuntary physical restraint.

B. **Sexual Misconduct:** Sexual misconduct is a specific form of sexual harassment and is prohibited by the College. Sexual misconduct is defined as:

1. **Non-Consensual Sexual Contact** (or attempts to commit same) Non-Consensual

Sexual Contact is:

a. any intentional sexual touching,
b. however slight,
c. with any object or body part,
d. by a person upon a person,
e. that is without consent, regardless of whether force used.

Sexual contact includes - Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

2. **Non-Consensual Sexual Intercourse** (or attempts to commit same) Non-Consensual Sexual

Intercourse is:

- any sexual intercourse however slight,
- with any object or body part,
- by a person upon a person,
- that is without consent, regardless of whether force used.

Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Nonconsensual sexual contact and nonconsensual sexual intercourse are often referred to as "sexual assault." As defined by the federal Violence Against Women Act, sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the

Federal Bureau of Investigation. Generally, a sexual assault has been committed when an individual engages in sexual activity without the effective consent of the other individual involved, including when the individual lacks capacity to consent. Sexual activity is any touching of a sexual or other intimate part of a person either for the purpose of asserting power or gratifying sexual desire of either

party. This includes coerced touching of the Respondent by the Complainant as well as the touching of the Complainant by the Respondent, whether directly or through clothing.

3. **Sexual Exploitation:** Sexual Exploitation is a form of sexual misconduct which occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
    a. Invasion of sexual privacy;
    b. Prostituting another person;
    c. Non-consensual video or audio-taping of sexual activity;
    d. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
    e. Engaging in voyeurism;
    f. Knowingly transmitting a sexually transmitted infection, a sexually transmitted disease, or HIV to another person;
    g. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
    h. Sexually based stalking.

4. **Intimate Partner Violence:** Intimate-partner violence includes dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior.

Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence and sexual violence. Intimate-partner violence may take the form of threats, assault, property damage, violence, or threat of violence to oneself, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.

Dating Violence: Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on assessment of statements of the parties and witnesses, taking into consideration the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence: Domestic violence is violence committed by a current or former spouse, or sexual or intimate partner of the alleged victim, a person who is living as a spouse or who lived as a spouse with the alleged victim, parents and children, other persons related by blood or marriage, or by a person with whom the alleged victim shares a child in common. Under the criminal laws of California certain offenses, including but not limited to, rape, aggravated assault, and stalking, can be deemed domestic violence depending on the relationship of the parties involved.

The College recognizes that sexual harassment, sexual assault, sexual exploitation, stalking, and retaliation all may be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the Complainant.

V. **Stalking Policy**

Stalking will be addressed through the Complaint Procedures outlined in this Document when the conduct is sex-based or is related to an intimate partner relationship.

A. **Policy Statement**

Pitzer College strives to maintain a campus environment free of violence. Stalking can affect every aspect of an individual's life, often beginning with phone calls, emails, social networking posts, and/or letters, and can sometimes escalate to violence. Individuals of all genders, gender identities, races and ethnicities, religions, age, abilities, and sexual orientation can be the subject of stalking. Individuals who engage in stalking behaviors are subject to disciplinary action. Violations of this policy will result in disciplinary action up to and including expulsion for students and up to and including termination for employees. Stalking is a crime in California and is subject to criminal prosecution. Pursuing a complaint through the College does not preclude an individual from pursuing legal action as well.

B. Definition

Stalking is a course of conduct directed at a specific person knowingly or consciously disregarding a substantial and unjustifiable risk that the course of conduct that would cause a reasonable person to: (1) feel fear for their safety or the safety of others, or (2) suffer substantial emotional distress. Stalking includes behaviors or activities occurring on more than one occasion that collectively and consciously disregard and recklessly instill fear in a victim, and/or threaten their safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:

A. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, texts, letters, notes, gifts, or any other communications that are undesired and place another person in fear;
B. Use of online, electronic, or digital technologies, including:

- Unauthorized posting of pictures, messages, and/or information about the complainant on websites, Internet sites, social networking sites, and/or bulletin boards or in chat rooms
- Sending unwanted/unsolicited email, texts or talk requests
- Posting private or public messages on Internet sites, social networking sites, and/or bulletin boards
- Installing spyware on a victim's computer
- Using Global Positioning Systems (GPS) to monitor a victim

C. Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
D. Surveillance or other types of observation, including staring or "peeping"
E. Trespassing
F. Vandalism
G. Non-consensual touching
H. Direct verbal or physical threats
I. Gathering information about an individual from friends, family, and/or co-workers
J. Threats to harm self or others
K. Defamation - lying to others about the victim.

C. **Reporting Information**

1. Off-Campus

Pitzer College encourages individuals to report incidents of stalking to law enforcement authorities, and respects that whether to do so is a personal decision of the individual. Members of the Dean of Students staff are available to assist individuals in contacting the Claremont Police or other appropriate law enforcement agency. In some circumstances, a victim may wish to seek a legal

order of protection against the alleged perpetrator.
Victims may also request that the College restrict someone's access to the College campus who is not a member of the Pitzer College community.

In certain instances, Pitzer College may need to report conduct to law enforcement authorities even when the subject of the conduct has not decided to do so. Such circumstances include incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. The decision to report an incident to law enforcement will be shared with the victim and will take into account the safety concerns of the individual.

2. **To the College**

The College encourages individuals to report incidents of stalking to the College. Prompt reporting is encouraged because facts often become more difficult to establish as time passes. However, the College will investigate and take appropriate action in response to all reports of stalking behavior regardless of when the alleged conduct occurred. The ability of the College to respond to the conduct is limited if the Respondent is no longer a member of the College community. If a College staff member, faculty member, or student leaves the College with a pending complaint, they will not be permitted to return to the College until the complaint is resolved through the College's appropriate complaint or discipline process.

An individual who believes they have been the subject of stalking and who wishes for the details to remain completely confidential should speak with certain College officials who may maintain confidentiality and may not disclose information shared with them, except where required by law. These officials include: Monsour Counseling and Psychological Services staff, Student Health Services staff and members of the clergy including the McAlister Center chaplains.

3. **Safety and Support Resources**

Pitzer College is committed to supporting victims of stalking by providing safety and support services. Due to the complex nature of stalking, an individual who has been a victim of stalking may need assistance in obtaining one or more of the following:

- College no-contact order
- Counseling support through Monsour Counseling and Psychological Services
- Change in an academic schedule
- Provision of alternative housing opportunities
- The imposition of an interim suspension on the alleged perpetrator

For more information, please contact the Sr. Director DHSM & TIX, (chrisg@pitzer.edu; 909-607-2958). If safety is an immediate concern, contact Campus Safety at 909-607-2000 if you are on campus or the Claremont Police Department at 911 if you are off-campus.

VI. Hazing Policy

A. Policy Statement

Hazing can be psychologically and/or physically harmful to individuals, can damage organizations and teams, and undermines the educational mission and values of Pitzer College. Hazing is strictly prohibited by Pitzer College policy and California state law (Sections 32050 (245.6) and 32051 of the California Education Code and Section 48900 q of the California Penal Code). No student, College employee or volunteer, student organization, or athletic team, shall conduct or condone hazing activities. Violations of this policy will result in disciplinary

action. Hazing may also include violations of the College's Discrimination, Harassment, and Sexual Misconduct Policy. If you have knowledge of hazing or potential hazing activities you should contact the Dean of Students Office who will investigate and take action to stop the conduct.

B. **Definition**

Any act or the creation of a situation that tends to endanger the mental or physical health or safety of a student; an act or the creation of a situation which tends to humiliate or degrade a student; or an act or creation of a situation which destroys or removes public or private property when these are part of initiation, admission into, affiliation with or continued membership in a group or organization. An act or a situation becomes hazing when an organization creates the dangerous, illegal, or humiliating situation and exposes students to it.

A level of coercion is often involved in hazing; an individual being hazed may not feel they can opt out of participation because of peer pressure or a desire to belong or "fit in" to the group.
Because of the socially coercive nature of hazing, this definition of hazing applies whether or not the participants consent to such activity or perceive the activity as "voluntary."

Hazing does not include actions or situations that are part of officially sanctioned and supervised College activities such as athletic training and conditioning.

An individual can be responsible for violating this policy for soliciting, directing, aiding, or otherwise participating actively or passively in activities which violate this policy.

C. **Examples**

Hazing activities often involve alcohol; however, activities need not involve alcohol to violate this policy. Common examples of behaviors that can be hazing include, but are not limited to, the following:

- Shaving, tattooing, piercing or branding
- Engaging in or simulating sexual acts
- Threatening to physically restrain someone or actually restraining them
- Assigning unreasonable chores or acts of servitude
- Causing excessive exercise, sleep deprivation or excessive fatigue
- Interfering with an individual's personal hygiene
- Requiring the wearing of specific apparel or acting in a way that is conspicuous and may cause the individual embarrassment or ridicule
- Degrading or humiliating games and activities, including paddling
- Activities that would unreasonably interfere with students' other activities or obligations (academic, extracurricular, family, religious, etc.)
- Physical threats or abuse of any kind including throwing objects or substances at an individual
- Encouraging or requiring a person to consume alcohol, drugs, or foreign or unusual substances, including consumption of large quantities
- Encouraging the use of alcohol or illegal drugs
- Forcing a student into a violation of the law or College policy such as indecent exposure, theft, or trespassing

The College will use a "reasonable person" standard when evaluating such conduct and its potential effects. The determination of whether a particular activity constitutes hazing will depend on the circumstances and context in which that activity is occurring. Some key

questions which are used to evaluate whether an activity is hazing include:

- Was a person or group being singled out because of their status with the group or team?
- Was there a risk of physical or psychological discomfort or harm as a result of the activity? Was the activity demeaning, abusive or dangerous?
- Was there a level of coercion and/or peer pressure involved? How easily was someone able to opt out of the activity?
- Did the current members refuse to do what the new members were asked to do?
- Did the activity or activities interfere with the participants' other activities or obligations (academic, extracurricular, family, religious, etc.)?
- Was alcohol involved?
- Was there a sexual element to the activity?
- Did any of the activities violate College policy or federal, state or local law?

D. **How to Avoid Hazing**

There are many positive ways to welcome new members into a group or team. Team coaches or the Dean of Students staff can assist you in identifying such activities which can help build cohesiveness and foster teamwork. When you are considering an activity associated with membership in an organization or team ask yourself: Would you feel comfortable describing the activity to others (parents, grandparents, College official, law enforcement, etc.)? If you would be hesitant to describe the activity to others, then the activity may constitute hazing and the group would be best served in participating in a different activity.

VII. Discrimination Policy

Discrimination refers to the disparate treatment of a person or group because of that person's or group's protected status, including race, color, national origin, ancestry, sex (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity and expression, age, religion, physical or mental disability, medical condition, marital status, veteran status, family care leave status, or other status protected by anti-discrimination and anti-harassment statutes, such as Titles VII or IX of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the California Fair Employment and Housing Act. This policy also prohibits discrimination based on the perception that any person has any of the foregoing characteristics or is associated with a person who has or is perceived as having, any of those characteristics. All such discrimination is unlawful and constitutes Prohibited Conduct. Contact the Sr. Director of DHSM & TIX (chrisg@pitzer.edu; 909-607-2958) for relevant questions and information.

VIII. Retaliation Policy

Retaliation is defined as the taking of an adverse action by any student, faculty, or staff member against another individual as a result of that individual's exercise of a right under the Discrimination, Harassment, and Sexual Misconduct Policies and Procedures, including participation in the reporting, investigation or hearing as provided in this Policy. Retaliation includes adverse actions intended to improperly deter the involvement of another in these procedures set forth in this Policy and may involve actions intended either to intimidate or to penalize individuals for their participation. Retaliation is strictly prohibited by law and this Policy. Any person who is found to have engaged in retaliation related to a complaint under this Policy shall be subject to disciplinary action under this Policy. Persons who believe that they have been retaliated against for making a complaint/report or for cooperating in an investigation or hearing should immediately contact the Sr. Director of DHSM & TIX (chrisg@pitzer.edu) or relevant Complaint Officer. A complaint filed in

good faith under this Policy shall not constitute retaliation.

Retaliation against persons for opposing practices prohibited by the Fair Employment and Housing Act and Title IX, or for filing a complaint with, or otherwise participating in an investigation, proceeding, or hearing conducted by, the Department of Fair Employment and Housing, the Fair Employment and Housing Commission, the U.S. Equal Employment Opportunity Commission, or the Office of Civil Rights, is prohibited by law.

IX. Consensual Relations Policy

The College recognizes that individuals should be aware that consensual sexual relationships can result in claims of sexual harassment because the degree to which consent is voluntary may be questioned when a power differential exists. If a sexual harassment claim is filed following what one or both of the parties may have initially viewed as a consensual relationship, the consent is evaluated considering this power differential.

Sexual relationships between employees and their supervisors or students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student or a supervisor by an employee, as well as the power exercised in an academic or evaluative role, make voluntary consent suspect. Even when both parties initially have consented, the development of a sexual relationship renders both parties and the College vulnerable to possible later allegations of sexual harassment, considering the significant power differential that exists between them. In their relationships with students and staff members, faculty and supervisors are expected to be aware of their professional responsibilities and avoid apparent or actual conflicts of interest, favoritism, or bias.

Sexual relationships that involve a faculty member who exercises active and immediate authority over a student, as in the case of a faculty member and a student currently studying with the faculty member and/or an adviser and advisee relationship, are prohibited whether the relationships are consensual. The same is true of a supervisor/ employee relationship. A supervisor and faculty member must remove themselves from positions of active and immediate authority over the employee or student

before a sexual relationship begins. The College has the right to take disciplinary action, up to and including dismissal, against a faculty member or supervisor for participation in a relationship which involves such a conflict.

In the case of a sexual relationship in which the parties believe that the restrictions of the preceding paragraph do not apply, it is the obligation of the supervisor or faculty member, because of their position of authority, to take all necessary steps to remove themselves from professional or institutional actions, such as providing recommendations or participating in the awarding of departmental prizes, performance reviews or promotions, which affect the student and/or employee. Before a sexual relationship develops, effective steps must be taken to ensure unbiased evaluation and supervision of the student or employee. Faculty members, students, supervisors, and staff members are encouraged to seek assistance and guidance from the Dean of Faculty, Dean of Students, or Associate Vice President for Human Resources and Payroll Services to ensure compliance with this policy.

X. False Reporting Policy

It is a violation of College policy to file a false or malicious complaint of alleged discrimination, harassment and/or sexual misconduct. Any complainant who knowingly makes false charges alleging a policy violation, the College may pursue such conduct using the steps followed for discrimination, harassment,

and sexual misconduct related complaints as outlined in this Document. A complaint filed in good faith under this provision shall not constitute retaliation. A finding of no responsibility is not, by itself, evidence of a false report.

Complaint Procedures

I. Introduction

These complaint procedures have been adopted by the College to provide a prompt and equitable method for reporting, investigating, and resolving complaints of alleged violations of the College's discrimination, harassment, and sexual misconduct policies when they involve Pitzer College faculty, staff, students, and/or third parties.

Anyone who believes they have been subjected to discrimination, harassment, retaliation and/or sexual misconduct is encouraged to report such conduct pursuant to the procedures set forth below. The College is obligated to act on any report of alleged discrimination, harassment, or sexual misconduct and will do so pursuant to these complaint procedures. Any College official (e.g., faculty member, administrative staff members, coaches, resident assistant, etc.) who receives information of an alleged discrimination, harassment, retaliation and/or sexual misconduct is required to file a report with one of the College representatives set forth below.

II. Reporting an Alleged Violation

A. Reporting to the College

1. Individuals who believe they have been the subject of or have witnessed alleged discrimination, harassment, retaliation, and/or sexual misconduct are encouraged to contact the appropriate College representative listed below. A report may be made to any one of the individuals listed regardless of if you are a student, faculty member, staff member, or third party. Under no circumstances is an individual required to report discrimination, harassment, retaliation, and/or sexual misconduct to a supervisor or academic instructor who is the alleged perpetrator.

For reports or complaints, contact:
Christine R. Guzman, PhD, LCSW, Sr. Director of Discrimination, Harassment Sexual Misconduct
Phone: 909-607-2958
E-mail: christine_guzman@pitzer.edu

For reports or complaints against a student, contact:
Andres Fernandez, Vice President of Student Affairs and Dean of Students
Scott Hall 123
x909-607-7356
Andres_Fernandez@pitzer.edu

For reports or complaints against a faculty member, contact:

Chawne Kimber, Vice President for Academic Affairs and Dean of Faculty
Phone: 909-621-8218
E-mail: dean_faculty@pitzer.edu

For reports or complaints against a staff member or third party, contact:

Deanna Caballero, Associate Vice President for Human Resources and Payroll Services
Phone: 909-607-8533
E-mail: deanna_caballero@pitzer.edu

The College encourages any member of the College community who experiences any form of violence to immediately contact the Claremont Police Department ("CPD") by contacting Campus Safety (909-607-2000) if they are on campus or by dialing 911 if they are off campus.

Upon receipt of a report, the College will activate these complaint procedures. Prompt reporting is encouraged, because facts often become more difficult to establish as time passes. However, the College will investigate and take appropriate action in response to all reports regardless of when the alleged conduct occurred. The ability of the College to respond to the conduct is limited if the Respondent is no longer a member of the College community. If a College staff member, faculty member or student leaves the College with a pending complaint against them they will not be permitted to return to the College until the case is resolved through these complaint procedures. Pitzer College shall respond to the greatest extent possible to reports of sexual misconduct brought anonymously or brought by third parties not directly involved in the misconduct. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

2. Confidentiality of Reports to the College

The College will make all reasonable efforts to maintain the confidentiality and privacy of the parties involved in an investigation and/or hearing for a complaint as well as the confidentiality of the details of an investigation, any hearing, and except were permitted by law, the sanctions imposed. The College will inform all individuals involved in the complaint process of the critical importance and expectation that they maintain the confidentiality of the process and any information shared with them because of their participation. Complainants and Respondents are not prohibited from sharing details of complaints with family, counsel, or a support person/advisor as defined in paragraph V, below.

If at any point the Complainant requests confidentiality with respect to the Respondent and/or decides not to pursue action by the College, the College will make all reasonable attempts to comply with this request. A Complainant is the student, faculty, or staff member who files a report on their own behalf or the person on whose behalf a report is filed by a third party. In these situations, the College's ability to investigate and respond to the conduct may be limited. The College is required to weigh the Complainant's request for confidentiality with the College's commitment to provide a reasonably safe and non-discriminatory environment. Moreover, the College may have an independent legal obligation to investigate a complaint once it has been made and in those circumstances the investigation will continue through completion and appropriate action. If the College cannot maintain a Complainant's confidentiality, or determines to continue with the investigation, the Complainant will be notified by the Sr. Director DHSM & TIX.

3. **Confidential Resources at the College and in the Community**

An individual who wishes for the details of the incident to remain completely confidential may speak with certain College officials who, by law, may maintain confidentiality and may not disclose the details of an incident. These officials include:

EmPower Center

1030 Dartmouth Avenue

909-607-2689

Monsour Counseling and Psychological Services Staff

Tranquada Student Services Center, 1st floor

757 College Way

909-621-8202, 909-607-2000 (after-hours emergency)

Student Health Services Staff

Tranquada Student Services Center, 1st floor

757 College Way

909-621-8222, 909-607-2000 (after-hours emergency)

Members of the clergy including the McAlister Center chaplains.

McAlister Center for Religious Activities

919 North Columbia Avenue

909-621-8685

Pitzer Advocates for Survivors of Sexual Assault, 909-607-1778, are available to assist students, including Pitzer Students, who have experienced sexual misconduct, including sexual assault. The Advocates can be contacted at any stage of the processes discussed herein. http://pitzeradvocates.squarespace.com

Individuals who have experienced sexual misconduct, including sexual assault may also seek confidential support from a local or national rape crisis hotline, including:

Project Sister Sexual Assault 24/7 Crisis Hotline (Claremont, CA):
800-656-4673
909-626-HELP (909-626-4357)

National Sexual Assault 24/7 Crisis Hotline (RAINN):

800-656-HOPE

4. **Reporting Options Outside of the College:** State and Federal Enforcement Agencies and the Claremont Police Department

a. The College's complaint procedures are administrative and separate from the state and federal criminal, civil, and administrative legal systems. Pursuing resolution through these procedures does not preclude someone from pursuing legal action now or in the future.

5. **Reporting Potential Criminal Violations to Claremont Police Department ("CPD"):** In cases involving potential criminal misconduct, individuals are encouraged to file a report with the CPD. For assistance with or accompaniment to make a police report, please contact the Sr. Director DHSM & TIX (909-607-2958; titleix@pitzer.edu); for confidential accompaniment, contact Project Sister (909-626-4357)

   The College's complaint procedures and the legal system work independently from one another and the College will proceed with its process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these complaint procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent.

   a. **Reporting to State and Federal Enforcement Agencies:** In addition to the College's internal remedies, employees and students should also be aware that the Federal Equal Employment Opportunity Commission ("EEOC") and the California Department of Fair Employment and Housing ("DFEH") investigate and prosecute complaints of prohibited harassment, discrimination, and retaliation in employment. These agencies may be contacted at the addresses listed below:

EEOC Los Angeles District Office

255 East Temple Street, 4th Floor

Los Angeles, CA 90012

(213) 894-1000

DFEH Los Angeles Office

611 W. Sixth Street, Suite 1500
Los Angeles, CA 90017

(213) 439-6799

Students also have the right to file a formal complaint with the United States Department Education:

Office for Civil Rights (OCR)

810 3rd Ave

Seattle, WA 98104

Customer Service Hotline #: (206)684-4500

Email: ocr.seattle.gov

Web:www.ed.gov/ocr

III. Truthfulness

All participants in an investigation and/or hearing are expected to cooperate fully and provide truthful information in all meetings and/or hearings related to these complaint procedures. Individuals may be hesitant to report conduct that they have experienced or witnessed or participate in an investigation and/or hearing because they fear that they themselves may be charged with a policy violation, such as underage drinking at the time of the incident. To encourage truthfulness and reporting, the College pursues a policy of offering Complainants, Respondents, and witnesses limited immunity from being charged for policy violations related to an alleged incident (such as policies prohibiting the use of alcohol or drugs) which is reported in good faith. While violations cannot be completely overlooked, the College will provide educational rather than punitive responses, in such cases. Employees can be disciplined, up to and including termination, for not being truthful during an investigation. Students who are untruthful in an investigation and/or hearing will be subject to procedures and penalties in the Student Code of Conduct.

IV. Specific Complaint Procedures when the Respondent is a Student, Staff, or Faculty Member

The College has adopted three parallel procedures for investigating and hearing complaints, depending upon whether the Respondent (or accused) is a student, a staff member (including administrators and third parties), or a faculty member. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this Policy. The College will provide a prompt, fair, and impartial process from the initial assessment to the outcome.

Any student, faculty, or staff member who wants to learn more about reporting options, the complaint procedure and investigative process, support resources, or related information is encouraged to contact the Sr. Director DHSM & TIX (909-607-2958) or go to: www.pitzer.edu/about/title-ix/

A. Procedures if a Student is the Respondent:

Initial Assessment: Following the report of an incident or conduct that may be a violation of this policy, the Sr. Director DHSM & TIX shall conduct an initial assessment of the report. The assessment shall include a preliminary interview of the reporting party and, if possible, the subject of the conduct if different. The assessment shall also include a determination by the Sr. Director DHSM & TIX as to whether there is sufficient information that a violation of the policy may have occurred.

The Sr. Director DHSM & TIX may, after speaking with the Complainant, determine that the conduct complained about would not constitute harassment, discrimination, or sexual misconduct and so inform the Complainant. The Sr. Director DHSM & TIX may also determine that, although the conduct does not constitute harassment, discrimination, or sexual misconduct, if left unchecked it could develop into such conduct. In this case the Sr. Director DHSM & TIX, after speaking with the Complainant and weighing any request for confidentiality, may take appropriate steps to prevent such conduct from occurring. Finally, if the Sr. Director DHSM & TIX determines that the alleged conduct may instead be a violation of the Code of Student Conduct, the Sr. Director DHSM & TIX will forward the allegations to the Division of Student Affairs.

Individuals bringing reports of violations of this policy shall be informed about the range of possible outcomes of the report, including interim measures, remedies for harmed individuals and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

If the Complainant requests confidentiality or requests that the complaint not be pursued, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. However, such a request for confidentiality may limit the College's ability to respond to the complaint. The College may also weigh the Complainant's request for confidentiality against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same individual, the Respondent's rights to receive information about allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act ("FERPA"), and other factors otherwise required by applicable law.

The Sr. Director DHSM & TIX will meet with the Respondent and provide the student(s) who is (are) being investigated or charged with access to the Discrimination, Harassment, and Sexual Misconduct Policies and Procedures. The respondent will be provided with information about the alleged violation(s) including the specific circumstances or behaviors alleged to have violated this policy. Any student against whom there might be a charge of a violation has all the rights enumerated in this policy.

Interim measures: Interim measures are temporary measures taken by the College in response to a formal complaint of discrimination, harassment, and/or sexual misconduct in violation of these Policies. Interim measures shall consider and balance an individual's rights as well as the personal safety of the parties and witnesses and the safety of the College community. Interim measures will be assessed and provided as appropriate to both Complainants and Respondents.

Interim measures can include individualized services offered as appropriate to either or both the reporting and responding parties prior to an investigation or while an investigation is pending. Examples of interim measures are counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations or safety measures.

Because the measures needed by each student involved in a Title IX investigation or process may change over time, the Sr. Director DHSM & TIX will communicate with each student throughout the investigation and any proceedings to ensure that any interim measures are necessary and effective based on each student's evolving needs.

Interim measures may include geographical or social restrictions where necessary to protect the safety of the community or an individual party. In cases where there is credible information of an immediate risk or threat to an individual or the College community, interim measures may include removal from campus housing or interim suspension. In such cases of removal from campus housing or interim suspension, the student conduct process will occur as expeditiously as possible, and the restricted party has a right to appeal the interim restriction to the Vice President of Student Affairs.

Failure to comply with interim measures that impose a restriction on a party (such as no contact orders, geographical restrictions, etc.) is a violation of this Policy and may result in additional charges under this Policy.

Resolution options: Potential options for resolution of a complaint include Alternate Resolution (set out in Section IX below), as well as the formal Administrative Review and Judicial Council processes described below. No party is required to participate in any alternative resolution process with respect to any complaint, and mediation is not an available alternative resolution process for complaints that include allegations of sexual assault.

Where a report includes alleged violations of the Code of Student Conduct in addition to alleged violations of this Policy, The Sr. Director DHSM & TIX in consultation with the Dean of Students will determine whether the matters should be handled together under this policy or separately, taking into account how the allegations are related.

Investigation Procedures: The Sr. Director DHSM & TIX will assign the investigation to one or more trained investigators. Investigators are chosen from a pool of internal trained investigators and/or outside professionals with experience in conducting investigations. In cases with only internal investigators, two will be assigned. If the Complainant is a student, faculty member, or staff member from one of the other Claremont Colleges, the Sr. Director DHSM & TIX shall assign the investigation to one or more outside investigators.

The investigator will conduct a thorough, impartial, and unbiased investigation. The Investigator(s) will provide the Investigation Report to the Sr. Director DHSM & TIX who will review the Report. The Sr. Director DHSM & TIX may refer to the Investigator(s) any questions that the Sr. Director DHSM & TIX has concerning the Report's content and completeness. After the Investigator(s) successfully answer or resolve the Sr. Director DHSM & TIX's questions or concerns, if any, the Investigator(s) shall submit a final Report to the Sr. Director DHSM & TIX. Upon receipt of the completed investigative report, the Sr. Director DHSM & TIX will notify all parties that the investigation is complete and provide information about next steps in the process.

The Sr. Director DHSM & TIX, in consultation with the Dean of Students or designee, will review the investigative report and make a threshold determination as to whether the allegations, if proven, would provide sufficient information upon which a violation of this Policy could be found. If the Sr. Director DHSM & TIX determines that this threshold has been reached, the Dean of Students Office will issue a written notice of charge in order for a student conduct process to proceed. If the Sr. Director DHSM & TIX determines that this threshold has not been reached, the complainant and respondent will be notified in writing.

Resolution: Both the respondent and the complainant have the right to have the charge heard by the Judicial Council. In cases where the potential sanction would not usually be suspension or expulsion, there is the choice of either an Administrative Review within the Dean of Students Office or a Judicial Council hearing. If both the respondent and the complainant agree to an Administrative Review and the Dean of Students or designee concurs, an Administrative Review is commenced. If not, the Dean of Students Office will forward the written charge to the Judicial Council. Once an administrative review is chosen; there is no longer the right to a hearing before Judicial Council for the same alleged violation(s).

1. Administrative Review

The review will include individual interview(s) with the respondent, the complainant, any witnesses and the review of the investigation report and other documentation or materials relevant to the case. Both the respondent and the complainant have the right to an advisor of their choosing, which may include an advisor who is not a member of the Claremont Colleges. Advisors may not serve as a representative for or speak for the respondent or complainant; the sole responsibility of the advisor is to provide support and guidance to the student for whom they advise. The official who conducts the review will make a decision based on a preponderance of the evidence. That is, is it more likely than not that the respondent(s) is responsible for violating the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures.

a. Finding of Responsibility

When a student is found responsible for a violation through an Administrative Review, the Dean of Students Office may impose sanctions. The range of sanctions that may be imposed includes but is not limited to educational and/or restorative activities, loss of privileges, warning, conduct probation, residential adjustments, and restitution, but does not include expulsion or suspension from the College. The respondent and the complainant will be notified in writing of the results of the review. Both the respondent and the complainant have the right to appeal the finding and/or sanction(s). Grounds of appeal include violations of the student's rights as set forth in Discrimination, Harassment, and Sexual Misconduct Policy and Procedures, insufficient or compelling new evidence, and/or severity of the sanction. The appeal must be made in writing and must be submitted to the Vice President of Student Affairs within five class days of written notification of the decision. The Vice President of Student Affairs

will notify and provide a copy of the appeal to the other party within three class days upon receipt of an appeal. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five class days from receipt of the appeal. (See Section VII. E.)

b. Admitted Violations

When the respondent admits to the charge and to responsibility for a violation of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures in the case of Administrative Review, the Dean of Students Office may impose sanctions. Both the respondent and the complainant can appeal to the Judicial Council for review of the appropriateness of the sanctions only.
The appeal must be made in writing and must be submitted to the Dean of Students Office within five class days of written notification of the decision. The Dean of Students Office will notify and provide a copy of the appeal to the other party within three class days upon receipt of an appeal. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five class days from receipt of the appeal. The Dean of Students Office will then forward any appeal and any response to the Judicial Council.

All appeal cases brought before and heard by the Judicial Council shall be final and not subject to further appeal.

2. Judicial Council

Cases in which the possible sanction could be suspension or expulsion from the College, cases in which Administrative Review was not agreed upon, and appeals of sanction in cases of admitted violations under Administrative Review will be referred to the Judicial Council by the Dean of Students Office.

A. Composition

The College Judicial Council shall consist of at least five student members, at least five faculty members, and at least five members of the staff. For a hearing panel, a quorum shall consist of five members, including at least one faculty member, one staff member, and one student member. Student members must be in good academic and disciplinary standing, not subject to recall (who shall be elected by the student body). Faculty members will be selected by the Faculty Executive Committee. Members of the staff will be selected by Staff Council Representatives in consultation with the Division of Student Affairs. As much as possible, faculty, staff, and student members should represent the diversity of the student population. To that effect, Student Senate should make every effort to seek appropriate gender balance and ethnic and other forms of diversity in the slate of student candidates for Judicial Council. Similarly, faculty and staff members should be chosen with the goal of ensuring approximate gender balance and ethnic diversity. The Chair and Alternate Chair shall be elected from among the voting members of the Council. If the Chair and Alternate Chair are unable to serve due to a conflict of interest, Judicial Council may elect an ad hoc Chair for the purposes of a particular hearing. A Dean from the Division of Student Affairs will sit with the Council as an advisor on process and to represent the views of the College. The Sr. Director DHSM & TIX shall design and be responsible for providing ongoing comprehensive training, in consultation with appropriate professional external agencies, in sexual misconduct, hate crimes, and other relevant topics to members of the Judicial Council.

B. Pre-Hearing Procedures

i. Notification

Complaints of alleged violations that are being referred to Judicial Council for a hearing shall be written and delivered to the respondent, the complainant, and Judicial Council Chair by the Dean of Students Office. The copy to the respondent will constitute the student's formal notification of the charge(s) against themselves and the intent to hold a Judicial Council hearing. This written notification will include the complaint(s) against the respondent; the specific policies and portions of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures the respondent has allegedly violated; the student's rights as guaranteed in Article VII. Section 7.7. Pitzer College Bylaws; the nature of the information which will be presented against the student, as well as any written or recorded statements obtained during the investigation, and the sanctions which could be applied if the student were found in violation of this Policy.

ii. Assembly Notice

Prior to the hearing, the respondent and the complainant will be notified of the names of those members of the Judicial Council who will be hearing the case. If either object to any member or members of the board, the student may write to the Dean of Students requesting that those members be replaced. The letter must include an explanation for the objections. Removal from the hearing board will occur if and only if the Dean is convinced after investigating that absence of impartiality would result in an unfair hearing by allowing that member/those members of the Judicial Council to adjudicate the incident. Requests for removal shall not be revealed to members of the Judicial Council. If there are insufficient numbers of faculty or students to reach a quorum, the Dean of Faculty and the Dean of Students shall appoint an ad hoc replacement from among the faculty or students who have received Judicial Council training before the hearing.

iii. Advisers

Both the respondent and the complainant have the right to an advisor of their choosing, which may include an advisor who is not a member of the Claremont Colleges. If the charges are serious enough that sanctions might result in suspension or expulsion from the College, the respondent is particularly advised to select an advisor to be present during the Judicial Council hearing. Advisors may not address the Judicial Council or pose questions to any participants in the hearing process. The sole responsibility of the advisor is to provide support and guidance to the student for whom they have chosen to advise. Advisors may not, at any time during the hearing, serve as a representative for or speak for the respondent or complainant.

iv. Scheduling

With the assistance of the Dean of Students Office, the Judicial Council Chair sets a date for the hearing. Under normal circumstances the hearing should be scheduled for a date not fewer than five and no more than twenty-five class days from the time the respondent was first formally notified of the charge(s) against themselves. The Dean of Students Office will inform both the respondent and the complainant(s) of the time, place and date of the hearing. It is the responsibility of each party to inform their respective advisors of this information. The complainant(s) will have available to them all information sent to the respondent by the Judicial Council Chair at the same time as the respondent is notified.

v. Time Limit Exception

Under extreme circumstances, either the respondent or the complainant may request waiver of the time limit for a hearing in writing to the Judicial Council Chair. A decision on the request will be made by the Judicial Council. All parties will then be notified of the date, time and location of the rescheduled hearing.

C. Hearing Procedures

i. Admissible Information

The Judicial Council shall consider only information introduced at the hearing before Council. Normally this will include a written statement from the complainant, from the respondent, and from any witnesses; it may also include responses to questions given during the hearing. Written statements will be considered only when the witness making the statement appears before the Judicial Council to answer questions about the statement. Character witnesses, if any, may state their knowledge of the character of the student for whom they are serving as a witness, and must refrain from comments on the character of other parties in the case.

ii. Hearing Attendance

The person(s) bringing the complaint and the respondent has the right to be present during presentation of evidence and questioning of witnesses. The respondent and complainant shall both have the right to be accompanied by an advisor of their choice.

a. Respondent

The respondent will be informed of their rights and shall have an opportunity to speak and to present information on their own behalf. Should the respondent, having been properly notified of the date, time and place of the hearing, fail to appear at the time and place specified, the hearing shall proceed in the same manner as if the respondent were present, unless the Judicial Council decides by majority vote to postpone the hearing.

b. Complainant

The complainant will be offered the opportunity to participate in the hearing without directly facing the respondent. If so requested, the Judicial Council Chair will make appropriate arrangements. For example, the room may be partitioned so that the complainant and the respondent do not see each other, or arrangements may be made for the Complainant to participate by video conference or other means. The respondent and the complainant shall have the opportunity to hear the testimony, have questions asked of the other party during the hearing process, and to hear responses.

c. Judicial Council Members

No member of Judicial Council shall join or rejoin deliberations after a hearing has begun. No member may be excused from a hearing once it has begun except for good cause and by a majority vote of the other members present, and then only if such action does not violate the quorum provisions. No member of Judicial Council who has not been present for the entire hearing shall participate in the decision or in subsequent discussion of sanctions.

d. Witnesses

Witnesses may participate in a hearing by physical presence, telephone conference, or video conference. Only one witness will be allowed in a Judicial Council hearing at any one time. Advisors may also be called as a witness during a hearing. Witnesses, unless they are also serving as an advisor, may only be present during the hearing when they are called to testify.

iii. Disruptive Behavior

No actions shall be taken in a Judicial Council hearing which would impede the orderly conduct of the hearing. Disruption of the Judicial Council is a violation of this Policy. The Chair may call for a recess of the hearing in the case of disruptive conduct, and the Chair may remove from the hearing witnesses, advisors, respondents, and complainants, for repeated disruptive behavior. The hearing may proceed if parties to the hearing are removed for repeated disruptive behavior.

iv. General Hearing Process

Normally, the hearing conforms to the following order of procedure:

a. Presentation of the written charge from the Dean of Students Office, questions from Judicial Council members to the Dean of Students designee and/or the complainant(s) regarding the complaint.
b. Statements of witnesses on behalf of the complainant(s); questions from Council members to the witnesses.
c. Statement of the respondent; questions from Council members to the respondent.
d. Statements of witnesses on behalf of the respondent; questions from Judicial Council members to the witnesses.
e. At the option of the Council, a second round of questioning of the complainant(s) and any supporting witnesses a majority of the Council wishes to hear in rebuttal.
f. At the option of the Council, a second round of questioning of the respondent and any supporting witnesses a majority of the Council wishes to hear in rebuttal.
g. Close of the hearing.
h. Judicial Council hearing deliberations shall be closed to all parties of the hearing and shall include only Council members participating in the present hearing and the Dean of Students staff representative.

v. Recess

The Chair may at any time recess a hearing to provide for gathering additional information or simply to provide a break in the hearing or deliberation. A recess may be called to suspend a hearing to resume later.

vi. Record Keeping

A verbatim record (such as a digital recording) will be made of every Judicial Council hearing for the purposes of appeal review only. This verbatim record shall be kept in the Dean of Students Office and remain confidential. The digital record is destroyed after the deadline for appeal has passed, or after the final decision is made in the case of an appeal.

vii. Questioning

All questions during the hearing will be asked by or to Judicial Council members. The purpose of the hearing is not to conduct a trial but to gain as full and fair an account as possible about the alleged violation and to determine whether a violation of this Policy has occurred. The respondent and the complainant(s) shall have the right to suggest questions to the Chair to be asked by Judicial Council members, but only Judicial Council members shall directly question the respondent, complainant, or the witnesses. The Chair, in consultation with the Judicial Council, may modify the question process to facilitate the proceedings. The Chair may exclude irrelevant and unduly repetitious information.

viii. Closed Hearings

The hearing is closed to the public and outside spectators.

1. Decisions and Sanctions

i. Standard of Proof

All questions during the hearing shall be asked by or to Judicial Council members. The purpose of the hearing is not to conduct a trial but to gain as full and fair an account as possible about the alleged violation and to determine whether a violation of this Policy has occurred. The respondent and the

complainant(s) shall have the right to suggest questions to the Chair to be asked by Judicial Council members, but only Judicial Council members shall directly question the respondent, complainant, or the witnesses. The Chair, in consultation with the Judicial Council, may modify the question process to facilitate the proceedings. The Chair may exclude irrelevant and unduly repetitious information.

ii. Consideration of Information

The decisions of the Judicial Council shall be based solely upon information introduced at the hearing before the Council. The direct statement of a witness, including the complainant, the alleged victim, and the respondent may be taken as evidence of any act. Statements made by any witness must be evaluated for bias, plausibility, credibility, and consistency along with other available information. Any relevant information may be admitted if it is the type on which reasonable persons are accustomed to relying in the conduct of serious affairs. Unruly, irrelevant, or unduly repetitious information may be ruled out of order by the Chair.

iii. Sanctions

If the Judicial Council finds that a violation of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures has occurred, the Judicial Council will determine the appropriate sanctions.

The sanctions may include remedial or corrective actions as warranted. In determining appropriate sanctions when violations of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures are addressed, the College attempts to take an educational response. Students found responsible for misconduct under the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures are assigned educational sanctions appropriate to the situation. Sanctions are fashioned in such a manner that will redirect behavior that is incongruent with the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures, encourage responsible judgment and ethical reasoning, protect the community's rights and property, and discourage similar misconduct as deemed appropriate based upon the nature of the violation. The following list of sanctions is illustrative rather than exhaustive, and the College reserves the right to impose other sanctions or to combine sanctions as it deems appropriate:

Warning - A written notification that a violation of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are for a designated period, typically one calendar year. Warnings are recorded for internal purposes. A student who receives a warning is still considered in good standing at the College, with the warning being disclosed only with the student's written consent.

Conduct Probation - A written notification that indicates a serious and active response to a violation of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures. Probation is for a designated period of time and includes the probability of more severe sanctions, including suspension or expulsion from the College, if found responsible for additional violations of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures or Code of Student Conduct.

Educational and/or Restorative Activities - Imposition of one or more restorative remedies to encourage a Respondent to develop insight about the prohibited conduct, learn about the impact of that prohibited conduct on the Complainant and the College community, and identify how to prevent that prohibited conduct in the future. This may include community service, mandatory participation in training, education and/or prevention programs related to the prohibited conduct, and/or educational program engagement regarding relevant behavior such as substance use.

Loss of privileges - Denial of the use of certain College facilities or the right to participate in certain activities, events, and programs or to exercise certain privileges for a designated period of time. This includes contact restrictions, access to certain areas of campus, and College- sponsored events.

Residential Adjustments - Relocation or removal from campus residence halls for a specified duration of time. This can include room reassignment, restrictions on access to specific halls, and removal of a student from all College operated housing. The College may take such action for remedial rather than disciplinary purposes.

College Suspension - The separation of a student from the College for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required and will be included in the notification of suspension.

During the suspension, the student may not participate in College academic, co-curricular or extracurricular activities and may be barred from all property owned jointly or individually by any of The Claremont Colleges. Students who are suspended may not be on campus without specific, written permission of the Dean of Students.

Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for additional violations of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures or Code of Student Conduct. A Student Affairs hold is placed on the student's record during the period of suspension. The hold will be lifted once the period of suspension has expired and the Dean of Students has confirmed that other conditions of sanctions have been met. When the hold is lifted, the complainant and respondent will be notified by the Sr. Director DHSM & TIX.

- Expulsion - Expulsion is the permanent separation of the student from the College. Students who have been expelled may not be on campus without specific, written permission from the Dean of Students.

In considering the appropriate sanction(s), Judicial Council should be guided by several considerations, including:

1. the severity, persistence or pervasiveness of the prohibited conduct;
2. the respondent's prior discipline history including any prior determination of responsibility for the same or similar conduct;
3. how the College has sanctioned similar incidents in the past;
4. the nature and violence (if applicable) of the conduct at issue;
5. the impact of the conduct on the complainant, and their desired sanctions, if known;
6. the impact of the conduct on the community, its members, or its property;
7. whether the respondent has accepted responsibility;
8. whether the respondent is reasonably likely to engage in the conduct in the future;
9. The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
10. any other mitigating or aggravating circumstances, including the College's core values.

Judicial Council should also consider other remedial actions that may be taken to address and resolve any incident of discrimination or harassment and to prevent the recurrence of any discrimination, including strategies to protect the complainant and any witnesses from retaliation; other steps to address any impact on the complainant, any witnesses, and the broader student body; and any other necessary steps reasonably calculated to prevent future

occurrences of harassment.

At this phase of deliberation only, the Division of Student Affairs will provide the Council with historical information on the past conduct record of the respondent and the history of sanctions in similar cases. No information regarding prior disciplinary action (with the exceptions noted in VII.E of this policy) may be disclosed by the Dean of Students or designee during a hearing process, until and if the Council makes a decision that the student violated College policy.

v. Voting

The decisions of the Judicial Council and its imposition of sanctions shall be reached in closed session by a majority vote. The Chair shall vote only in case of a tie.

vi. Notification of Decision

The respondent shall be notified in writing, within five class days following the hearing, of the Judicial Council's decision and recommended sanctions, if any. Written notification shall include a summary of the reasons for the decision, an explanation of any sanctions imposed, and notification of appeal options. In cases of sexual misconduct, the complainant will be provided a copy of the same simultaneously. In cases of sexual harassment other than sexual misconduct and harassment or discrimination not based on gender, the complainant will be notified of the outcome and any sanctions that directly relate to the complainant. Furthermore, the College will offer counseling services and academic support to all parties involved.

vii. Completion of Sanction

When a sanction requires a time for completion, the deadline for completion will be specified. The respondent must report to a designee of the Dean of Students when the student has completed the sanction. The case is not complete until the sanction has been completed and cleared by the Dean of Students Office. The Judicial Council will not monitor or reconsider a sanction once it is imposed. It is the responsibility of the respondent to communicate to the Dean of Students Office when the sanction is completed; failure to complete required sanctions is a violation of this Policy and may result in additional sanctions under this Policy.

e. Appeals Procedure

All appeal cases brought before and heard by the Judicial Council are final and not subject to appeal. Cases heard by the Judicial Council that are not appeal cases, and Administrative Review cases with a finding on responsibility, are subject to the following appeal procedures. On specific grounds, both the respondent and complainant may appeal the determination of responsibility or sanctions(s). Appeals must be made in writing and must be submitted to the Vice President of Student Affairs within five class days of written notification to the student of the Judicial Council's decision. The Vice President of Student Affairs will notify and provide a copy of the appeal to the other party within three class days upon receipt of an appeal. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five class days from receipt of the appeal.

i. Grounds of Appeal

Grounds of appeal include violations of the student's rights as set forth in this Policy, insufficient or compelling new evidence, and/or severity of the sanction.

ii. Determinations

The appeal consideration will be conducted in an impartial manner by the Vice President for Student Affairs and the Associate Dean of Faculty with the responsibility for diversity in Academic Affairs. Except as required to explain the basis of new evidence, an appeal shall be limited to a review of the verbatim record of the initial hearing, copies of documents submitted during the hearing, and the written appeal

and written response (if any). Review of these materials shall be for one or more of the following purposes:

a. New evidence
To consider whether there is sufficient new evidence that could affect the finding of the hearing and that was unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing.

b. Fairness
To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, was in conformity with prescribed procedures, and gave the complainant a reasonable opportunity to prepare and present evidence that a violation occurred and the respondent reasonable opportunity to prepare and present a rebuttal of these allegations.

c. Sufficient evidence
To determine whether the decision reached regarding the charged student was based on a preponderance of the evidence.

d. Appropriateness of sanctions
To determine whether the sanction(s) imposed was appropriate for the violation.

The Vice President of Student Affairs and the Associate Dean of Faculty shall confer in making a decision on appeal. To modify a decision, modify sanctions, or return the case to Judicial Council, the Vice President of Student Affairs and the Associate Dean of Faculty must concur. If not, the original decision and sanction(s) stands.

In the case of new evidence, they can return the case to Judicial Council to assess the weight and effect of the new information and render a determination after considering the new facts.

In the case of procedural error that materially affected the outcome of the hearing (related to Fairness or Sufficient Evidence above), the Vice President of Student Affairs and the Associate Dean of Faculty will return the case to Judicial Council for additional review or forward the case for a new hearing, which may be heard by an alternate hearing panel if they find that to be appropriate.

iii. Decision Notification
No more than ten class days from the date the response is submitted or the final date for submission of the response (whichever is earlier), the Vice President of Student Affairs shall communicate the decision on the appeal to the respondent, the complainant, and the Judicial Council Chair. If the imposed sanction is modified in any way, the Vice President of Student Affairs shall communicate that fact and the reasons for making such a modification to the respondent, the complainant, and the Judicial Council Chair. The decision on the appeal shall be final.

f. Confidentiality
All information pertaining to investigations and hearing proceedings is confidential and shall comply with the Family Educational Rights and Privacy Act.

g. Community Notification
Within five class days after completion of a judicial hearing and appeal (if any), the Judicial Council may publicly inform the Pitzer community (and, in cases involving complainants from the other Claremont Colleges, the home colleges of said complainants) of its decision, sanctions imposed, and the action on appeal (if any). In cases in which the respondent has been found in violation of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures, publicity (including the name of the student) shall be at the discretion of the President. In cases in which the respondent was found not to have violated this Policy, such publicity shall be at the discretion of the respondent.

h. Records and Enforcement of Disciplinary Action

i. Records of Judicial Council decisions and sanctions shall become part of the student's disciplinary files (those maintained in the Dean of Students Office) and shall be kept for a period of seven (7) years after the student's graduation or separation from the College.

ii. Judicial Council proceedings shall continue against an accused student if the student withdraws from the College after being notified of a conduct complaint.

iii. No student shall be graduated while a complaint brought against the student is pending before Judicial Council. No student shall be graduated without first fulfilling the terms of a disciplinary sanction.

iv. The Dean of Students Office shall be responsible for enforcing disciplinary sanctions.

v. Any student on whom a sanction has been imposed may include in their student record a written response concerning the decision and sanction.

vi. Notification of expulsion from the College for disciplinary reasons will be noted on the academic transcript.

B. Procedures if a Faculty Member is the Respondent:

Upon receipt of a complaint, the Complaint Officer will consult with the Complainant. If the Complainant requests confidentiality or requests that the complaint not be pursued, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. However, such a request for confidentiality may limit the College's ability to respond to the complaint. The College may also weigh the Complainant's request for confidentiality against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same individual, the Respondent's rights to receive information about allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act ("FERPA"), and other factors otherwise required by applicable law. The College thus may decide to begin an investigation despite a request from the Complainant not to pursue the complaint, in cases where either issue of campus safety, or independent legal obligations to investigate or to protect the rights of other members of the community, pertain. The investigators (collectively the "Investigators") will meet with the Complainant to review the complaint, related policies, and these complaint procedures. The Investigators will also identify support resources and interventions or interim measures available to the Complainant.

1. **Complaints of Sexual Harassment:** The Sr. Director DHSM & TIX shall be advised of any complaints of Sexual Harassment received by Complaint Officers. The Sr. Director DHSM & TIX will, with the advice and consent of FEC, select three faculty investigators from the pool of trained investigators.

2. **Complaints of Harassment and Discrimination, other than Sexual Harassment**: The Complaint Officer will consult with both the Sr. Director DHSM & TIX and FEC, and will, with the consent of FEC, select three faculty investigators from the pool of trained investigators. The investigators (collectively the "Investigators") will meet with the Complainant to review the complaint, related policies, and these complaint procedures. The Investigators will also identify support resources and interventions or interim measures available to the Complainant.

   b. The Complaint Officer may, after speaking with Complainant, determine that the conduct complained about clearly does not constitute harassment or discrimination and so inform the Complainant. The Complaint Officer may also determine that although the conduct does not constitute harassment or discrimination, if left unchecked it could develop into harassment or discrimination. In this case the Complaint Officer will speak with the individual(s) engaging in this conduct and/or take other steps to prevent such harassment or discrimination from occurring. In either case, FEC will be informed, in

writing, of the judgment of the Complaint Officer, and FEC will make the final determination in regard to any remedies for conduct that is judged by the Complaint Officer not to have been harassment or discrimination.

The pool of trained investigators will include six faculty members jointly appointed by the Dean of Faculty and FEC. Faculty who enter the pool will remain in the pool for up to five years or until they serve on a case. Faculty will temporarily leave the pool when they take a leave from the College, whether a sabbatical leave or an unpaid leave. Faculty will not serve as investigators for a case between graduation and August 15 without financial compensation commensurate with the time required of them in this period.

6. The Complainant and Respondent will each have the opportunity to dismiss at least one of the investigators, and can submit, to FEC, reasons for dismissing more than one. If FEC finds the case for dismissing more investigators compelling, and insufficient investigators are available in the pool, the Dean and FEC will add faculty to the pool, providing them the training they need on a timely basis.
7. Every complaint will be investigated promptly and thoroughly. In conducting an investigation, the Investigators will be sensitive to the possibility of retaliation by the Respondent as the result of the initiation of an investigation. The Investigators will conduct interviews as needed with all appropriate individuals, including the Complainant and Respondent, and will gather any pertinent evidentiary materials.
8. The Investigators will normally complete their investigation within 60 calendar days, except in instances where there are a great number of witnesses, the investigation commences in close proximity to a holiday, break, or the end of an academic term, or other circumstances compel a longer timeframe for the investigation. After concluding their investigation, the Investigators will write an Investigation Report summarizing witnesses interviewed, evidentiary materials gathered, determination concerning any potential violations of College policies, and recommendations for remedies.
9. For all Sexual Harassment complaints, the Investigators will submit for review the Investigation Report to the Sr. Director DHSM & TIX and the Vice President for Academic Affairs. For all other complaints, the Investigators will submit for review the Investigation Report to the Associate Vice President for Human Resources and Payroll Services and the Vice President for Academic Affairs. The Sr. Director DHSM & TIX/Associate Vice President for Human Resources and Payroll Services or Vice President for Academic Affairs may refer to the Investigators any questions concerning the report's contents or conclusions. After the Investigators successfully answer or resolve pertinent questions or concerns, or if the area Vice President agrees with the Investigators' conclusions, the Vice President for Academic Affairs will prepare a Statement of Alleged Violation which will summarize if the alleged conduct did or did not occur and if the Respondent is or is not responsible for violating College policy. The Vice President for Academic Affairs will also propose the remedies and/or sanctions to be imposed and include them in the Statement of Alleged Violation
10. The Vice President of Academic Affairs will meet with the Complainant and Respondent, separately, to discuss the content of the Statement of Alleged Violation, and to provide them with copies of the document along with copies of the Investigators' report. The Vice President will be responsible for redacting, or providing summaries of portions of the report, to the extent needed to maintain the identity of witnesses about specific testimony, to the extent that is not otherwise publicly visible; any such alterations will be the minimum needed to preclude the identification of a witness. To protect the integrity of the investigation and potential hearing process, these documents should be kept confidential by the parties involved and not shared with witnesses or persons not involved in the matter. However, complainants and respondents are not prohibited from sharing these documents with family, counsel, or a support person/advisor as defined in paragraph 14, below. Neither the Complainant nor the Respondent are required to meet with the Vice President of Academic Affairs and may decline to do so.
11. The Complainant and Respondent have the opportunity to respond, in writing, to the Statement of Alleged

Violation within a set time period. The parties will have ten (10) business days after meeting with the Vice President of Academic Affairs, or after the Statement is provided in instances where they decline to meet with the Vice President of Academic Affairs, to submit a written response to both the Vice President of Academic Affairs and Sr. Director DHSM & TIX/Associate Vice President for Human Resources and Payroll Services.

12. After that period of 10 business days, all of the relevant documents will be forwarded to FEC. FEC will then determine which aspects of the Statement of Alleged Violation, inclusive of the proposed remedies and/or sanctions.

Either the Complainant or Respondent may appeal adverse rulings of FEC to the President, based on one of two reasons: improper procedural issues or new evidence (defined in section IV. D). Sanction(s) or other interim measures may be imposed pending the outcome of any appeal filed as well as during the ten (10) day period in which an appeal may be filed. The Sr. Director DHSM & TIX/Associate Vice President for Human Resources and Payroll Services will be notified by the President of any such response.

President's Actions on Appeal

a. If a determination is made by the President that an appeal is warranted due to "improper procedural issues," then the initial investigative panel will be dismissed and a new one will be convened.

b. If a determination is made by the President than an appeal is warranted due to "new evidence," then the case will be returned to the initial investigative panel for further investigation, building on the initial investigation as appropriate.

13. Interim Measures: The College may take interim measures deemed necessary in response to an allegation in order to protect an individual's rights and personal safety and the safety of the College community. All such interim measures against a faculty member will be proposed to FEC, which will determine whether to implement them before they began, except in cases in which the President and Vice President for Academic Affairs determine that there is a clear and present danger to safety of community members or an immediate need to protect an individual's rights. In cases, where the President and Vice President for Academic Affairs act without prior approval of FEC, they will refer their decisions to FEC, within one week, for FEC to review and either confirm, modify, or overturn.

Such measures include, but are not limited to, an interim suspension (immediate, temporary suspension pending the outcome of complaint process), a no contact order (an order that an individual refrain from direct or indirect contact with another person or persons), restrictions on access to campus or areas of campus, and/or appropriate changes in academic schedule. Interim measures may include reporting the matter to the local police. Failure by the Respondent to adhere to the parameters of any interim measure is a violation of College policy and may lead to additional disciplinary action.

Such interim measures may be imposed:

- In instances where it is determined that the Respondent poses a potential threat to another;
- To ensure the safety and well-being of members of the College community and/or preservation of College property;
- To ensure the Respondent's own physical or emotional safety and well-being; or
- If the Respondent poses a threat of disruption or interference with the normal operations of the College.

14. Support Person/Adviser: The Complainant and Respondent may each have a support person present with them at all meetings and any hearing associated with a complaint and in which the respective individual is participating. The support person must be a current member of the Claremont Colleges community and shall not be involved in the underlying case. The support person may attend, but shall not participate in, meetings or the hearing. Because this is an administrative process, legal counsel will not be permitted, except when

required by applicable law. In such cases an attorney will only be permitted in a non-participatory advisory role for the Complainant and/or Respondent at that individual's expense.

C. Procedures if a Staff member or third party is a Respondent:

1. Upon receipt of a complaint, the Complaint Officer will consult with the Complainant. If the Complainant requests confidentiality or requests that the complaint not be pursued, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. However, such a request for confidentiality may limit the College's ability to respond to the complaint. The College may also weigh the Complainant's request for confidentiality against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same individual, the Respondent's rights to receive information about allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act ("FERPA"), and other factors otherwise required by applicable law. The investigators (collectively the "Investigators") will meet with the Complainant to review the complaint, related policies, and these complaint procedures.
The Investigators will also identify support resources and interventions or interim measures available to the Complainant.

a. Complaints of Sexual Harassment: The Sr. Director DHSM & TIX shall be advised of any complaints of Sexual Harassment received by Complaint Officers. The Title IX Coordinator will select two investigators from a pool of trained investigators.

b. Complaints of Harassment and Discrimination, other than Sexual Harassment: The Complaint Officer will consult with the Sr. Director DHSM & TIX regarding the selection of the appropriate investigators. The investigators (collectively the "Investigators") will meet with the Complainant to review the complaint, related policies, and these complaint procedures. The Investigators will also identify support resources and interventions or interim measures available to the Complainant.

i. The Complaint Officer may, after speaking with Complainant, determine that the conduct complained about does not constitute harassment, discrimination, or retaliation and so inform the Complainant. The Complaint Officer may also determine that although the conduct does not constitute harassment, discrimination, or retaliation, if left unchecked it could develop into such conduct. In this case, the Complaint Officer will speak with the individual(s) engaging in this conduct and/or take other steps to prevent such harassment or discrimination from occurring and may be remanded to the area Vice President and Human Resources for disciplinary action.

c. The pool of Investigators will include:

ii. Two Staff members from the Human Resources Office
iii. Two staff members from the Office of the Dean of Faculty
iv. One staff member from Staff Council
v. Two staff members from the Division of Student Affairs

2. Every complaint will be investigated promptly and thoroughly. In conducting an investigation, the Investigators will be sensitive to the possibility of retaliation by the Respondent as the result of the initiation of an investigation. The Investigators will conduct interviews as needed with all appropriate individuals, including the Complainant and Respondent, and will gather any pertinent evidentiary materials.

3. The Investigators will normally complete their investigation within 60 calendar days, except in instances where there are a large number of witnesses, the investigation commences in close proximity to a holiday, break, or the end of an academic term, or other circumstances compel a longer timeframe for the investigation. After

concluding their investigation, the Investigators will write an Investigation Report summarizing witnesses interviewed, evidentiary materials gathered, a determination concerning any potential violations of College policies, and recommendations for remedies.

4. For all Sexual Harassment complaints, the Investigators will submit for review the Investigation Report to the Sr. Director DHSM & TIX and the Vice President corresponding to the Respondent's area. For all other complaints, the Investigators will submit for review the Investigation Report to the Associate Vice President for Human Resources and Payroll Services and the Vice President corresponding to the Respondent's area. If the Vice President is the subject of the complaint, the Sr. Director DHSM & TIX/Associate Vice President for Human Resources and Payroll Services will appoint a Vice President from a different office to perform these duties. The Sr. Director DHSM & TIX/Associate Vice President for Human Resources and Payroll Services or Vice President may refer back to the Investigators any questions concerning the report's contents or conclusions. After the Investigators successfully answer or resolve pertinent questions or concerns, or if the area Vice President agrees with the Investigators' conclusions, the area Vice President will prepare a Statement of Alleged Violation which will summarize if the alleged conduct did or did not occur and if the Respondent is or is not responsible for violating College policy. The Vice President will determine the remedies and/or sanctions to be imposed and include them in the Statement of Alleged Violation.
5. The area Vice President will meet with the Complainant and Respondent, separately, to discuss the content of the Statement of Alleged Violation, and to provide them with copies of the document along with copies of the Investigators' report. To protect the integrity of the investigation and potential hearing process, these documents should be kept confidential by the parties involved and not shared with witnesses or persons not involved in the matter. However, Complainants and respondents are not prohibited from sharing these documents with family, counsel, or a support person/advisor as defined in section 10 below. Neither the Complainant nor the Respondent are required to meet with the Vice President and may decline to do so.
6. The Complainant and Respondent have the opportunity to respond, in writing, to the Statement of Alleged Violation within a set time period. The parties will have ten (10) business days after meeting with the area Vice President, or after the Statement is provided in instances where they decline to meet with the area Vice President, to submit a written response to both the area Vice President and Sr. Director DHSM & TIX/Associate Vice President for Human Resources and Payroll Services. If the written response is a request for an appeal of the determination, it must be forwarded within the same ten (10) day period to both the President and Sr. Director DHSM & TIX/Associate Vice President for Human Resources and Payroll Services. The ten (10) day period may be extended if the delivery of the Statement occurs in close proximity to a holiday, break, or the end of an academic term, or if exigent circumstances interfere with a party's ability to complete their response.
7. Either the Complainant or Respondent may appeal an adverse decision of the appropriate Vice President to the President of the College based on the two reasons: improper procedural issues or new evidence (defined in Reason for Appeals section below). Sanction(s) or other interim measures may be implemented pending the outcome of any appeal filed. The Sr. Director DHSM & TIX/Associate Vice President for Human Resources and Payroll Services will be notified by the area Vice President of any such response.
    a. For any complaints that are not considered Harassment, Discrimination, and/or Retaliation, staff will follow the Appeal of Disciplinary Action Policy (available on the HR web page or through the HR office).
8. **Hearing Panel (Appeals Only)**

a. If a determination has been made by the President that the appeal meets the criteria defined above, a three-person Hearing Panel will be convened by the President from a pool of available panelists within seven (7) business days from the receipt of the request for appeal. All members of the Hearing Panel will receive training on an annual basis at the beginning of each academic year. The composition of the Hearing Panel will be appointed by the President from the following pool and will be based on the status of the Complainant and the Respondent. The Hearing Panel pool will consist of:
    i. A staff member appointed by the Staff Council Representatives;

ii. Up to three members of the investigator pool who were not involved in the investigation of the Complainant's claim
iii. A student appointee from Judicial Council, in cases where a student is the Complainant
iv. A member of the faculty appointed by the Faculty Executive Committee, in cases where a member of the faculty is the Complainant
v. A student Complainant and/or Respondent may request that a student be placed on the panel. A Complaint Officer not involved in the initial investigation shall chair hearings before the Hearing Panel, but shall not vote. The Sr. Director DHSM & TIX will serve as a non-voting advisor to the Chair.

b. The Complainant and Respondent will be informed of the composition of the panel and have the opportunity to request and/or challenge the student member (as discussed above). The Complainant and Respondent may also indicate at this point if they think any members of the panel have a conflict of interest. A conflict of interest occurs where an individual's personal objectives or interests are at odds with their judicial responsibilities. For example, if a member has also served as an advisor for a party to a complaint or has a close personal relationship with one of the parties, there may be a conflict of interest. The Chair will make the final determination as to whether or not such a conflict of interest exists, and may consult with the Sr. Director DHSM & TIX in making its determination. Individuals removed from the panel as a result of a challenge based on an allegation of a conflict of interest will be replaced by another member of the pool by the President.

c. The Hearing Panel will review the Investigators' Report, the Statement of Alleged Policy Violation, and the request for an appeal within ten (10) days of their selection to the Hearing Panel. The Hearing Panel may refer back to the Investigators or the area Vice President any questions concerning the contents or conclusions of the investigation materials or may ask additional questions of the Complainant and/or Respondent as part of the hearing.

    i. If the panel determines that "new" evidence that did not come to light during the investigation has been presented during the hearing, the panel may adjourn the hearing for a period that the panel deems appropriate to enable the Complainant and/or Respondent to respond to such evidence. Evidence is considered "new" only if the panel believes the evidence is relevant and important and could not with a reasonable effort have been discovered earlier by the party.

d. An appeal is not intended to be a new investigation of the complaint. In most cases, an appeal is confined to a review of the written documentation and/or record of the investigation and pertinent documentation regarding the grounds for appeal. In the cases where additional questioning is needed, the hearings will be closed, except to the Respondents and Claimants, and the attendance of lawyers will not be permitted. Both the Respondent and the Claimant may have an advisor/support person from within the Claremont Colleges community, approved by the panel, at the hearing. The advisor may consult with the party but may not address the hearing panel. Once the hearings have ended and the process of deliberation has begun, meetings of the panel will be closed to all but panel members and the Sr. Director DHSM & TIX. All proceedings will be confidential and will not be discussed outside the process. Any witnesses and advisors must keep the hearing proceedings strictly confidential. To protect the integrity of the investigation and hearing process, the parties should also keep the hearing proceedings confidential. However, Complainants and Respondents are not prohibited from sharing details of the hearing proceedings with family, counsel, advisor/support person, or other advisors of their choosing. The Hearing Panel may only find responsibility for claims or pieces of claims that appear on the Statement of Alleged Policy Violations prepared by the Area Vice President.

e. The Hearing Panel will prepare a Final Determination Report and submit it to the President within ten (10)

business days of completing deliberations. The determination of the Hearing Panel will be the College's final and binding document for the resolution of the complaint.

a. The President will meet with the Complainant and Respondent, separately, within ten (10) business days of receiving the Final Determination Report from the Hearing Panel, to communicate the final determination of the College. Neither the Complainant nor the Respondent are required to meet with the President and may decline to do so. The area Vice President will proceed with enacting or retracting any remedies and/or sanctions identified in the Final Determination Report immediately following the meetings with the President or within five (5) days if either the Complainant or Respondent refuses to meet.

9. Interim Measures: The College may take whatever measures are deemed necessary in response to an allegation in order to protect an individual's rights and personal safety and the safety of the College community. Such measures include, but are not limited to, an interim suspension (immediate, temporary suspension pending the outcome of complaint process), a no contact order (an order that an individual refrain from direct or indirect contact with another person or persons), restrictions on access to campus or areas of campus, and/or appropriate changes in academic schedule. Interim measures may include reporting the matter to the local police. Failure by the Respondent to adhere to the parameters of any interim measure is a violation of College policy and may lead to additional disciplinary action.

a. Such interim measures may be imposed:

i. In instances where it is determined that the Respondent poses a potential threat to another;
ii. To ensure the safety and well-being of members of the college community and/or preservation of College property;
iii. To ensure the Respondent's own physical or emotional safety and well-being; or
iv. If the Respondent poses a threat of disruption or interference with the normal operations of the College.

10. Support Person/Advisor: The Complainant and Respondent may each have a support person present with them at all meetings and any hearing associated with a complaint and in which the respective individual is participating. The support person must be a current member of the Claremont Colleges community and shall not have involvement in the underlying case. The support person may attend, but shall not participate in, meetings or the hearing. Because this is an administrative process, legal counsel will not be permitted except when required by applicable law. In such cases an attorney will only be permitted in a non-participatory advisory role for the Complainant and/or Respondent at that individual's expense.

D. Reason for Possible Appeal - Faculty and Staff Respondents

From Decisions of the Appropriate Vice President Concerning Cases of Harassment, including Sexual Harassment, Discrimination and Retaliation

Either the Complainant or Respondent may appeal an adverse ruling of the appropriate Vice President to the President of the College. An appeal is not intended to be a new investigation of the complaint. In most cases, an appeal is confined to a review of the written documentation and/or record of the investigation and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for the President to substitute their judgment for that of the Investigators or the appropriate Vice President merely because the President disagrees with the finding and/or sanction(s). Appeal decisions are to be deferential to the Investigators, and the Vice Presidents, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

Complaints that are not considered Harassment and/or Discrimination (as defined in section 1.b.1), staff will follow the Appeal of Disciplinary Action Policy.

Written notice of intention to appeal and written reasons for the appeal shall be provided within ten (10) business days of the Vice President's decision.

The decisions made by an appropriate Vice President are generally final. Appeal of the decisions may be made on only two grounds. Either or both may be cited in the appeal.

1. **Improper Judicial Procedure.** The party may appeal if the procedures outlined in the Discrimination and Harassment policies are violated. The President shall consider:
    a. Whether provisions of the policies were violated in such a clear manner as to deny the respondent consideration of their position during the hearing.

b. Whether the panel, through negligence or lack of impartiality, overlooked or flagrantly ignored information which would have led to a different finding concerning the alleged violation of the Discrimination and Harassment policies.

If the President accepts an appeal made on the grounds of improper judicial procedure, the President shall order the creation of a new hearing panel. The President may provide specific directives or explanations for the guidance of the hearing panel.

2. **New Evidence.** During the standard hearing process, sufficient time is allowed to gather all available evidence. However, in extraordinary circumstances a party may appeal if new evidence becomes available. The President must consider:

    a. Whether the evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing; and
    b. Whether the evidence would have led to a different conclusion had it been available.

If the President answers in the affirmative to both of these questions, the President will grant the appeal and send the case to a hearing panel for reconsideration and may provide specific directions or explanations for the guidance of the hearing panel.
In certain extraordinary circumstances and in consultation with the appropriate Vice President, the Sr. Director DHSM & TIX may request the President to review a case on the grounds of fairness and precedent. If such an appeal is granted, the case shall be heard by a hearing panel.

Written notice of any appeal decision shall be provided to both parties, the Sr. Director DHSM & TIX/Associate Vice President for Human Resources and Payroll Services, and the appropriate Vice President, normally within 30 days after the appeal request has been submitted by a party, unless unforeseen events or unusual circumstances compel a longer review period. Sanction(s) or other interim measures may be implemented pending the outcome of any appeal filed. The Hearing Panel's decisions concerning all appeals are final.

Sanction(s) or other interim measures may be implemented pending the outcome of any appeal filed. A request may be made to the President for special consideration in exigent circumstances, but the presumptive stance of Pitzer College is that the sanctions will stand. In cases where the appeal results in reinstatement to the College or of privileges, all reasonable attempts will be made to restore the individual to their prior status, recognizing that some opportunities lost may be irretrievable.

V. Appointment and Duties of a College Complaint Officer

The office responsible for the category of the Respondent (i.e., student, faculty, or staff) normally will be in charge of the investigation. It will be the responsibility of each Complaint Officer to:

a. Administer and conduct discrimination and harassment investigations (not involving allegations of sexual misconduct) pursuant to this policy;
b. Maintain and monitor confidential records relating to complaints brought under this policy;
c. Initiate formal or informal resolution procedures as appropriate.

The Complaint Officers shall also have the authority to:

a. Coordinate with the other Complaint Officers an on-going, campus-wide educational program designed to help all members of the Pitzer College community understand, prevent, and combat harassment and discrimination;
b. Oversee the dissemination of this policy;
c. Suggest training courses and seminars as part of the informal resolution process;
d. Initiate follow-up with respect to cases that have been resolved; and
e. Provide annual reports to the President and to the whole Pitzer College community on efforts against harassment and discrimination at the College

VI. Record Retention

Records of investigations and hearings are maintained by the College as indicated below.

1. **Students:** For Complainants and Respondents, who are students, the records will be maintained for five (5) years past the student's graduation or if the student leaves the College before graduation, for five (5) years past their original expected graduation date.
2. **Faculty or Staff:** For Complainants and Respondents who are faculty or staff, the records will be maintained for five (5) years past the conclusion of the investigation and any hearing, or the end of employment with the College, whichever of these is later.

VII. Special Provisions

A. **Attempted Violations:** In most circumstances, the College will treat attempted conduct as if that conduct had been completed.
B. **College as Complainant:** As necessary, the College reserves the right to initiate a complaint, to serve as Complainant, and to initiate complaint proceedings without a formal complaint by the subject of the alleged misconduct.
C. **Alcohol and substance use:** The use of alcohol or other drugs will never function as a defense for any behavior that violates College policy.
D. **Past Sexual History:** The past sexual history of a party will generally not be admissible by the other party in an investigation or hearing unless such information is determined to be highly relevant by the Sr. Director DHSM & TIX. If the party believes the past sexual history of the other party is relevant to the investigation and/or hearing they must submit a written request to the Sr. Director DHSM & TIX explaining the nature of the information and why the information is relevant to the investigation and/or hearing. The Sr. Director DHSM & TIX will review the request and render a decision within two (2) business days.
E. **Respondent's Prior Conduct History:** Any previous College policy violation(s) by the Respondent are generally not admissible as relevant evidence about the present allegation. However, the Sr. Director DHSM & TIX Coordinator or Complaint Officer may supply information about previous behavior and/or complaints to the Investigator(s), and appropriate hearing officers or panels:
    1. The Respondent was previously found to be responsible for a similar violation; or

2. The information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

However, a Respondent's prior conduct will be taken into consideration by the appropriate Vice President, President, and a panel (when applicable) when determining what sanction(s) to recommend or impose.

VIII. Rights of Parties Involved in a Proceeding Under These Policies

A. Complainants are afforded the following rights:

i. To be treated with respect, dignity, and sensitivity throughout the process.
ii. To seek support services from the College, including those provided by Monsour Counseling and Psychological Services.
iii. For student Complainants, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). For all Complainants, the College will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know.
iv. To be informed of the College's policies and complaint procedures related to discrimination, harassment, sexual misconduct, and retaliation.
v. To a prompt and thorough investigation of the allegation(s).
vi. To challenge the appointment of the Investigator or a Board member or request an alternate Vice President if a conflict of interest is present.
vii. To participate or decline to participate in the complaint process related to a discrimination, harassment, sexual misconduct, and/or retaliation complaint with the understanding that the process may continue without their involvement and that the Investigator and/or Board will determine an outcome with the information available to it.
viii. To appeal the decision made by the Investigator, Sr. Director DHSM & TIX or Board and sanction(s) determined by the appropriate Vice President in accordance with the procedures set forth above.
ix. To be notified, in writing, of the case resolution - including the outcome of any appeal.
x. To report the incident to law enforcement and/or civil authorities if one wishes to do so.
xi. To understand that information collected in this process may/could be subpoenaed for a criminal or civil proceeding.
xii. To have a support person/advisor by the student, faculty or staff complaint procedures.

B. Respondents are afforded the following rights:

1. To be treated with respect, dignity, and sensitivity throughout the process.
2. To seek support services through the College, including through Monsour Counseling and Psychological Services.
3. For student Respondents, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). For all Respondents, the College will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know.
4. To be informed of the College's policies and complaint procedures related to discrimination, harassment, sexual misconduct, and retaliation.
5. To a prompt and thorough investigation of the allegation(s).
6. To challenge the appointment of the Investigator, a member of the Board or request an alternate Vice President if a conflict of interest is present.

7. To participate or decline to participate in the review procedure, with the understanding that the process will continue regardless and the Investigator and/or Board will determine an outcome with the information available to it.
8. To appeal either the decision or sanctions of the appropriate Vice President in accordance with the procedures set forth above.
9. To be notified, in writing, of the case resolution - including the outcome of the appeal.
10. To report the incident to law enforcement and/or civil authorities if one wishes to do so.
11. To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.
12. To have a support person/advisor as defined by the student, faculty or staff complaint procedures.

IX. Alternative Resolution Options

In some circumstances, in addition to the resolution procedures discussed above in Section IV, the College may choose an alternative form of resolution to the one provided in this Document. In these instances, the College will attempt to gain approval from both parties whenever possible. This alternative process will adhere to Title IX standards.

A. **Mediation:** This informal procedure is intended to resolve actual or perceived instances of harassment and discrimination through agreement and mutual understanding between the parties involved without the need for more formal action by the College. Informal resolution will normally be completed within four weeks although mediation, if required, may take longer.

After the Complaint Officer or other investigator completes an investigation, both parties may agree to attempt an informal resolution of a charge of harassment or discrimination. If the Complaint Officer determines that such an informal process is appropriate under the facts and circumstances of the case, one or more of the following, or similar, methods may be utilized:

a. A meeting of the Complaint Officer, the Complainant, and the Respondent; and/or
b. A meeting between the Complaint Officer and the Respondent; and/or
c. A recommendation of training courses or seminars for either principal; and/or
d. Referral of the case to a mediator who has both legal and/or personnel relations experience. The mediator will discuss the issues with both principals and seek appropriate actions by the principals involved to reach an acceptable resolution. Mediation must be agreed to by both parties. Mediation is not an option for resolution in cases involving allegations of sexual assault.

At the conclusion of an informal procedure which results in the parties and the Complaint Officer agreeing the charge has been successfully resolved, each party will be asked to sign an acknowledgment that the informal procedure was performed with their agreement and resulted in a resolution of the charge that was satisfactory to each party.

The details of any conditions agreed to by either party (e.g. counseling, the avoidance of a particular behavior) may be included in this agreement. Signing the acknowledgment form is the final step in the informal resolution process, and is entirely voluntary. There will be no adverse consequences for anyone who declines to participate in the informal resolution procedure or who participates in an informal resolution procedure and then subsequently declines to sign the acknowledgment of resolution. The signed acknowledgment will be kept in the confidential files of Human Resources and available to its Complaint Officers.

If either party declines to sign the acknowledgment of an agreement, the informal procedure will be deemed unsuccessful.

X. The College's External Reporting Obligations

A. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The "Clery Act")

1. Statistical Reporting: Certain College officials have a duty to report certain misconduct for federal statistical reporting purposes ("Clery Act"). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include staff in the Division of Student Affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

2. Timely Warning: Complainants should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of harm or danger to members of the College community. For purposes of the Timely Warning requirement, the College will not disclose a Complaint's name. However, the College will provide enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are the same as detailed in the paragraph above.

B. FERPA

1. The outcome of a campus hearing is part of the educational record of the Respondent, if they are a student, and the employee record if they are a faculty or staff member. The educational records of students are protected from release under a federal law, FERPA. The College complies with FERPA regulations regarding the privacy of student records and observes the following exceptions to FERPA, as mandated by the Clery Act:
2. The Complainant(s) in a non-consensual sexual contact/intercourse incident have the right to be informed of the finding, and sanction(s) of the investigation or hearing, in writing, without condition or limitation.
3. The Complainant(s) in sexual exploitation, sexual harassment, stalking, relationship violence and any other gender-based offense have the right to be informed of the finding, in writing, and to be informed of any sanction(s) that directly relate to them, and to essential facts supporting the outcome when the outcome is "responsible" (and the underlying offense is a crime of violence as defined below and in 34 C.F.R. 99.39) and/or it is equitable to share the essential findings with all parties.
4. The Clery Act permits the College to release publicly the name, nature of the violation and the sanction(s) for any student who is found in violation of a College policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, intimidation (which may

encompass stalking and/or bullying), hazing, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the Complainant in any of these offenses regardless of the outcome.

Section A: Sexual Misconduct Prevention and Risk Reduction

Prevention: If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner and yourself. These suggestions may help you avoid committing a nonconsensual sexual act and reduce your risk of being accused of sexual misconduct:

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly communicate their intentions to you.
2. Understand and respect personal boundaries. Do not pressure a potential partner.
3. DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent and you should stop.
4. If you think you are receiving unclear or conflicting messages from your partner, this is a clear indication that you should stop, defuse any sexual tension, and communicate better.
5. Don't take advantage of someone's drunken, drugged, or otherwise incapacitated state, even if they did it to themselves.
6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. Understand that consent to some form of sexual behavior does not automatically equal consent to any other form of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language. If you are not sure, stop.

Risk Reduction: Risk reduction tips can, unintentionally, take victim-blaming tone. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for such conduct, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

1. If you have sexual limits, make them known as early as possible.
2. If you do not want to engage in a particular activity, tell the other person "NO" clearly and firmly.
3. Try to remove yourself from the physical presence of a sexual aggressor if you can do so safely.
4. If someone is nearby, ask for help or if it is safe to do so, text or call someone.
5. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

Section B: Frequently Asked Questions: Sexual Assault and Misconduct

Below are commonly asked student questions regarding sexual misconduct.

1. **Does information about a complaint remain confidential?**

The confidentiality of all parties to a complaint of sexual misconduct must be respected, insofar as it does not interfere with the College's obligation to fully investigate allegations of sexual misconduct. Where confidentiality

is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the Complainant or the Respondent may lead to disciplinary action by the College. In all complaints of sexual misconduct, all parties will be informed of the outcome. In some instances, the College may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the alleged victim. Certain College administrators are informed of the outcome within the bounds of student privacy (e.g., the President, Dean of Students, Director of Campus Safety, Sr. Director DHSM & TIX). If there is a report of alleged sexual misconduct to the College and there is evidence that a felony has occurred, local police will be notified if the Complainant consents. This does not mean charges will be automatically filed or that a Complainant must speak with the police. The College also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

2. **Will I (as a survivor/victim) be required to pay for counseling/or medical care?**

Students can access CUC Counseling Service, and the Counseling Service also hosts a support group for survivors of sexual assault. If you are accessing community and non- institutional services, payment for these services may be covered by your health insurance plan; please check your coverage. If you have elected coverage under the Claremont College's Student Health Insurance Plan ("SHIP"), payment for these services may also be covered under this insurance plan. SHIP documentation is available at: https://services.claremont.edu/student-health-services/

3. **Will my parents or guardian be told?**

Unless you are under 18 years old, no; not unless you tell them. Whether you are the Complainant or the Respondent, the College's primary relationship is with you, the student, and not to your parent or guardian. However, we strongly encourage you to communicate with your parents when you are in distress whether for medical, behavioral, or academic reasons. Moreover, the College has an obligation to and will contact your parents if we believe your health or safety is at risk or if your status at the College is at risk (due to residential or College suspension or expulsion). In addition, College officials will speak with your parents directly at your request.

4. **Do I have to name the alleged perpetrator?**

Yes, if you want the College to pursue its complaint procedures as outlined in this Document. No, if you choose to respond informally and do not file a formal complaint. You should consult the confidentiality provisions set forth in the Document to better understand the College's legal obligations depending on what information you share with different College officials. Complainants should be aware that not identifying the alleged perpetrator may limit the College's ability to respond comprehensively.

5. **Will the alleged perpetrator know my identity?**

Yes, if you file a formal complaint. Sexual misconduct is a serious offense, and the Respondent has the right to know the identity of the complainant/alleged victim. If there is a hearing, the College does provide alternative testimony options.

6. **What do I do if I am accused of sexual misconduct?**

DO NOT contact the Complainant. You may want to speak with someone in the campus community who can act as your support person/advisor. The Sr. Director DHSM & TIX can explain the College's complaint procedures for addressing sexual misconduct complaints and offer you supportive resources. You may also want to seek confidential counseling through the counseling center or seek support through off campus services in the community. See below regarding legal representation.

7. **What about legal advice?**

Complainants do not need private legal counsel to pursue criminal prosecution because representation will be handled by the District Attorney's office. However, it is the Complainant's choice whether to retain an attorney and you may want to retain an attorney if you are considering filing a civil action. Respondents may want to retain legal counsel given the potential for criminal and/or civil action. Legal counsel may only participate in College proceedings as a support person to their respective party and at that individual's expense.

8. **What about changing residence hall rooms or other accommodations?**

The Complainant and Respondent may request a room change through the Sr. Director DHSM & TIX who will facilitate with a Dean of Campus Life room change to the first available, suitable room. If a Complainant wants the Respondent to move, Complainant must be willing to pursue a formal complaint. No contact orders can be imposed.

Other accommodations available to Complaints might include:

- Assistance with or rescheduling an academic assignment (paper, exams, etc.);
- Assistance in requesting an incomplete in a class;
- Assistance with transferring class sections, if available;
- Temporary withdrawal;
- Assistance with alternative course completion options;
- Other accommodations for health and safety as necessary.

9. **What should I do about preserving evidence of a sexual assault?**

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 72 hours (although the sooner the better for collection of evidence), though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the emergency room, before washing yourself or your clothing. The Sexual Assault Nurse Examiner, a nurse who is specially trained to collect evidence in cases of alleged sexual assault, at Pomona Valley Hospital Medical Center (1798 N. Garey Avenue, Pomona, CA 91767, 909-865-9500) is usually on call 24 hours a day, 7 days a week. If you decide to seek medical attention and wish to have evidence collected, contact the emergency room and request that they call a SANE nurse.

The hospital staff will collect evidence, check for injuries, address pregnancy concerns, and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence.

You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. If you would like someone from the College staff to accompany you to the hospital, contact Campus Safety at 909-607-2000 and ask them to contact the On-Call Dean. An On-Call Dean is available whenever the College offices are closed to assist students in emergency situations. In addition, the Advocates for Survivors of Sexual Assault are a student support resource.

If you go to the hospital, local police will be called, but you are not obligated to talk to the police or to pursue prosecution. Collecting evidence can assist the authorities in pursuing criminal charges, should you decide at a later date. Collecting evidence will not oblige you to any course of action.

10. **Will the Complainant be sanctioned when reporting a sexual misconduct if they have illegally used drugs or**

alcohol?

No. The severity of the infraction will determine the nature of the College's response, but whenever possible the College will respond educationally rather than punitively to the illegal use of drugs and/or alcohol. The seriousness of sexual misconduct is a major concern, and the College does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

11. **Will the use of drugs or alcohol affect the outcome of a sexual misconduct complaint?**

The use of alcohol and/or drugs by either party will not diminish the Respondent's responsibility. On the other hand, alcohol and/or drug use is likely to affect the Complainant's memory and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to support their complaint. If the Complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the Respondent without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a Respondent.

12. **Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?**

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

13. **What should I do if I am uncertain about what happened?**

If you believe that you have experienced sexual misconduct but are unsure of whether it was a violation of the College policy, you should contact the College's Sr. Director DHSM & TIX who can explain the policy and resolution options. If you would like to speak with someone in strict confidence to explore the incident, you may want to first speak with a counselor at Monsour Counseling and Psychological Services, a chaplain from the McAlister Center, an Advocate for Survivors of Sexual Assault, or a rape crisis hotline.

Advocates for Survivors of Sexual Assault are a trained student group who are available through a pager system to assist students who have experienced sexual assault or misconduct on a 24/7 basis (909-607-1778). While the Advocates do not enjoy a legal confidentiality privilege as the other College officials listed above, they are confidential resources and not mandated reporters.

Section C: What to Do if You Have Experienced Sexual Misconduct, Including Sexual Assault

If you have been a victim of sexual misconduct, the sooner you seek help the more options you have available to you. The following steps are important to take as soon as possible.

1. **Get away from your attacker and to a safe place as soon as possible.** Call 911 or Campus Safety (909-607-2000).
2. **Seek medical attention** to assess and treat any injuries, screen for pregnancy and any sexually transmitted infections, and collect evidence (if you consent to do so). If you decide to seek medical attention, contact the emergency room at **Pomona Valley Hospital Medical Center** (1798 N. Garey Avenue, Pomona, CA 91767, 909-865-9500) in advance and request that they call a Sexual Assault Nurse Examiner (SANE), a nurse who is specially trained to collect evidence. A SANE nurse is usually on call 24 hours a day, 7 days a week. Evidence can be collected up to 96 hours after the incident. If you have changed clothing since the incident, bring the clothing you had on at the time with you to the hospital in a clean paper bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital.

   You can take a support person with you to the hospital, and they can accompany you through the

exam, if you want. If you would like someone from the College staff to accompany you to the hospital, contact Campus Safety at 909-607-2000 and ask them to contact the On-Call Dean.

Advocates for Survivors of Sexual Assault are a trained student group who are available through a pager system to assist students who have experienced sexual assault or misconduct on a 24/7 basis (909-607-1778). While the Advocates do not enjoy a legal confidentiality privilege as the other College officials listed above, they are confidential resources and not mandated reporters.

If you go to the hospital, the police will be called, but you are not obligated to talk to the police or to pursue prosecution. Collecting evidence will not obligate you to any course of action but can assist the authorities in pursuing criminal charges should you decide later to do so later.

3. **Seek support:** Don't be afraid to ask for help and support; feelings of shame, guilt, fear, and shock are normal. Call a trusted friend or family member or one of the on and off campus resources listed below:

   Sr. Director of Discrimination, Harassment, Sexual Misconduct, and Title IX:

   Christine R. Guzman, PhD, LCSW, (christine_guzman@pitzer.edu / 909-607-2958).

   On-Call Deans (For assistance after business hours and weekends):

   Contact the On-Call Dean through Campus Safety at 909-607-2000.

   Advocates for Survivors of Sexual Assault: 909-607-1778 (See above).

   EmPower Center: 909-607-2689; 1030 Dartmouth Ave

   Monsour Counseling and Psychological Services: 909-621-8202 during normal business hours. For assistance after hours, contact the on-call therapist through Campus Safety at 909-607-2000.

   Student Health Services: 909-621-8222 during normal business hours. For assistance after hours, contact the on-call doctor through Campus Safety at 909-607-2000.

   Crisis Hotlines:

   Project Sister Sexual Assault 24/7 Crisis Hotline (Claremont, CA): 800-656-4673

   909-626-HELP (909-626-4357)

   National Sexual Assault 24/7 Crisis Hotline (RAINN):

   800-656-HOPE

4. **Please talk with the Sr. Director DHSM & TIX about your options.** This will be your opportunity to review your options and discuss all available resources both on and off campus. Regardless of when the incident occurred, it is never too late to have a conversation about your experience and to explore supportive resources that are available to you.

Pitzer College seeks to maintain an environment of mutual respect among all members of its community. All forms of harassment and discrimination on the basis of sex, gender identity and expression, pregnancy, religion, creed, color, race, national or ethnic origin, ancestry, sexual orientation, medical condition, physical or mental disability, age, marital status, veteran status, family care leave status, or any other basis described in Pitzer College's discrimination and harassment policies and procedures or otherwise prohibited by state or federal law destroy the foundation for such respect and violate the sense of community vital to the College's educational enterprise. Sexual misconduct offenses are a form of sexual harassment and are strictly prohibited

by the College. Retaliation against a person who reports, complains about, or participates in the investigation of a complaint of discrimination, harassment, and/or sexual misconduct is likewise prohibited.

Pitzer College joined with The Claremont Colleges to address sexual harassment cases that are governed by the Title IX regulations, which took effect on August 1, 2024. The current policy, as well as the policy effective during calendar year 2023, can be found on the TCC webpage at https://services.claremont.edu/titleix/.

For the complete version of The Claremont Colleges Sexual Misconduct and Sex-Based Harassment Interim Policy (2024 TCC Interim Policy), please reference Appendix A in this report.

The complete document outlining Pitzer College's response to sexual and gender violence can be found in the College's Discrimination, Harassment, and Sexual Misconduct (DHSM) Policies and Procedures on the Title IX Office webpage at https://www.pitzer.edu/offices/title-ix , as well as within the student handbook, at https://catalog.pitzer.edu/content.php?catoid=30&navoid=2223.

For questions regarding Pitzer/TCC policy jurisdiction, please reach out to the Pitzer Title IX staff via their website (linked above.)

5. **Talk with the DHSM & Title IX Coordination Office about your options.** Our Staff will review your options and support resources both on and off campus. Regardless of when the incident occurred it is never too late to speak with someone regarding support resources and your other options.

Last updated 8/2024

Megan's Law

Since 2004, the public has been able to view information on sex offenders required to register with local law enforcement under California's Megan's Law. Previously, the information was available only by personally visiting police stations and sheriff offices or by calling a 900 toll-free number. The law was given final passage by the Legislature on August 24, 2004 and signed by the Governor on September 24, 2004.

California has required sex offenders to register with their local law enforcement agencies since 1947. California's Megan's Law provides the public with certain information on the whereabouts of sex offenders so that members of our local communities may protect themselves and their children. Megan's Law is named after seven-year-old Megan Kanka, a New Jersey girl who was raped and killed by a known registered sex offender who had moved across the street from the family without their knowledge. In the wake of the tragedy, the Kankas sought to have local communities warned about sex offenders in the area. All states now have a form of Megan's Law. This information is available on the Internet at https://www.meganslaw.ca.gov/.

DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING PREVENTION PROGRAMS

The College is committed to preventing all forms of sex discrimination and harassment, including sexual violence. The College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. All incoming students and new employees are required to participate in and complete training designed to help prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches. The College has a robust bystander prevention program (Teal Dot) and also offers ongoing prevention programs throughout the year on these topics.

The Division of Student Affairs, in conjunction with the Title IX Office, is primarily responsible for sexual violence prevention programs in collaboration with many student organizations, departments at Pitzer, EmPOWER, and TCCS. Together, these offices offer a variety of year-round programming focusing on primary prevention of sexual and gender-based violence. They also offer frequent programs focused on secondary prevention, such as workshops and trainings offered throughout the year (and required for Residential Life staff) on how to support a survivor of sexual assault in a trauma-informed manner, and tertiary prevention such as trauma-informed yoga and art healing programs.

Below is a list of some of the primary prevention trainings and programs at the College between January 1, 2024 – December 31, 2024.

PREVENTION PROGRAMMING FOR ALL NEW STUDENTS (FIRST-YEARS/TRANSFERS/EXCHANGE)

Prevention programming for first-year students in 2024 consisted of the following primary prevention program:

Vector/SafeSchools "Sexual Assault for Undergraduates (2020 Full Course)" training module: Mandatory 75 minute online Title IX and Clery Act training that engages undergraduate students in fostering healthy relationships and preparing them to recognize and respond to sexual assault and harassment when it occurs. All incoming students are encouraged to completed before New Student Orientation and required to complete before course registration. Students complete Part 1 of each course, and after a 45-day intersession, complete Part 2 of the course.

PREVENTION PROGRAMMING FOR EMPLOYEES & SPECIFIC MANDATORY PREVENTION TRAINING

Teal Dot Bystander Engagement Training

Another central component of the College's ongoing prevention program for students, staff, and faculty is the Teal Dot Bystander Engagement Training. The training is a 1.5-hour session that equips participants to recognize potentially dangerous situations and to safely intervene to prevent and reduce dating violence and sexual assault on campus. Sessions are offered at Pitzer and across TCC throughout the academic year, with robust participation across the campuses. The sessions are led by trained groups of peers (student-led groups for students; staff/faculty-led groups for staff/faculty), with some sessions open to all.

Throughout the year, we also hold one Teal Dot one-hour "Train-the-Trainer" sessions for students, staff, and faculty to prepare them to lead future Teal Dot trainings.

MANDATORY EMPLOYEE TRAINING

All new hires to Pitzer College are assigned the following interactive, online, training upon hire and asked to complete the course within 60 days:

Preventing Harassment and Discrimination: Non-Supervisors with Title IX/Clery Module: Prepares faculty and staff to cultivate and maintain a workplace culture resistant to discrimination, harassment, and retaliation. Faculty and Staff will be equipped with the information and skills that promote intervention, empathy, and allyship. This course includes a section specific to requirements under Title IX and the Clery Act.
Preventing Harassment and Discrimination: Supervisors with Title IX/Clery Module: Prepares leaders to cultivate and maintain a workplace culture resistant to discrimination, harassment, and retaliation. Faculty and staff will be equipped with the information and skills that promote intervention, empathy, and allyship. This course includes a section specific to requirements under Title IX and the Clery Act.

The following programs are mandatory for certain student employee positions at Pitzer College and TCC:

Building Supportive Communities: Clery Act and Title IX - This course takes a close look at the issue of sexual harassment, including sexual assault, relationship violence, and stalking, in higher education.
Responding to and Reporting Disclosures of Sexual Misconduct – This in-person training by the Title IX Coordinator provides an overview of sexual assault, dating/domestic violence, and stalking; best practices for effectively communicating in a supportive manner and providing resources to students who disclose these harms; and student staff responsibilities to timely report these disclosures to the Title IX Office. There are also opportunities for students to practice these skills in small group settings.

The following training is required by Pomona-Pitzer athletes and staff members:

EVERFI Sexual Assault Prevention (Athletes & Coaches): Mandatory online sexual violence prevention education program for Pomona-Pitzer Athletes and Staff, which all athletes and coaches must complete prior to first date of competition. Student athletes and staff complete Part 1 of each course, and after a 45-day intersession, complete Part 2 of the course. This program allows Pomona-Pitzer athletics to be in compliance with the NCAA Board of Governor's Policy on Campus Sexual Violence enacted in 2017.

ADDITIONAL PREVENTION TRAININGS AND PROGRAMS

Below is a list of some of the other prevention trainings and programs that were offered at the College or TCC between January 1, 2024– December 31, 2024:

Resident Assistant Programming: RA requirements include active programming and passive programming, such as dissemination of information on bulletin boards.

Date	Topic	Audience
Aug/Sept 2024	Catharsis Hazing Prevention training	Athletics
October 2024	Alcohol Drink Proportions/ Safe Consumption Bulletin Board	Upper Class Residential Students
October 2024	Safe Sex and Condoms Programs	Upper Class Residential Students
October 2024	Safe Sex and Consent Bulletin Board	Upper Class Residential Students
October 2024	Safe Sex Practices Bulletin Board	Upper Class Residential Students
October 2024	Alcohol Awareness Bulletin Board	Upper Class Residential Students
October 2024	Healthy Relationships Workshop	All Students
October 2024	Consent Workshop	All Students
November 2024	Boundaries Workshop	All Students
November 2024	Teal Dot Training	All Students

AWARENESS AND SUPPORT PROGRAMS

In addition to the prevention programs above, there are regular, ongoing support services and options for those impacted by dating/domestic violence, sexual assault, and stalking. These include:

Confidential Support for Survivors of Sexual Assault (Year-Round): Hosted by the EmPOWER Center, this program provides year-round confidential support for survivors of sexual assault, dating/domestic violence, stalking, and sexual harassment (and for their friends and family) – individual counseling, support groups, drop-in hours, and confidential advocate available.

CAMPUS SECURITY POLICIES, CRIME PREVENTION, AND SAFETY AWARENESS PROGRAMS

Pitzer College has established policies and procedures related to ensuring a reasonably safe campus community. These policies include:

BEHAVIORAL INTERVENTION & THREAT ASSESSMENT TEAMS

Pitzer College has established the Pitzer Behavior Intervention Team (BIT), which serves as the centralized coordination team for discussion, assessment, and action regarding students exhibiting behaviors including, but not limited to, distress, community disruption, and/or danger to self or others. Committed to proactive, early intervention, the BIT supports students directly and through consultation with campus partners. When necessary, BIT also assesses risk of harm to the College community and coordinates appropriate action, including, but not limited to, engaging the multidisciplinary College Threat Assessment Team to evaluate the potentially threatening incident or behaviors and ensure the safety of individual students, and the College at large. The multidisciplinary Threat Assessment Team is comprised of members from Pitzer and TCC, including, but not limited to, Human Resources, Campus Safety, the Division of Student Affairs, Academic Affairs, and Monsour Counseling.

WEAPONS POLICY

The possession, carrying and use of weapons, ammunition, or explosives is prohibited on College owned or controlled property. The following items are absolutely prohibited in the residence halls, and in vehicles anywhere on campus. These items include, but are not limited to, guns (including BB guns, pellet rifles, paint guns, and other weapons which propel projectiles), ammunition, knives, switchblades, swords, other bladed weapons, fireworks, and any objects that can be used for blunt force. These items are prohibited even if they are intended for decoration, recreation, or ceremonial use. In addition, combustibles in containers, such as gasoline cans or camping fuel, are never allowed in the residence halls. Failure to comply with the College weapons policy will result in disciplinary action against violators.

STATE OF CALIFORNIA DEPARTMENT OF JUSTICE VICTIM'S BILL OF RIGHTS

Your Rights as a Crime Victim:

As a victim of crime, you have rights. Also, you can expect to receive information, practical and emotional support, and be able to participate in the criminal justice process. These standards were created to make sure that you are treated with dignity and respect at all times, regardless of your gender, age, marital status, race, ethnic origin, sexual orientation, disability, or religion. The Victim's Bill of Rights Act of 2008: Marsy's Law (Proposition 9) is available at https://oag.ca.gov/victimservices/content/bill_of_rights. Additional victim's services regarding the criminal process are available from the California Secretary of State. Please click on the following website for additional information: http://oag.ca.gov/victimservices.

Marsy's Law significantly expands the rights of victims in California. Under Marsy's Law, the California Constitution article I, § 28, section (b) now provides victims with the following enumerated rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney,

or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To provide reasonable notice of and to reasonably confer with the prosecuting agency, **upon request**, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, **upon request**, to be notified of and informed before any pre-trial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, **upon request**, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, **upon request**, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. To receive, **upon request**, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. To be informed, **upon request**, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. To restitution.
14. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
15. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
16. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
17. To the prompt return of property when no longer needed as evidence.
18. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, **upon request**, of the parole or other release of the offender.
19. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
20. To be informed of the rights enumerated in paragraphs (1) through (16).

For more information about your detailed rights or to file a complaint if you believe your rights have been violated, please contact: The State of California Department of Justice Victims' Services Unit at https://oag.ca.gov/victimservices/contact. Source: State of California Department of Justice Office of the Attorney General "Victims' Bill Of Rights retrieved from http://oag.ca.gov/victimservices/content/bill_of_rights .

THE DIVISON OF STUDENT AFFAIRS MISSION STATEMENT

Student Affairs advances Pitzer's Mission and Core Values by providing student-centered support services and an engaging co-curricular program. We are committed to the holistic development of students, challenging students to live with integrity, and empowering students to be active participants in their own experience.

THE CODE OF STUDENT CONDUCT

The Code of Student Conduct may be found on the Division of Student Affairs webpage at https://www.pitzer.edu/offices/student-affairs/staff/student-code-conduct

Importantly, the Code of Student Conduct defines the following:

Dating violence (as defined by the Violence Against Women Act) is violence committed by a person

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of (1) the length of the relationship, (2) the type of the relationship, and (3) the frequency of interaction between the persons involved in the relationship.

Domestic violence (as defined by the Violence Against Women Act) is the use of physical, sexual or emotional abuse or threats to control another person who is a current or former spouse or other intimate partner. It includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that personal acts under the domestic or family violence laws of the jurisdiction.

Sexual Assault: "Sexual assault" (as defined by the Violence Against Women Act) means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Generally, a sexual assault has been committed when an individual engages in sexual activity without the effective consent of the other individual involved. Sexual activity is any touching of a sexual or other intimate part of a person for the purpose of gratifying sexual desire of either party. This includes coerced touching of the actor by the victim as well as the touching of the victim by the actor, whether directly or through clothing.

Consent Defined: Effective consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable and clear permission regarding willingness to engage in (and the conditions of) sexual activity. In order to give effective consent, one must be of legal age and have the capacity to give consent. The legal age of consent in the state of California is 18 years.

- Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity.
- A previous relationship or prior consent does not imply consent to future sexual acts.
- Consent can be withdrawn. Thus, even if a person agreed to sexual interaction or continued sexual interaction, that person has the right to change their mind, irrespective of how much sexual interaction may have already taken place.

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to: (1) feel fear for their safety or the safety of others, or (2) suffer substantial emotional distress. Stalking includes behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten their safety, mental health, or physical health.

MISSING STUDENT NOTIFICATION POLICY

The Clery Act requires institutions that maintain on campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092 (j) Section 488 of the Higher Education Opportunity Act of 2008).

When it is determined that a residential student is missing from the College, staff at Pitzer College, in collaboration with local law enforcement, will be guided by this Missing Student Notification Policy and related procedures.

PROVISIONS

Students who reside in on-campus housing are strongly encouraged to identify a confidential person to be contacted if it is determined that the student has been missing for more than 24 hours, and to register that person's emergency contact information through their Student Portal, annually. Students are asked to update any changes to the contact information, on an annual basis through their Pitzer student portal. This information is only accessible to College employees who are authorized campus officials and will not be disclosed to others, with the exception of law enforcement personnel in the furtherance of a missing student investigation. If a student is determined to have been missing for 24 hours, the College in consultation with Campus Safety will, within 24 hours, notify the appropriate law enforcement agency, and, if the missing student is under 18 years of age, and not an emancipated individual, the College and/or Department will also notify a custodial parent or guardian. Anyone over 18 years of age may choose not to register a contact. Should a student not formally declare a separate Missing Student Contact, the student's Emergency Contact on record will be notified in the event that a student is determined to have been missing for 24 hours.

If a member of the College community believes that a student who resides in on-campus housing is missing, it should be reported to the On-Call Dean, and/or Campus Safety so that appropriate action can be taken.

The appropriate Student Affairs representative, or other individual learning that a student is missing, will file a formal missing student report with Campus Safety, or the Claremont Police Department. Currently, Pitzer College uses confidential missing student contact and/or emergency contact information supplied by the students to notify individuals of the missing student no later than 24 hours after the time that Pitzer College determines the student is missing.

In accordance with Pitzer College procedures, it should be noted that Pitzer College will inform each residential student that Pitzer College will notify the appropriate local law enforcement agency or Campus Safety, when a student has gone missing, unless the local law enforcement agency was the entity that made the determination that the student was missing. This notification will be made no later than 24 hours after the time that the student is determined missing, and; If the campus law enforcement personnel or Campus Safety department has been

notified that a student has gone missing, and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours, Pitzer College staff will initiate emergency contact procedures as outlined in Pitzer College's Student Handbook.

Pitzer College's missing student investigative procedures include the following:

- Students at Pitzer College will receive email notification that a student has been missing for more than 24 hours.
- Require an official Missing Person Report relating to the College residential student to be referred immediately to Campus Safety.
- If non-residential, Campus Safety will contact local law enforcement in the city that the student resides.
- If through investigation of an official report, Campus Safety determines a student has been missing for more than 24 hours, they will:
- Notify the local police.
- Contact the emergency contact individuals provided by the student.
- If a student is under 18 years of age, and not an emancipated individual, immediately contact the custodial parent(s) or legal guardian(s) of the student, in addition to the student's confidential missing student contact person.

DAILY CRIME LOG

Campus Safety maintains a Daily Crime Log of all crime reported to the Department. The log includes criminal incidents reported to Campus Safety during the last 60 days and is available on the Campus Safety website at https://services.claremont.edu/campus-safety/clery-reporting/ (report at the bottom of the page). Any member of TCC and members of the public may also view the Clery Daily Crime Log at Campus Safety during normal business hours at 101 S. Mills Ave Claremont, CA 91711. This log identifies the type, location, date, time and disposition of each criminal incident reported to Campus Safety. Any portion of the log that is older than 60 days will be made available within two business days from the date requested for public inspection.

CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS

In an effort to promote safety awareness, Pitzer College collaborates with TCC Campus Safety to maintain a strong working relationship with the community. This relationship includes offering a variety of safety and security programs and services and crime prevention programming for students and employees. Some of the crime prevention and awareness programs and services offered that encourage community members to be responsible for their safety (and the safety of others) include:

- Campus Safety provides high visibility 24/7 patrols by vehicle, electric carts and on foot all campus streets, byways and interior areas to prevent and detect crime, responding to suspicious activity and crime reports. Pitzer College also continues to have dedicated officer assignments for peak-period needs, including special events.
- Safety Escort Services: Campus Safety will respond to requests from students, faculty or staff seeking escort services to avoid walking alone through Pitzer or TCC at any time.
- Exterior and Interior Emergency Telephone Use: Emergency phones are located throughout the campuses for a direct, automatic connection to Campus Safety. Some phones have blue lights, while some phones are red or orange in boxes. The Campus Safety dispatcher has the phone locations and will dispatch an officer

to the location when the phone is activated, whether the person speaks or not. People are asked to stay near the phone if possible and describe their urgent need while an Officer responds. Community members are encouraged to use emergency phones for danger, fire, medical emergency, crimes-in-progress, or suspicious activity.

- Fire Alarm System Response: Campus Safety Officers immediately report to the location if a fire alarm has gone off. While Campus Safety Officers respond to the immediate needs, other agencies, (e.g. police, fire, medical) will be directed to the location, as needed, by Campus Safety. Campus Safety Officers will clear the way and guide other emergency service providers to the exact location. Officers know the campus streets and buildings and are trained in first aid response. Campus Safety has a close working relationship with the Claremont Police Department, the Los Angeles County Fire Department, and local ambulance providers.
- Campus Safety provides security/crime prevention presentations to students and staff.
- Pitzer College installed self-locking doors to all exterior-facing classroom doors so that they may be locked down immediately in the event of an outside threat.
- Provided various emergency training, including Active Assailant Training for Resident Life staff in collaboration with Campus Safety and their Safety Emergency Services Manager.
- The Division of Student Affairs participated in the creation of a Pitzer and 7 College Consortium Care Guide providing detailed instructions of how staff and faculty can help a student in distress as well as an extensive list of Pitzer and 7 College Consortium Campus Resources and Crisis Lines. This guide was distributed widely to faculty and staff at the start of the Fall 2018 semester.
- Since 2016, Pitzer has become very actively involved with the JED Foundation, participating in their comprehensive, campus-wide evaluation and assessment of College mental health, substance use, suicide prevention procedures and protocols. These findings have allowed us as a campus to further strengthen our efforts and methods to more immediately identify students at risk, thus increasing proactive policies, procedures, programming, and solutions to preserve the well-being of our campus community.
- Student leaders and Resident Assistants received Question Persuade Refer (QPR) training conducted by another trained professional in Student Affairs. The QPR mission is to reduce suicidal behaviors and save lives by providing innovative, practical, and proven suicide prevention training. This program helps dispel myths and identify warning signs and symptoms about self-harm and suicide ideation. Key components covered in QPR training: (1) How to Question, Persuade and Refer someone who may be suicidal; (2) How to get help for yourself or learn more about preventing suicide; (3) The common causes of suicidal behavior; (4) The warning signs of suicide; and (5) How to get help for someone in crisis.
- The Division of Student Affairs has proactively revised our College Behavioral Intervention and Threat Assessment Teams to provide a coordinated, comprehensive response in coordination with Campus Safety, the Claremont Police Department, and other community resources.
- Facility Surveys: Facilities staff conduct checks of exterior lighting, doors, windows, hardware and grounds.
- Free Bicycle Registration Programming: Campus Safety provides a free 10-year bike registry service (available at Campus Safety office from 8:00 a.m. to 5:00 p.m.)
- Free Safety Application for Smartphones: LiveSafe (https://Colleges.claremont.edu/livesafe/) is a free personal safety mobile application for students, staff, faculty, and the community to engage in two-way conversation with Campus Safety. It allows users direct access to Campus Safety and 911 emergency services, and it creates greater situational awareness and safety preparedness by educating the user on daily safety related updates and statistics.
- Awareness is raised by emails to the community highlighting issues of concern facing TCC.
- Residence Hall Programming: Passive programs may include designing bulletin boards in the residence halls that promote safety and awareness, participation in bi-annual lighting walks of the campus, meet-and-greet with dedicated Pitzer Campus Safety Officers, Resident Assistant and residence hall floor meetings that emphasize the importance of not propping doors, not allowing in folks you are unfamiliar with, participating in fire drills each semester, and reporting all suspicious activity to Campus Safety immediately.

- During 2018, Pitzer College revised its Emergency Management Committee to establish a comprehensive team, including membership from (but not limited to) Human Resources, Campus Safety, Office of Communications, Office of the Dean of Faculty, Residence Life, and the Division of Student Affairs. The team launched a College-wide fire drill evacuation and coordinated the College's participation in The ShakeOut Earthquake Drill and both continue to take place annually.

The Pitzer Emergency Management Committee will continue to work on advancing training, resources, and preparedness for the College.

PITZER COLLEGE POLICIES GOVERNING ALCOHOL AND OTHER DRUGS

PITZER COLLEGE ALCOHOL AND DRUG POLICY

Federal law requires Pitzer College to notify annually all faculty, staff, and students of the following:

The College prohibits unlawful possession, use, manufacture or distribution of alcohol or controlled substances by students, faculty, staff, and guests in buildings, facilities, grounds or property controlled by the College or used as part of College activities. For students, this includes prohibiting the possession and consumption of any beverage containing alcohol in a residence hall room except by individuals who are twenty-one years or older. In addition, smoking of any material is prohibited in all facilities at Pitzer College.

POLICIES SPECIFIC TO STUDENTS

Any student who violates this policy is subject to disciplinary action including sanctions as outlined in the Code of Student Conduct in addition to any penalties resulting from violating local, state and or federal law. Disciplinary sanctions for students may include sanctions ranging from Disciplinary Warning, Disciplinary Probation, up to Suspension or Expulsion from the College. Students residing in College housing may also lose the privilege of living on campus for violating College rules and regulations or conditions of the housing contract. In most cases, the Division of Student Affairs will also assign developmental and educational interventions designed to promote greater awareness and improved decision-making for students and to further deter future misconduct.

RESIDENCE LIFE ALCOHOL POLICY

In light of Pitzer's distinct educational objective that students develop "concern with the social consequences and ethical implications of knowledge and action," the College has put in place an alcohol and drug policy grounded in the individual and collective responsibility of each member of the Pitzer community. It is the College's intent that, "through examining the social consequences and ethical implications of the issues they explore, students learn to evaluate the effects of individual actions and social policies and take responsibility for making the world we live in a better place." This policy seeks to apply this philosophy to the social life of our own community.

As an institution of higher education, Pitzer College seeks to promote responsible decision-making on the part of all members of the College community, especially in choices, which affect their own health and safety and that of others. The irresponsible use and abuse of alcohol, drugs, and tobacco can result in serious health damage, such as liver disease, respiratory problems and brain damage. Misuse can lead to socially and morally unacceptable behavior such as driving under the influence, sexual violence and violation, impaired judgment with regard to safer sex practices, vandalism and property damage. Such behavior, in addition to being destructive to individuals, is destructive of the community environment that is a key element of Pitzer College.

Students are encouraged to take advantage of alcohol and drug education opportunities made available through College resources such as regular alcohol awareness workshops offered to Pitzer students through TCC's Health Education Outreach. Additional resources are available for individual needs. Among those who have been trained and are prepared to provide information support and referrals are Resident Assistants, Residence Directors, and Deans within the Division of Student Affairs. Students may also wish to consult faculty advisers or the Office of the Chaplains. Monsour Counseling Center can arrange for professional assessment of substance use and abuse and can provide referrals for professional treatment. Students are urged to utilize the full range of services and resources that are thus made available to them.

In adopting and implementing its alcohol and drug policy, Pitzer College is complying with Public Law 101-226, the Drug Free Schools and Communities Act, which requires the College to have a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of any of its activities.

Pitzer College complies with Federal law regarding the use and possession of marijuana; therefore, marijuana use on campus is prohibited even if the student or their guest's use meets the qualifications of the California Compassionate Use Act. Documentation of medically prescribed marijuana will not exempt a student or their guest from complying with the College's Drug Policy.

In addition, there are liability issues for both students and the College. Pitzer College community members, regardless of status, are subject to local, state and federal laws, as well as applicable campus policies, and in light of our educational objectives, are to exercise personal and collective responsibility in regard to these laws and campus policies. Faculty adherence is a matter for the Dean of Faculty. Staff adherence is a matter for the Assistant Vice President of Human Resources. Student adherence is the responsibility of the Dean of Students. The following College regulations on alcohol and drug use apply to students.

The College will, whenever possible, seek to use educational and rehabilitative methods to deal with problems related to drug and alcohol consumption. However, where alleged behaviors warrant, the College will not hesitate to use all sanctions available, including expulsion from the College. The range of sanctions is listed under the Code of Student Conduct.

REGULATIONS REGARDING ALCOHOLIC BEVERAGES

The illegal consumption of alcohol and drugs is not permitted at Pitzer College, or at College-sponsored off-campus activities, and is subject to administrative or judicial response. Furthermore, the College strongly discourages the irresponsible consumption of alcohol at the College and at College-sponsored off-campus activities. The consumption of alcohol by students over 21 years of age is allowed at approved registered events and in the privacy of their own room, provided their behavior does not disturb others. The following are the Colleges alcohol policies:

1. Alcohol possession in residence halls is permitted only by students of legal age (21). Alcohol may be consumed only by legal-age students in students' rooms, or with the exception of special events, registered with the Dean of Students or their designee. Consumption of alcohol should not infringe on the rights of other students.
2. Students of legal age may not give or sell alcohol to students under the legal age to transport, possess or consume. Students under the legal age may not transport, possess, consume or purchase alcohol in any area of the residence halls.
3. Students under the legal age may not possess any empty alcoholic beverage containers in their residence hall rooms. The only exception is when a roommate is of legal age and owns the container.
4. Alcohol containers should not be displayed in areas visible to the public and are subject to disposal if observed.
5. Students may not possess or transport open containers of alcoholic beverages in public areas.
6. Students may not consume alcoholic beverages in public areas including, but not limited to: administrative and academic buildings, residence hall common areas including lobbies, living rooms, special purpose rooms, corridors, basements, stairwells, laundry and vending machine areas; and outdoor areas including sun decks, courtyards, parking lots, etc.
7. Possession of bulk alcoholic beverages, that is, amounts for storage or use that is excessive under the circumstances for personal use, are prohibited at unregistered events, in private rooms and in-residence halls. Kegs, cases of beer and other beverages with an equivalent amount of alcoholic content in any form of container are considered bulk alcohol. Such quantities of alcohol will be disposed of by the owner under Pitzer Staff supervision, and dispensing devices may be confiscated or disposed of.
8. The Substance Free Early Arrival Period and Dry Week policy is in effect at the beginning of the fall semester, once early arrivals come to campus, throughout Orientation and the first week of classes. Dry Week ends on the Sunday after the first week of classes. Being "dry" means alcohol and other substances may not be consumed or served on campus.
9. Games that are centered on alcohol, focus on drinking large quantities of alcohol or promote irresponsible drinking are prohibited. Any devices or paraphernalia which aid in these games will be confiscated and will not be returned. These devices include but are not limited to beer pong or "Beirut" tables and cups and beer bongs or funnels.

10. Disorderly behavior related to alcohol use. Hosts, sponsoring individuals and/or organizations are responsible and accountable for such behavior.
11. Any advertising for events, which indicates or implies that alcohol is to be served or sold. The College requires prior approval of all advertising for events by the Dean of Students or her/his designee.
12. The use of student activity funds to purchase alcoholic beverages.
13. Tampering or altering student ID's or using false ID.

REGULATIONS REGARDING DRUGS

The following are prohibited:

1. The possession, use, cultivation, sale, or transfer of illicit drugs. Such drugs will be confiscated and may be destroyed.
2. The selling or transfer of prescription drugs.
3. The possession of drug paraphernalia, including pipes, needles or other contrivances used in the consumption of illicit drugs. Such paraphernalia will be confiscated and may be destroyed.
4. Disorderly behavior related to drug use. Individuals will be held accountable for such behavior.

REGISTRATION OF SPECIAL EVENTS

See **Event Registration and Hosting Guidelines – Alcohol** for the alcohol policy for registered events through the Division of Student Affairs. Student-sponsored events or activities with alcohol must adhere to Event Registration and Hosting Guidelines located in the Student Handbook which can be accessed here: https://catalog.pitzer.edu/index.php

POLICIES SPECIFIC TO FACULTY AND STAFF

Consistent with its obligations under applicable laws, it is the policy of Pitzer College to maintain a drug and alcohol abuse free environment. All events involving the serving of alcohol in public areas in which individuals under age 21 will be in attendance, must be registered with the Division of Student Affairs.

The unlawful manufacture, possession, distribution, dispensation, sale, transportation, offer to sell, promotion, purchase and/or use of illicit drugs (as defined in schedules I through V of the Controlled Substances Act 21, U.S. Code 812, as amended) or unlawful alcohol on the Pitzer College campus, or at any off-site activity sponsored by the College, is prohibited. In addition, employees shall not report for work or work under the influence of any drug or alcohol or other substance which will impair work performance, alertness, coordination, or response, or affect the safety of others on the job. Controlled substances include, but are not limited to, such substances as marijuana, heroin, cocaine, barbiturates, amphetamines, and other narcotics.

Please consult Pitzer College's Drug Free Workplace Policy on Human Resource's Employee Conduct page for more information: https://www.pitzer.edu/staff-handbook/employee-conduct

CALIFORNIA AND LOCAL ALCOHOL & DRUG LAWS

Each member of the Pitzer community is individually and personally responsible for compliance with the applicable provisions of the law of the State of California. The following codes are provided for your information:

POSSESSION BY A PERSON(S) UNDER 21 YEARS OF AGE

Any person under the age of 21 years who has any alcoholic beverage in their possession on any street or highway or in any public place open to the public is guilty of a misdemeanor (PC.25662).

In 1988 California amended Bus. & Prof. Code 25662. The amendment states that peace officers who lawfully enter premises may confiscate alcoholic beverages which are in plain view and possessed by or provided to underage persons at social gatherings. The gatherings must be open to the public, have ten or more underage persons in attendance, with those under 21 consuming alcoholic beverages and no supervision by the parent or guardian of one or more of the participants. Alcoholic beverages in open containers that are confiscated may be destroyed while those in unopened containers shall be impounded for no more than seven working days after which they too may be destroyed. Unopened containers may be released within seven days to the owner or resident of the property provided they are 21 years of age. (Bus. & Prof. Code 25662(b))

SALES, FURNISHING ALCOHOL TO A MINOR

Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor (B & PC. 25658).

Any person under the age of 21 years who purchases any alcoholic beverage or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100), no part of which shall be suspended. The penalty is more severe under the Penal Code Section 272, which states if any person provides an alcoholic beverage to a minor person under 18 he/she will be contributing to the delinquency of a minor, which is also a misdemeanor. The maximum penalty for the violation of this code section is one year in the County Jail for each count and/or $1,000 fine for each count. It should be pointed out that each minor so provided with an alcoholic beverage is a separate count and may be charged by the District Attorney (PC. 272).

SALES TO AN INTOXICATED PERSON

Every person who sells, furnishes, or gives alcohol to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor (25602).

FALSE EVIDENCE OF AGE AND IDENTITY

Any person under the age of 21 years who presents or offers to any licensee, his/her agent or employees, any written, printed, or photo static evidence of age which is false for the purpose of purchasing, attempting to purchase, or otherwise procuring or attempting to procure the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed, or photo static evidence of age and identity, is guilty of a misdemeanor and shall be punished by a fine of at least two hundred dollars, no part of which shall be suspended.

POSSESSION IN MOTOR VEHICLE BY MINOR

No person under the age of 21 years shall knowingly possess, transport, or have under his/ her control in any motor vehicle any alcoholic beverage, unless such person is accompanied by a parent or legal guardian or is employed by a license under the Alcoholic Beverage Control Act (Division 9, commencing with Section 23000, of the Business and Professions Code), and is possessing, transporting or has such alcoholic beverage in a motor vehicle under his/her control during regular hours and in the course of his/her employment. If the vehicle used in any violation, as mentioned in the previous paragraph, is registered to such person under the age of 21 years, the vehicle may be impounded at the owner's expense for not less than one day nor more than thirty days for each violation (VC23224)

MARIJUANA POSSESSION

Health and Safety Code 11357

This is the California marijuana law that sets forth the rules for personal possession of marijuana. Possession for personal use of not more than 28.5 grams of marijuana (a bit more than an ounce) is legal in California as of November 9, 2016, for people age 21 and older. So is possession of up to 4 grams of concentrated cannabis (hashish).

Marijuana Cultivation

Health and Safety Code 11358 as amended by Proposition 64, allows most people who are 21 and over to cultivate up to six (6) marijuana plants. People under 21 who grow any amount of marijuana, though, are guilty of an infraction. People under 18 who cultivate marijuana illegally must attend drug counseling and perform community service. People 18 and over (but under 21) may be fined up to $100. And cultivating over six marijuana plants remains a crime. Most defendants who plant, cultivate, harvest, dry or process more than 6 living marijuana plants will be charged with a misdemeanor and face up to six (6) months in county jail and/or a fine of up to $500.

AND cultivating more than 6 marijuana plants can be charged as a California felony for the following defendants:

- People with serious violent felonies on their record;
- Registered sex offenders;
- Defendants who have two (2) or more prior convictions for cultivating more than six
- marijuana plants; and
- Defendants who violate certain California environmental laws in their marijuana cultivation activities.

Possession for Sale of Marijuana

Proposition 64 legalized the sale of marijuana--but only for businesses that obtain and operate in accordance with a state license (and possibly local licenses as well). As a result, possession of marijuana with the intent to sell without a license remains a crime under HS. For most adult defendants, HS 11359 possession for sale without a license is a misdemeanor, carrying the following penalties:

Up to six (6) months in county jail, and/or

A fine of up to five hundred dollars ($500).

But marijuana possession for sale without a license is a felony if any of the following is true:

You have a prior conviction for one of a list of particularly serious violent felonies, including murder, sexually violent offenses, sex crimes against a child under 14, or gross vehicular manslaughter while intoxicated, or a sex crime that requires you to register as a sex offender;

You have two (2) or more prior misdemeanor convictions for marijuana possession for sale; or

You possessed marijuana for sale in connection with a knowing sale or attempted sale to someone under 18.

For these defendants, possessing marijuana for sale is punishable by 16 months, or two or three years in county jail.

Proof of intent to sell marijuana without a license is usually made by circumstantial evidence. Such evidence can include:

- a large quantity of marijuana,
- the presence of items such as baggies and scales,
- pot divided into multiple baggies or containers,
- the presence of cash and/or weapons, and/or
- the opinion of the arresting officer that the marijuana was for sale.

Transportation of Marijuana

Transportation for sale of marijuana under HS 11360 is punishable by two (2), three (3) or four (4) years in jail. Finally, transporting marijuana without intent to sell it, or giving marijuana away, is not a crime in California so long as both of the following are true:

You transport or give away not more than 28.5 grams of marijuana or eight grams of concentrated cannabis, and

Any people you give marijuana to are 21 years of age or older.

POSSESSION OF DRUG PARAPHERNALIA

It is unlawful to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a controlled substance or a controlled substance, which is classified as a narcotic drug (Sec. 11364).

CONTROLLED SUBSTANCES

Unauthorized Possession of Controlled Substances

Except as otherwise provided every person who possesses (1) any controlled substance (as classified) or (2) any controlled substance (as classified) which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in state prison for a period of not less than two years or more than ten years and shall not be eligible for release upon completion of sentence or on parole or any other basis until she/he has been imprisoned for a period of not less than two years in the state prison (Sec. 11350).

Possession for Sale of Controlled Substances

Except at otherwise provided every person who possesses for sale (1) any controlled substance (as classified) or (2) any controlled substance (as classified) which is a narcotic drug, shall be punished by imprisonment in the state prison for a period of not less than five years or more than fifteen years and shall not be eligible for release upon completion of sentence or on parole or any other basis until she/he has been imprisoned for a period of not less than two and a half years in the state prison (Sec. 11351).

Transportation of Controlled Substances

Except as otherwise provided, every person who transports, imports into this state, sells, furnishes, administers or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1) any controlled substance (as classified) or (2) any controlled substance (as classified) which is a narcotic drug unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence, or parole or any other basis until she/he has been imprisoned for a period of not less than three years in the state prison (Sec. 11352).

Possession with Intention to Manufacture Methamphetamine (PCP)

(PCP) Any person who possesses both methylamine and phenyhl-2propanone (phenyl acetone) at the same time

with the intent to manufacture, methamphetamine is guilty of a felony and shall be punished by imprisonment in the state prison for between one and five years (Sec. 11383).

Federal law prohibits the possession and distribution of controlled substances, including marijuana, cocaine and heroin. Persons found guilty of possession of controlled substances face a federal civil penalty of $10,000 and a criminal sanction of $5,000 and not more than one year in jail. Federal criminal penalties for possession of controlled substances increase according to the amount possessed.

DRUGS RISKS AND CONSEQUENCES

- Alcohol and other drug use during pregnancy increases risk of physical harm to the fetus.
- Additional risks of harm may occur from toxic impurities present in street drugs.
- Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.
- Drugs taken by injection can increase the risk of infection (e.g. HIV, hepatitis, etc.) through needle contamination.
- For more information visit: www.drugabuse.gov

DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS

RESOURCES FOR STUDENTS

Pitzer College encourages its students to discuss safe alcohol use and/or the issues and problems associated with alcohol abuse, and provides a number of educational and outreach resources, support and programs. These include:

EVERFI AlcoholEdu: Mandatory 140-minute online alcohol education program in which all new students (first-years, transfers and exchange) are required to complete before course registration. Students complete Part 1 of the course, and after a 45-day intersession, complete part 2 of the course.

Strive2Thrive Program: Housed within the Division of Student Affairs, Strive2Thrive is a mental health and wellness campaign aimed at increasing awareness, education, and support through outreach, events, workshops, and drop-in support.

Alcohol Alternative Programs: This program is aimed at providing opportunities for students as opposed to spending time in places where they might be influenced by alcohol. The following programming was facilitated by Residence Life in 2024:

Date	Topic	Audience
October 2024	Alcohol Drink Proportions/Safe Consumption Bulletin Board	Upper Class Residential Students
October 2024	Alcohol Awareness Bulletin Board	Upper Class Residential Students

ASSISTANCE FOR ALCOHOL ABUSE AND/OR DRUG USE PROBLEMS

TCC are committed to education and counseling as the primary focus of their substance abuse programs and will provide confidential professional assistance for any students who want it. Students are urged to seek information and help regarding substance abuse for themselves or their friends. A variety of services, including counseling, educational materials, campus Alcoholics Anonymous and Narcotics Anonymous meetings, and referrals are available at the following offices:

Dean of Students Staff	**Address**	**Phone**	**Email**
Vice President of Student Affairs and Dean of Students	Scott Hall, 123	909-621-8241	andres_fernandez@pitzer.edu
Assistant Vice President and Dean of Student Success & Wellbeing	Scott Hall, 122	909-607-3553	grace_castillo@pitzer.edu
Senior Assistant Dean of Mental Health & Well-Being	E. Sanborn C227	909-607-7152	stephanie_hannant@pitzer.edu
Health and Wellness Outreach Facilitator	E. Sanborn C228	909-621-8251	kat_boone@pitzer.edu

7C.Health TeleHealth Service from TimelyMD, https://timely.md/schools/index.html?school=7chealth&

Accessible 24/7 to Pitzer Students

To protect students' privacy, information regarding a student during participation in any related program is treated as confidential.

Monsour Counseling and Psychological Services staff
Tranquada Student Services Center, 1st floor
757 College Way
Claremont, CA 91711
909-621-8202
909-607-2000 (after-hours emergency)
https://services.claremont.edu/mcaps/

Student Health Services staff
Tranquada Student Services Center, 1st floor
757 College Way
Claremont, CA 91711
909-621-8222
909-607-200 (after-hours emergency)
https://services.claremont.edu/student-health-services/

DRUG AND ALCOHOL ABUSE PREVENTION

Resource Program: The Employee Assistance Program is available to all benefits eligible employees and provides free and confidential counseling and referral services for alcohol and drug abuse. Available treatment and recovery options through our health insurance plans for employees enrolled in our medical plan.

Training/Education: The Office of Human Resources should be contacted for assistance with additional training and support options.

CRIME PREVENTION TIPS

While the Pitzer College campus is a reasonably safe environment, crimes do occur. In addition to the Clery Act crimes statistics below, other common crimes that occur on campus are outlined below:

Theft

Theft is a common occurrence on College campuses. Oftentimes, this is due to the fact that theft is a crime of opportunity. Confined living arrangements, recreation facilities, and many open classrooms and laboratories provide individuals with effortless opportunities. Occupants of the residence halls often feel a sense of a secure home atmosphere and become too trusting of their peers, while others leave classrooms and laboratories unlocked when not occupied for short periods of time.

The theft occurring most often across TCC is bicycle theft. We highly recommend that students, faculty, and staff secure their bikes properly to a bike rack using a U-lock. The Green Bike Program sells the locks and teaches the proper technique for securing bicycles.

As part of TCC, it is extremely common to see someone you do not recognize but assume is a member of the community. It is important to be vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. We recommend using laptop locks. All desks in Pitzer, Atherton, Sanborn, East, and West Halls contain a desk drawer with a locking mechanism. We recommend purchasing a padlock or other small locking device to secure medication, passports, cash, small electronics, etc. Doors should be locked at all times. The following is a list of suggestions to help you not fall victim of theft:

- Keep doors to residence halls, labs, classrooms locked when not occupied.
- Do not provide access to unauthorized persons in the buildings or classrooms.
- Do not keep large amounts of money with you.
- Lock all valuables, money, jewelry, checkbooks in a lock box or locked drawer.
- Keep a list of all valuable possessions including the makes, models, and serial numbers.
- Do not leave laptop computers or textbooks unattended in study rooms, classrooms, labs or libraries, even if it is for a short period of time.
- Do not lend credit cards or identification cards to anyone.
- Report loitering persons or suspicious persons to Campus Safety immediately; do not take any chances.

Identity Theft

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involve fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account, or credit card information. Persons involved in identity theft often use computers or other forms of media to assist them. There are measures you can take to prevent this from happening to you:

- Do not give anyone your personal information unless there is a reason to trust them and the release is for good reason.
- Never give your credit card information, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use of computer security software on computers and installation of firewalls are good.

ANNUAL DISCLOSURE OF CRIME STATISTICS

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires Colleges and universities across the United States to disclose information about crime on and around their campuses. Campus Safety maintains a close relationship with all police departments where Pitzer College owns or control property to ensure that crimes reported directly to these police departments that involve the College are brought to the attention of Campus Safety.

Campus Safety and the Division of Student Affairs collect the crime statistics disclosed in the charts through a number of methods. Campus Safety officers enter all reports of crime incidents made directly to the department through an integrated computer aided-dispatch/records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. Campus Safety periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that Campus Safety maintains, the statistics below also include crimes that are reported to various campus security authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the subcategories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus student conduct authorities for respective violations, not the number of offenses documented.

DEFINITIONS OF REPORTABLE CRIMES

Criminal Homicide
These offenses are separated into two categories: Murder and Non-negligent Manslaughter, and Manslaughter by Negligence.

Manslaughter by Negligence
The killing of another person through gross negligence.

Murder and Nonnegligent Manslaughter
The willful (nonnegligent) killing of one human being by another.

Sex Offenses
Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** -The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

Robbery
The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault
An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary
The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft
The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

Arson
Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Liquor Law Violations
The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Abuse Violations
The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Weapons: Carrying, Possessing, Etc.
The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Referred for campus disciplinary action (Liquor Laws, Drugs and Weapons Violations)
The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Hate Crime
A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, Hate Crimes include any of the categories listed above and includes the four additional categories below:

Categories of Prejudice

> **Race**
> A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Gender
A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Gender Identity
A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g. bias against transgender or gender non-conforming individuals.

Religion
A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation
A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Ethnicity
A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

National Origin

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Disability
A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

The Crimes of Larceny

Crimes of Larceny (theft, simple assault, Intimidation, and destruction/damage/vandalism of property) are only reported in Clery Act statistics when also in conjunction with a Hate Crime, or when the victim was intentionally selected because of the perpetrators' protected class bias against the victim.

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

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

Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Dating Violence

Defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

Defined as a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or,
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking

Defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) Fear for the person's safety or the safety of others; or (ii) Suffer substantial emotional distress.

Crime Statistics

Offense		Year	On-Campus Student Housing	On-Campus Total	Non-campus	Public Property	Total
Criminal Homicide (# Hate Crime-related)	Murder and Non-negligent Manslaughter	2022	0	0	0	0	0
		2023	0	0	0	0	0
		2024	0	0	0	0	0
	Manslaughter By Negligence	2022	0	0	0	0	0
		2023	0	0	0	0	0
		2024	0	0	0	0	0
Sex Offenses (# Hate Crime-related)	Rape	2022	4 (0)	4 (0)	0	0	4 (0)
		2023	1(0)	1(0)	0	0	1(0)
		2024	2 (0)	2	0	0	2(0)
	Fondling	2022	1 (0)	1 (0)	0	0	1 (0)
		2023	1(0)	1(0)	0	0	1(0)
		2024	0	0	0	0	0
	Incest	2022	0	0	0	0	0
		2023	0	0	0	0	0
		2024	0	0	0	0	0
	Statutory Rape	2022	0	0	0	0	0
		2023	0	0	0	0	0
		2024	0	0	0	0	0
Robbery (# Hate Crime-related)		2022	0	0	0	0	0
		2023	0	0	0	0	0
		2024	0	0	0	0	0
Aggravated Assault (# Hate Crime-related)		2022	0	0	0	0	0
		2023	0	0	0	0	0
		2024	0	0	0	0	0
Burglary (# Hate Crime-related)		2022	3 (0)	4 (0)	1 (0)	0	5 (0)
		2023	1 (0)	1 (0)	1 (0)	0	2 (0)
		2024	0	0	0	0	0
Motor Vehicle Theft (# Hate Crime-related)		2022	0	8 (0)	6 (0)	0	14 (0)
		2023	3 (0)	8 (0)	5 (0)	0	13 (0)
		2024	0	6 (0)	0	0	6 (0)
Arson (# Hate Crime-related)		2022	0	0	0	0	0
		2023	0	0	0	0	0
		2024	0	0	0	0	0
Larceny-Theft (MUST be Hate Crime related)		2022	0	0	0	0	0
		2023	0	0	0	0	0
		2024	0	0	0	0	0
Simple Assault (MUST be Hate Crime related)		2022	0	0	0	0	0
		2023	0	0	0	0	0
		2024	0	0	0	0	0
Intimidation (MUST be Hate Crime related)		2022	0	0	0	0	0
		2023	0	3	1	0	4
		2024	1	2	0	0	2
Destruction, Damage, or Vandalism of Property (MUST be Hate Crime related)		2022	0	0	0	0	0
		2023	0	0	0	0	0
		2024	0	0	0	0	0

VAWA Amendment Offenses						
Offense	Year	On-Campus Student Housing	On-Campus Total	Non-campus	Public Property	Total
Dating Violence	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	1	0	1
Domestic Violence	2022	1	1	0	0	1
	2023	1	1	0	0	1
	2024	0	0	0	0	0
Stalking	2022	1	2	0	0	2
	2023	1	2	0	0	2
	2024	0	1	0	0	1
Community Standards (Judicial) Referrals						
Liquor Law Violations	2022	13	14	0	0	14
	2023	9	9	0	0	9
	2024	2	3	0	0	3
Drug Abuse Violations	2022	4	4	0	0	4
	2023	3	3	0	0	3
	2024	1	1	0	0	1
Illegal Weapons Possession	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Arrests						
Liquor Law Violations	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Drug Abuse Violations	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Illegal Weapons Possession	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0

- On-Campus Student Housing statistics are a subsection of the On-Campus Totals

[0]Statistics requested from the Claremont Police Department are included in the tables above. Claremont Police Department did not 'unfound' any crimes for Pitzer College in the reporting years 2021, 2022 or 2023.

The Clery Act categorizes electric bikes and electric scooters as Motor Vehicle Theft

CAMPUS MAP AND NON-CAMPUS PROPERTY

Below is a map of TCC depicting Pitzer College's on-campus and public property adjacent to campus Clery reportable geography (in orange.).

CAMPUS ADDRESSES

- Atherton Hall, 1150 Pitzer Road, Claremont, CA 91711
- East Hall, 1250 Pitzer Road, Claremont, CA 91711
- East Sanborn Hall, 1070 Pitzer Road, Claremont, CA 91711
- Mead Hall, 1051 Pitzer Road, Claremont, CA 91711
- North Sanborn Hall, 1070 Pitzer Road, Claremont, CA 91711
- Pitzer Hall, 1050 Pitzer Road, Claremont, CA 91711
- Skandera Hall, 1250 Pitzer Road, Claremont, CA 91711
- West Hall, 1250 Pitzer Road, Claremont, CA 91711
- Claremont Collegiate Apartments (Building A), 1455 N. College Avenue, Claremont, CA 91711
- Claremont Collegiate Apartments (Building B), 1445 N. College Avenue, Claremont, CA 91711
- Claremont Collegiate Apartments (Building C), 1435 N. College Avenue, Claremont, CA 91711
- Claremont Collegiate Apartments (Building E), 1415 N. College Avenue, Claremont, CA 91711

Additional non-campus property for Pitzer College not included on the campus map above includes the CASA Pitzer Program Center, Pitzer President's Residence, and specific study abroad sites in Botswana, Costa Rica, Ecuador, Nepal, Italy, Brazil, and Vietnam (see complete list below). Pitzer non-campus property also includes hotels, campgrounds, and locations where Pitzer students stay during College-sponsored overnight trips.

Pitzer Non-Campus Property	
Brazil Study Abroad Site	Instituto Cultural Steve Biko, Rua do Paco. número 4 segundo andar. Largo do Carmo Pelourinho, Salvador, Bahia Brasil. 40301390. Cep
CASA Pitzer Program Center	200 S. Euclid Avenue, Ontario, CA
Costa Rica Study Abroad Sites	Del Super Baru 600 metros al oeste, sobre la carretera que va a Dominical, segundo portón de bambú a mano derecho, Barú de Savegre, Costa Rica, América Central
	Curridabat, del Indoor Club 50 m oeste, 100 m norte, casa #7 color ladrillo, Costa Rica, América Central
Ecuador Study Abroad Site	República del Salvador N34-140 y Suiza. Edificio Diamond Bussiness Center, piso 9. Quito-Eduador
Italy Study Abroad Site	Via Taro, 3, 43125 Parma, Italy
Nepal Study Abroad Sites	Program House Suryabinayak Municipality, Ward no. 2, Balkot, Bhaktapur, Nepal
	Gaurishankar Rural Municnipality, Ward no. 9, Dolakha District, Province 3, Nepal
	Madi Rural Municipality, Ward no. 2, Kaski District, Gandaki, Nepal
	Ratna Nagar Municipality Ward no. 6, Chitwan District, Bagmati Province
Pitzer President's Residence	739 Harvard Avenue, Claremont, CA 91711
Botswana & South Africa	Botho University, Botho Education Park, Diratsame Mosielele, Kgale, Gaborone, Botswana

	University of Witwatersrand Center for Diversity Studies Jorissen Street Braamfontein, South Africa
Vietnam **Study Abroad Site**	Department of International Cooperation, Hue University, 03 Le Loi Street, Hue City, Vietnam

ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for Pitzer College.

DEFINITIONS

The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act:

On-Campus Student Housing
A student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

Fire
Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Building Evacuations, Fire Alarms, and Smoke Detectors
One approved fire drill per semester will be conducted in each residence hall. The Residence Life staff will discuss the evacuation plan and meeting locations during hall/floor meetings. The participation of everyone is required. Individuals refusing to evacuate a building during a fire alarm or other building evacuation will be cited by the Fire Marshall and/or College officials and are subject to disciplinary action. The removal of or tampering with firefighting equipment is a violation of state law, and the setting off of "false" fire alarms endangers the lives and property of the Pitzer College community and is prohibited. This includes tampering with your smoke detector (removing batteries, etc.) or fire extinguisher. This violation of state law can result in a fine of up to $1000 and a possible jail term of up to one year. Disciplinary action will take place against an individual or group that violates this policy.

Fire Alarms, Building Evacuations and Campfires
The careless use of fire, the removal of or tampering with firefighting equipment and the setting off of "false" fire alarms endangers the lives and property of the Pitzer College community and is prohibited on its campus. This violation of state law is classified as a misdemeanor and can result in a fine of up to $1000 and a possible jail term of up to one year. Disciplinary action will take place against an individual or group that violates this policy. Individuals refusing to evacuate a building during a fire alarm or other building evacuation can be cited by the Fire Marshall and are subject to disciplinary action. Refer also to the section on fire safety regulations within the Pitzer College Student Handbook in the section on Residential Living.

Fire Sprinkler Systems
Fire sprinklers have been installed in all residential buildings except for Mead Hall. Only the lower levels of Mead Hall have fire sprinklers installed.

Tampering with fire sprinklers is a fire code violation. *Any unauthorized modification to the fire sprinkler system is in direct violation of the LACFD and is subject to fines*. Any and all damages associated with the sprinkler heads will result in vandalism charges to the student including the replacement of sprinkler heads, any water damage due to flooding, and the fire department response. Keep in mind that flooding may not be limited to a student's room and they could be responsible for damages to numerous rooms.

Halogen Light Policy
Pitzer College prohibits the use of halogen lamps. They are prohibited even if they are intended for decoration, recreation or ceremonial use.

Open Flames
Due to the danger presented by open flames, candles or any other flame may not be used on the Pitzer College campus unless they are used as part of a campus event and approved by the Division of Student Affairs.

State law allows for open campfires only under certain requirements, which can be facilitated through the Division of Student Affairs and Facilities. Under no circumstances will fires in the Arboretum/Outback be allowed, due to the highly flammable vegetation in the area.

Fire Safety Regulations

Any items mentioned in the Student Handbook which are prohibited may be confiscated and will not be returned if discovered by ResLife Staff.

1. Corridors, stairways, and exit doors are to be kept clear of obstructions at all times.
2. Electrical appliances such as toasters, hot plates, saunas, space heaters, microwaves larger than 1.0 cubic feet and refrigerators larger than 4.4 cubic feet are prohibited. Refrigerators should be energy star rated and must have adequate ventilation on all sides.
3. Multiple plug extension cords constitute a severe fire hazard and the danger of electrical shock. These items are prohibited in residence hall rooms when they are utilized for more than one appliance. Only the use of UL listed plug strips containing built-in fuses are permitted.
4. All candles, incense, halogen lamps, fireworks, smudging and oil-fueled lamps are prohibited. These items are prohibited even if they are intended for decoration, recreation or ceremonial use.
5. No flammable liquids are to be used or stored in the residence halls at any time.
6. Excessive amounts of combustibles such as paper products or textiles stacked in rooms, attached to and/or covering walls and ceilings, covering lights or used as room dividers are prohibited.
7. Nothing can be attached to or hung on the ceilings; this includes but is not limited to posters and tapestries.
8. Corridor decorations shall be made from non-flammable materials or treated with appropriate flame-retardant solutions. All trees, tree branches, and tree limbs must be treated with an approved flame-retardant solution and have tags affixed certifying that they have been flame proofed.
9. The following are strictly prohibited: pipes, hookahs, water pipes, fireworks, and any glass or homemade smoking devices. If any of these items are found, they may be confiscated and will not be returned.
10. Under NO circumstances will fires be allowed on campus (this includes all activities related to fire such as, but not limited to, fire dancers, tiki torches, etc.). due to the highly flammable vegetation in the area.

Smoking Policy

Pitzer has adopted a smoke-free policy that includes all workplaces (including open and closed offices, classrooms and all residence halls); and all enclosed public areas (including the public areas of all the residence halls). Cigarette bins are located 25 feet from the residence halls and enclosed public areas.

Students living in the residence halls have the right to exist in a smoke-free environment. As a supplement to Pitzer's policy on smoking, the following guidelines are to be followed in the residence halls:

- Students living in the residence halls have the right to exist in a smoke-free environment. As a supplement to Pitzer's policy on smoking, the following guidelines are to be followed in the residence halls:
- Smoking is not permitted in individual rooms or bathrooms. This includes vaping.

- All public and common areas in the residence halls are non-smoking areas. These areas include, but are not limited to all common rooms, living rooms, study areas, kitchens, sundecks, elevators, hallways (including exterior walkways), suite areas and Mead balconies.
- All residence halls are designated as nonsmoking, and this includes a 25-feet perimeter around each residence hall.
- The following are strictly prohibited: pipes, hookahs, water pipes, and any glass or homemade smoking devices. If any of these items are found, they will be confiscated and will not be returned.

Explosives
Any items containing explosives are absolutely prohibited in the residence halls, and in vehicles anywhere on campus. These items include but are not limited to fireworks. In addition, combustibles in containers, such as gasoline cans or camping fuel, are never allowed in the residence halls. These items are prohibited even if they are intended for decoration, recreation, or ceremonial use.

Furthermore, vehicles such as motorcycles, motor scooters, motorbikes, and mopeds, cannot be parked or stored in student rooms or anywhere within the vicinity of residence halls or campus buildings and (except those operated by Campus Safety and emergency vehicles on official business) are prohibited on the interior of campus, i.e., those areas not designated for vehicle traffic.

In regard to residence hall rooms, as outlined in the Pitzer College Student Handbook under Residence Life and Housing Policies and Procedures, nothing can be attached to or hung on the ceilings in residence hall rooms; this includes, but is not limited to posters and tapestries.

Fire Statistics for On-Campus Student Housing Facilities

Facilities & Campus Services maintains a Fire log that includes the nature, date, time and general location of every fire that occurs in an on-campus housing facility. The log is available for inspection by contacting the Facilities Office, Monday through Friday during normal business hours.

Description of On-Campus Student Housing Fire Safety Systems: Residence Halls and Live-In Faculty/Staff Apartments

Pitzer College complies with all local, state and national fire regulations. All Pitzer College residential buildings have fire alarms and have redundant suppression equipment that includes automatic sprinkler systems and manual fire extinguishers. Evacuation drills of all residential buildings are conducted each semester for a total of two evacuation drills per academic year. Fire safety systems are routinely inspected and monitored as mandated by the County of Los Angeles. A log of these inspections is maintained by the Pitzer College Facilities Department.

2022 Residence Hall Fire Log							
Building Name	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to Fire	Property Damage Value ($)	Report Number
Pitzer Hall 1050 Pitzer Road Claremont, CA 91711	0	0	0	0	0	0	0
Atherton Hall 1150 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
North Sanborn Hall 1070 Pitzer Road Claremont, CA 91711	0	0	0	0	0	0	0
East Sanborn Hall 1070 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
Mead Hall 1051 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
Skandera & West Halls 1250 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
East Hall 1250 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building A 1455 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building B 1445 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building C 1435 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building E 1415 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0
2023 Residence Hall Fire Log							
Building Name	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to Fire	Property Damage Value ($)	Report Number
Pitzer Hall 1050 Pitzer Road	0	0	0	0	0	0	0

Claremont, CA 91711							
Atherton Hall 1150 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
North Sanborn Hall 1070 Pitzer Road Claremont, CA 91711	0	0	0	0	0	0	0
East Sanborn Hall 1070 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
Mead Hall 1051 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
Skandera & West Halls 1250 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
East Hall 1250 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building A 1455 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building B 1445 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building C 1435 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building E 1415 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0

2024 Residence Hall Fire Log

Building Name	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to Fire	Property Damage Value ($)	Report Number
Pitzer Hall 1050 Pitzer Road Claremont, CA 91711	0	0	0	0	0	0	0
Atherton Hall 1150 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
North Sanborn Hall	0	0	0	0	0	0	0

1070 Pitzer Road Claremont, CA 91711	0	0	0	0	0	0	0
East Sanborn Hall 1070 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
Mead Hall 1051 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
Skandera & West Halls 1250 Pitzer Road, Claremont, CA 91711	0	0	0	0	0	0	0
East Hall 1250 Pitzer Road, Claremont, CA 91711	1	3/17/24	Laundry Machine Malfunction	0	0	Unknown	CR-24-03-0125
Claremont Collegiate Apartments - Building A 1455 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building B 1445 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building C 1435 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0
Claremont Collegiate Apartments - Building E 1415 N. College Avenue Claremont, CA 91711	0	0	0	0	0	0	0

FIRE SAFETY EDUCATION AND TRAINING PROGRAMS FOR STUDENTS, FACULTY, AND STAFF

The Resident Assistants receive fire prevention and response training during Resident Assistant training each August. The training consists of a classroom instruction followed by hands on application of fire extinguishers. In addition, evacuation drills are conducted each semester.

Topics addressed during this training include:

- Fire prevention in the residence hall
- What to do in the event of a fire
- How to report a fire or other emergency
- Fire Incident Reporting
- Students, faculty, and staff are instructed to call 909-607-2000 to report a fire emergency.

Non-emergency notifications (e.g., evidence that something burned) are made to:

Campus Facilities 909-607-2226 or the Division of Student Affairs 909-621-8241.

PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

The College's Emergency Management Committee (EMC) is responsible for oversight of all emergency response and preparedness initiatives and Fire Safety falls under its jurisdiction. These initiatives are regularly reviewed and implemented by the Committee, including, but not limited to, Collegewide awareness and test notifications, annual residential and Collegewide fire drills. Given the success of the EMC's collaborative efforts, at this time we do not have any areas of improvement or changes to report

TITLE IX | THE CLAREMONT COLLEGES SERVICES

The Claremont Colleges
Interim Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation

Effective March 28, 2025

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I. Introduction

The purpose of this Policy is to set forth how the Claremont Colleges (TCC) prevent and respond to Sex-Based Harassment (a form of sex-based discrimination), and related Retaliation (collectively, "Prohibited Conduct"), as defined within this Policy. Prohibited Conduct, as defined by this Policy, is prohibited within all of the programs and activities of the TCC Institutions, and as set forth in this Policy.

The Claremont Colleges is comprised of the following institutions:

- Pomona College
- Claremont Graduate University
- Scripps College
- Claremont McKenna College
- Harvey Mudd College
- Pitzer College
- Keck Graduate Institute

Collectively, the TCC Institutions are referred to as "TCC" throughout this Policy. Individually, they are referred to as "TCC Institution."[1]

Each TCC Institution has its own formal governance structure and independent board. As a consortium, the TCC Institutions work together to resolve concerns that cross the boundaries of individual Institutions (cross-campus matters).

Each TCC Institution will also respond promptly to other forms of Sex-Based Harassment or discrimination on the basis of sex, such as discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression that are not covered by this Policy but are prohibited by each TCC Institution in its individual nondiscrimination policies.

This Policy defines Prohibited Conduct and outlines TCC's responsibilities and procedures related to addressing reports of Prohibited Conduct to ensure an equitable and inclusive education and employment environment. This Policy is adopted and overseen by each individual TCC Institution, consistent with each individual TCC Institution's obligations as a recipient of federal funding under Title IX.

Allegations that involve conduct that allegedly violates this Policy, as well as other TCC Institution policies, and that are related to the same incident(s), may be joined under the same Resolution Process, including in one investigation and hearing conducted pursuant to Sections XIII - XV. The decision to join interrelated conduct will be at the discretion of the Respondent's Home Institution's Title IX Coordinator in consultation with the TCC Title IX Administrator.

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1 For purposes of Title IX, "Recipient" is reference to each TCC Institution.

A. Purpose of this Policy

This Policy is enacted to allow each TCC Institution to comply with Title IX of the Educational Amendments of 1972 and its subsequent accompanying regulations pertaining to Prohibited Conduct, as defined under this Policy. Title IX states:

> *No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

This Policy also complies with California law, including conduct prohibited by California Education Code Section 212.5.5, 66262.5, and 67380. For TCC Institutions whose employees are covered under this Policy, this Policy also sets forth those TCC Institutions' obligations pertaining to Prohibited Conduct under the California Fair Employment & Housing Act and the California Education Code.

This Policy outlines the procedures TCC will follow to ensure a prompt and equitable resolution of complaints made by Complainants alleging Prohibited Conduct against Respondents, as defined in this Policy in Section XXII. A TCC Institution is not precluded from investigating other conduct that, if proven, would not constitute Prohibited Conduct under this Policy but may constitute a violation of other TCC Institution policies.

Situations involving other conduct that may be in violation of other TCC Institution student or employee zconduct policies should be reported to an individual's Home Institution's Title IX Coordinator.

B. Effective Date

This Policy is effective March 28, 2025.

The procedures in this Policy for investigating and resolving allegations of Prohibited Conduct will be applied as of the effective date of this Policy.

Prohibited Conduct that is alleged to have occurred from August 14, 2020 to the effective date of this Policy will ***also*** use the procedures in this Policy.

Prohibited Conduct that is alleged to have occurred *before* August 14, 2020 will be investigated and adjudicated according to the applicable definitions in place at the time the incident allegedly occurred.

Date of Incident	**Policy to Be Used for Title IX Conduct**	**Policy to Be Used for Other Sex-Based Misconduct**
August 1, 2024 – present	This Policy	This Policy
January 1, 2022 – July 31, 2024	This Policy	Use campus policy for definitions of Prohibited Conduct, use this Policy for procedures.
August 1, 2020-December 31, 2021	This Policy	Use campus policy (if any) for definitions of Prohibited Conduct, use this Policy for procedures.
Prior to August 14, 2020	See Respondent's Home Institution's applicable campus	See Respondent's Home Institution's applicable campus

	policy (if any) from this time period.	policy (if any) from this time period.

Please contact your Home Institution's Title IX Coordinator for questions regarding the applicable policy. The policy definitions in effect at the time of the alleged conduct will apply even if the policy is changed subsequently.

C. Application of Section 504/Americans with Disabilities Act to this Policy

Each TCC Institution adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability that are applicable to the TCC Institutions.

Parties and witnesses may request reasonable accommodations for disclosed disabilities to their Home Institution's Title IX Coordinator or Human Resources professional at any time relating to the implementation of this Policy, including making a disclosure or report, and initiating a resolution process under this Policy.

The Home Institution's Title IX Coordinator and/or Human Resources professional will not affirmatively provide disability accommodations that have not been specifically requested by an individual, even where the individual may be receiving accommodations in other TCC Institution programs and activities. With the consent of the impacted student, staff, or faculty, the individual's Home Institution's Title IX Coordinator will work collaboratively with the appropriate department at their TCC Institution for review and response to the requested accommodation. The individual's Home Institution's Title IX Coordinator will ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this Policy.

D. Revocation by Operation of Law

Should any portion of the 2020 Title IX Final Rule 85 Fed. Reg. 30026 (2020). be stayed or held invalid by a court of law, in whole or in part, or should the portions of this Policy in compliance with 2020 Title IX Final Rule be withdrawn or modified to not require specific requirements of this Policy, then this Policy, or the invalidated requirements of this Policy in compliance with the 2020 Title IX Final Rule, will be deemed modified or revoked as of the publication date of the opinion or order (or as otherwise ordered by the court) or as otherwise specified in any revisions to this Policy. In the event of a modification or revocation, TCC will provide the Parties with information regarding next steps. Should this Policy be revoked in this manner, any conduct covered under this Policy shall be investigated and adjudicated in compliance with Federal and California state law.

II. Home Institution Title IX Coordinator and the TCC Title IX Process Administrator

A. Title IX Coordinator

Each TCC Institution shall designate a Title IX Coordinator to oversee and ensure compliance with this Policy and any other TCC Institution policies prohibiting similar conduct, such as discrimination on the basis of sex. Each Title IX Coordinator is responsible for ensuring compliance with Title IX, California law, and this Policy within their TCC Institution. Each TCC Institution may designate additional Deputy

Title IX Coordinators. For purposes of this Policy, Home Institution Title IX Coordinator refers to the Title IX Coordinator designated for the Party's Home TCC Institution. For students, Home Institution refers to the TCC Institution where the student Party is admitted, regardless of enrollment of credits at any other TCC Institution. For employees subject to this Policy, Home Institution refers to the TCC Institution where the employee Party is employed.

The name and contact information (phone number, email address, and office address) for each TCC Institution's Title IX Coordinator is as follows:

Institution	**Title IX Coordinator**	**Email/Phone**	**Address**
Claremont Graduate University	Ann Knox, Title IX Coordinator Jalina Najera, Interim Director of Human Resources Jody Waters, Interim Executive Vice President and Provost	Deanof.Students@cgu.edu (909) 607-1887 Jaline.Najera@cgu.edu (909) 607-4404 Jody.Waters@cgu.edu (909) 621-8068	160 E. 10th Street Harper Hall East Claremont, CA 91711
Claremont McKenna College	Joanna Rosas, Title IX Coordinator	Joanna.Rosas@ClaremontMcKenna.edu (909) 607-8131	385 E. 8th Street Marian Miner Cook Athenaeum Second Floor Claremont, CA 91711
Harvey Mudd College	Danny Ledezma, Title IX Coordinator	Dledezma@hmc.edu (909) 607-3470	301 Platt Boulevard Platt Campus Center Claremont, CA 91711
Keck Graduate Institute	Shino Simons, Title IX Coordinator Cheryl Merritt, Deputy Title IX Coordinator, Assistant Vice President of Human Resources and Employee Engagement	Titleix@kgi.edu (909) 607-0101 Cheryl_merritt@kgi.edu (909) 607-7853	535 Watson Drive Claremont, CA 91711
Pitzer College	Christine R. Guzman, Title IX Coordinator	Christine_guzman@pitzer.edu (909) 607-2958	1050 N. Mills Avenue Broad Center, Rm 212 Claremont, CA 91711

Institution	Title IX Coordinator	Email/Phone	Address
Pomona College	Destiny Marrufo, Title IX Coordinator	Destiny.Marrufo@pomona.edu (909) 621-8017	555 N. College Avenue, Alexander Hall, Ste 104 Claremont, CA 91711
Scripps College	Alyssa-Rae McGinn, Interim Title IX Coordinator	Titleix@scrippscollege.edu (909) 607-7142	919 North Columbia Avenue McAlister Center Lower Level Claremont, CA 91711

Each TCC Institution's Title IX Coordinator, or their designee, serves as the primary point of contact for individuals from their campus involved in this Policy's Resolution Process or for allegations of violations occurring in their TCC Institution programs and activities as defined by this Policy.

B. TCC Title IX Process Administrator

The TCC Title IX Process Administrator (referred to as the "TCC Title IX Administrator") oversees this Policy, including the Resolution Process, to ensure equity and consistency across TCC. As outlined throughout this Policy, the TCC Title IX Administrator is responsible for a variety of tasks, including, but not limited to, the following:

- Managing the Resolution Processes under this Policy across TCC; and
- Evaluating and assigning Investigators, Sanctions Decisionmakers, Hearing Decisionmakers and Appeal Decisionmakers in the Resolution Process under this Policy. TCC reserves the right to assign internal or external investigators or decisionmakers.

The TCC Title IX Administrator, Barbara Reguengo, can be reached at: TitleIXAdmin@claremont.edu.

III. Scope and Jurisdiction

A. When Title IX Procedural Requirements Apply

This Policy defines Prohibited Conduct under federal ("Title IX Sexual Harassment") and state law ("Other Sex-Based Misconduct") for all members of the TCC community.

This Policy also outlines the resolution procedures to address Prohibited Conduct as defined in this Policy. Specific 2020 Title IX procedural requirements (herein after referred to as "Title IX Procedural Requirements") for Title IX Sexual Harassment will be applied if:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in a TCC Institution's Education Programs or Activities; and,

4. The alleged conduct, if true, would constitute Title IX Sexual Harassment, specifically, Title IX Quid Pro Quo, Title IX Hostile Environment Harassment, Title IX Dating Violence, Title IX Domestic Violence, and/or Title IX Stalking Based on Sex, as defined in this Policy.

Cases that include both Title IX Sexual Harassment and Other Sex-Based Misconduct will be addressed using the Title IX Procedural Requirements. All other cases where the allegations do not meet the above criteria will be addressed using the applicable definitions under Other Sex-Based Misconduct and will not be processed using the Title IX Procedural Requirements (unless the case has been consolidated).

This Policy applies to complaints made by a TCC student at one TCC Institution against a student at the same TCC Institution, as well as complaints made by a TCC student against a TCC student at a different TCC Institution ("Cross-Campus Complaints").

Cases that involve an **employee**, including students in their capacity as a student-employee, of a TCC Institution, will be processed consistent with whether the TCC Institution that is the employer of the Respondent has adopted this Policy for its employees.

- If a TCC Institution has adopted this Policy for its employees, the Title IX Procedural Requirements shall be applied to resolve allegations of Title IX Sexual Harassment that occurred within the jurisdiction of Title IX occurring on or after August 14, 2020.

- All other cases of allegations that do not involve Title IX Sexual Harassment that occur after August 14, 2020 and involve an employee from a TCC Institution that has opted in to this Policy will be processed under the Resolution Options set forth in this Policy.

Institution	**Applicable Policy**
Claremont Graduate Institute (CGU)	• All cases involving CGU's students, employees and participants in programs and activities are processed under this Policy unless the complaint is against a non-CGU employee, in which case the Policy adopted by the Respondent's Institution for employees will be used.
Claremont McKenna College (CMC)	• For cases by anyone against a CMC employee, please see CMC's policy. • For cases by a CMC employee against a CMC student, this Policy will be used. • For cases by a CMC employee against a non-CMC student or participant, this Policy will be used. • For cases by a CMC employee against a non-CMC employee, the policy adopted by the Respondent's Institution for employees will be used.
Harvey Mudd College (HMC)	• For cases by anyone against an HMC employee, please see HMC's policy. • For cases by an HMC employee against an HMC student, please see HMC's policy. • For cases by an HMC employee against a non-HMC student or participant, this Policy will be used. • For cases by an HMC employee against a non-HMC employee, the policy adopted by the Respondent's Institution for employees will be used.
Keck Graduate Institute (KGI)	All cases involving KGI's students, employees and participants in programs and activities are processed under this Policy unless the complaint is against a non-KGI employee, in which case the policy adopted by the Respondent's Institution for employees will be used.

Institution	Applicable Policy
Pitzer College	All cases involving Pitzer College's students, employees and participants in programs and activities are processed under this Policy unless the complaint is against a non-Pitzer College employee, in which case the policy adopted by the Respondent's Institution for employees will be used.
Pomona College	• For cases by anyone against a Pomona College employee, please see Pomona College's policy. • For cases by a Pomona College employee against a Pomona College student, this Policy will be used. • For cases by a Pomona College employee against a non-Pomona College student or participant, this Policy will be used. • For cases by a Pomona College employee against a non-Pomona College employee, the policy adopted by the Respondent's Institution for employees will be used.
Scripps College	• For cases by any student or participant (Scripps College or non-Scripps College) against a Scripps College employee, this Policy will be used. • For cases by a Scripps College employee against any student or participant (Scripps College or non-Scripps College), this Policy will be used. • For cases by any TCC Institution employee against a Scripps College employee, please see Scripps College's policy. • For cases by a Scripps College employee against a non-Scripps College employee, the policy adopted by the Respondent's Institution for employees will be used.

B. Matters Involving a Third-Party Participant(s)

This Policy may also apply to third parties, such as guests, visitors, volunteers, invitees, and alumni, when they are participating or attempting to participate in a TCC-sponsored activity, on or off-campus (referred to as "participants" for purposes of this Policy). A third-party complainant may be subject to different procedures within this Policy, depending on the individual's status, or a TCC Institution's internal policies.

There are instances where allegations may be reported or a Complaint may be made against a third-party individual. Any individual who is alleged to have engaged in Prohibited Conduct who is not a TCC student, faculty member, or staff member is generally considered a third-party who is not subject to the Resolution Process in this Policy. A TCC Institution's ability to take appropriate corrective action against a third-party may be limited and will depend on the nature of the third-party's relationship, if any, to the TCC Institution or TCC. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office for further action.

The status of a party may impact which resources and remedies are available to them, as described in this Policy.

C. The Geographic Jurisdiction of This Policy

This Policy applies to the programs and activities, including the working and learning environments of the TCC Institutions. It may also apply to instances in which the conduct occurred outside of the campus or any TCC Institution-sponsored activity if the Complainant's Home Institution's Title IX Coordinator determines that the off-campus conduct is within the jurisdiction of this Policy, within Respondent's Home Institution's disciplinary authority (in consultation with the Respondent's Home Institution Title IX Coordinator if Cross-Campus Complaint), or could interfere with access to any educational program or

activity, safety and security, compliance with applicable law, or contribute to a hostile educational environment.

D. How This Policy Impacts Other Campus Disciplinary Policies

The elements and process established in this Policy, and as required under the 2020 Title IX Final Rule and applicable California state law, have no effect on any other TCC Institution policy or Code of Conduct. This Policy does not set a precedent for other policies or processes of the TCC Institutions and may not be cited for or against any right or aspect of any other policy or process.

E. Policy Dissemination and Publication

Each TCC institution shall disseminate this Policy to:

- Each student of their TCC Institution.
- Each employee of their TCC Institution, including student employees.
- Each volunteer who regularly interacts with students.
- Each individual or entity under contract with the TCC Institution to perform any service involving regular interaction with students at the institution.

This Policy, and contact information for each TCC Home Institution Title IX Coordinator, shall be present on each TCC Home Institution's Title IX Office website. Every handbook and/or catalog made available to the members of each TCC Institution's community shall contain a link to this Policy and the contact information for the Home Institution's Title IX Coordinator.

IV. Prohibited Conduct – Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation

Only allegations of Prohibited Conduct, as defined by this Policy, are addressed under this Policy.

Other forms of sex discrimination, including discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression are prohibited and will be addressed by each TCC Institution in its individual policies.

This section provides the definitions of Prohibited Conduct for purposes of this Policy.

Definitions of Title IX Sexual Harassment In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution's campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
Title IX Quid Pro Quo Harassment Based on Sex	An employee of a TCC Member Institution conditioning the provision of an aid, benefit, or service of the Institution on an individual's participation in unwelcome sexual conduct (also known as quid pro quo Sexual Harassment).

Definitions of Title IX Sexual Harassment In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution's campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
Title IX Hostile Environment Based on Sex	Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to TCC Member Institution's Education Programs or Activities. • "Unwelcome conduct" depends on a variety of factors and must be evaluated in light of the known circumstances. • "Severe, pervasive, and objectively offensive" must be evaluated in light of the known circumstances, and is dependent on the facts in each situation. However, this element must be determined from the perspective of a reasonable person standing in the shoes of the Complainant.
Title IX Sexual Assault	**Sexual Assault** is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. In California, Affirmative Consent is required.[16] For the purpose of these definitions, a Sexual Act is defined as conduct between persons consisting of: • Contact between the penis and the vulva, or between penises and vulvas; • Contact between the penis and the anus; • Contact between the mouth and the penis; • Contact between the mouth and the vulva; • Contact between the mouth and anus; • Contact between anuses; or, • Contact involving any of the above or the buttocks or breasts. Sexual Assault includes: • **Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. In California, Affirmative Consent is required. Attempted Rape falls under this prohibition. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • **Fondling**—The touching of the private body parts of another for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. In California, Affirmative Consent is required. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).

Definitions of Title IX Sexual Harassment In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution's campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
Title IX Sexual Assault Continued	Private body parts include genitals, groin area, breasts, and buttocks. • **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent. In California the statutory age of consent is 18. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).

Title IX Dating Violence	**Dating Violence** is violence committed by a person:
	
	• Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
	
	• Where the existence of such a relationship shall be determined based on a consideration of the following factors:
	
	  • The length of the relationship;
	  • The type of relationship; and
	  • The frequency of interaction between the persons involved in the relationship.
	
	Emotional and psychological abuse do not constitute violence for the purposes of this definition.

Title IX Domestic Violence	**Domestic violence** is violence committed by a person who: • Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of California or a person similarly situated to a spouse of the victim; • Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; • Shares a child in common with the victim; or

Definitions of Title IX Sexual Harassment In accordance with its obligations under the Title IX Regulations of 2020, TCC Institutions prohibit Title IX Sexual Harassment, which is conduct based on sex (where sex is defined by the federal government as sex assigned at birth) that satisfies one or more of the following definitions and occurs on a TCC Member Institution's campus or in locations, events, or circumstances in the United States over which a TCC Member Institution exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Member Institution	
	• Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of California. Emotional and psychological abuse do not constitute violence for the purposes of this definition.
Title IX Stalking Based on Sex	Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause: • a reasonable person to fear for the person's safety or the safety of others; or • suffer substantial emotional distress.

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
Other Unwelcome Sexual Conduct	Someone from or in the work or educational setting, including an employee agent, or other person authorized by a TCC Institution to provide an aid, benefit, or service under a TCC Institution's education program or activity, who explicitly or implicitly conditions the provision of an aid, benefit, or service of a TCC Institution on an individual's participation in unwelcome sexual conduct, which includes but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, including under any of the following conditions: 1) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress; • Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; or, • Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution. • Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
Other Unwelcome Sexual Conduct Continued	someone from or in the work or educational setting where the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment. Quid Pro Quo can include situations in which an employee, or agent, or individual who purports to have authority under a TCC Institution to provide and condition an aid, benefit, or service under the TCC Institution's education program or activity on a person's participation in unwelcome sexual conduct, even if that person is unable to provide that aid, benefit, or service. Additionally, the threat of a detriment falls within the definition of Quid Pro Quo, whether or not the threat is actually carried out (e.g. the threat to award a poor grade to a student unless they participate in unwelcome sexual conduct could constitute Quid Pro Quo as it is a condition placed on the provision of the student's education, which is a service of a TCC Institution). Conditions may involve academics and/or extracurricular activities within TCC.
California Sex-Based Hostile Environment Harassment in Education Programs and Activities	Unwelcome sex-based conduct (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from any TCC Institution's education program or activity. Nothing in this definition is intended to interfere with an individual's rights to freedom of speech or expression pursuant to the United States Constitution, the California Constitution, and the California Leonard Law.
California Sexual Violence	Physical sexual acts perpetrated against a person without the person's Affirmative Consent. Physical sexual acts include both of the following: • **Rape**, defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California). • **Sexual Battery**, defined as the intentional touching of another person's intimate parts without their Affirmative Consent, intentionally causing a person to touch the intimate parts of another without Affirmative Consent, or using a person's own intimate part to intentionally touch

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
California Sexual Violence Continued	another person's body without Affirmative Consent. Intimate body parts include genitals, groin area, breasts, buttocks, anus, vulva, and mouth. (This type of conduct is not eligible for mediation as a form of agreement-based resolution in California).
California Sexual Exploitation	**Sexual Exploitation** includes a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts: • The prostituting of another person. • The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion. • The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent. • The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure. • The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire. Intimate body parts include genitals, groin area, breasts, buttocks, anus, vulva, and mouth.
Stalking Based on Gender Identity, Gender Expression and Sexual Orientation	Engaging in a course of conduct, on the basis of other sex-based protected categories (including sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) directed at a specific person that would cause: • a reasonable person to fear for the person's safety or the safety of others; or • suffer substantial emotional distress.

Definitions of Other Sex-Based Misconduct in Education Programs and Activities and Employment In addition to Title IX Sexual Harassment, each TCC Institution prohibits unwelcome sexual conduct, sex-based harassment, sexual violence, sexual exploitation, and retaliation for those individuals who meet the definition of Complainant and Respondent.	
Other/California Dating Violence	See the definition of Title IX Dating Violence. The conduct must occur outside of the jurisdiction of Title IX and the parties must meet the definitions of "Complainant" and "Respondent."
Other/California Domestic Violence	See the definition of Title IX Domestic Violence. The conduct must occur outside of the jurisdiction of Title IX and the parties must meet the definitions of "Complainant" and "Respondent."

Definitions of California Prohibited Harassment in Employment For TCC Institutions that have adopted this Policy for their employees, these TCC Institutions prohibit California Sex-Based Harassment in Employment that occurs: • In the workplace (including the remote workplace during working time) or anywhere on the TCC Institution's property while employees are working; • Off-campus, if the Prohibited Conduct in employment occurred during a TCC Institution's work event, activity, program, or event; or • Off-campus, if the off-duty Prohibited Conduct in employment by a supervisor has or reasonably may have the effect of creating a hostile work environment for an employee.	
California Sex-Based Harassment in Employment	Any unwelcome behavior towards an employee (which for this definition includes a student-employee in their capacity as an employee), applicant for employment, unpaid intern, contractor or volunteer, that is reasonably regarded as offensive, that is based on sex (for this definition sex includes sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression) and that: Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, or, Affects the victim's ability to perform the job as usual, or, Otherwise interferes with and undermines the victim's personal sense of well-being. For California Sex-Based Harassment in employment, a single incident of harassing conduct based on sex may create a hostile work environment if the harassing conduct has unreasonably interfered with the victim's work performance or created an intimidating, hostile, or offensive work environment. Whether or not the person meant to give offense or believed their comments or conduct were welcome is not significant. Rather, the Policy is violated when other individuals, whether recipients or mere observers of the conduct, are actually offended by comments or conduct based on sex and the conduct is considered offensive by a reasonable person.

Definitions of California Prohibited Harassment in Employment For TCC Institutions that have adopted this Policy for their employees, these TCC Institutions prohibit California Sex-Based Harassment in Employment that occurs: • In the workplace (including the remote workplace during working time) or anywhere on the TCC Institution's property while employees are working; • Off-campus, if the Prohibited Conduct in employment occurred during a TCC Institution's work event, activity, program, or event; or • Off-campus, if the off-duty Prohibited Conduct in employment by a supervisor has or reasonably may have the effect of creating a hostile work environment for an employee.	
California Sex-Based Harassment in Employment Continued	Examples of conduct that may constitute California Sex-Based Harassment in employment may include, but are not limited to: • Unwanted physical touching; • Telling sexually explicit jokes or stories; • Making comments or gestures reasonably regarded as lewd or offensive; • Displaying sexually suggestive objects, cartoons, or pictures; • Sending sexually explicit messages by letter, notes, electronic mail, social media posting, or telephone; • Making unwelcome comments reasonably regarded as offensive about a person's body, physical appearance, or clothing; • Frequent use of unwelcome terms of endearment; or • Repeatedly asking an individual for a date or meetings outside of working hours after they have indicated an unwillingness to go.

Definition of Prohibited Retaliation Each TCC Institution prohibits Retaliation for those individuals who meet the definition of Complainant and Respondent.	
Retaliation	TCC Member Institutions prohibit retaliation against any person opposing Prohibited Conduct or participating in any Prohibited Conduct Resolution Process, including an investigation, whether internal or external to a TCC Member Institution. No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report

Definition of Prohibited Retaliation Each TCC Institution prohibits Retaliation for those individuals who meet the definition of Complainant and Respondent.	
Retaliation Continued	or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes Retaliation. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by a TCC Member Institution, a student, or an employee or other person authorized by a TCC Member Institution to provide aid, benefit, or service under any TCC Member Institution's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including the Agreement-Based Resolution Process, Investigation and Hearing Resolution Process, and in any other action taken by a TCC Member Institution to promptly and effectively end any Prohibited Conduct in its education program or activity, prevent its recurrence, and remedy its effects. Retaliation does not include perceived or petty slights, or trivial annoyances. This Policy also applies to peer retaliation, which is defined as retaliation by a TCC student against another TCC student. A TCC Member Institution may require an employee or other person authorized by the TCC Member Institution to provide aid, benefit, or service under the TCC Institution's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this Policy.

V. Conflict of Interest or Bias

Any individual responsible for carrying out any part of this Policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter.

Should any Party believe that any designated Investigator, Hearing Decisionmaker, Appeal Decisionmaker, or Sanctions Decisionmaker (for cases where Respondent has accepted responsibility pursuant to Section XIII.C.) has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, they must notify the TCC Title IX Administrator of their objection in writing within three (3) business days from the date the individual's identity is shared with the Parties.

If any Party believes that their Home Institution Title IX Coordinator or the TCC Title IX Administrator has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, they must notify the TCC Title IX Administrator (regarding Home Institution Title IX Coordinator), or the appropriate TCC official (regarding the TCC Title IX Administrator) as soon as possible upon discovery of an actual conflict of interest or bias.

The TCC Title IX Administrator will consider and resolve any objections, except any objections to the TCC Title IX Administrator, which will be assigned to the appropriate official. If the objection is substantiated with regard to an Investigator or Decisionmaker, then a new Investigator or Decisionmaker will be designated, and the Parties will be notified of this decision in writing. If the objection to a Home Institution Title IX Coordinator or the TCC Title IX Administrator is substantiated, the role will be reassigned to an appropriately designated official for purposes of completing and finalizing the matter at issue.

Should the Complainant's Home Institution Title IX Coordinator or the Respondent's Home Institution Title IX Coordinator have a conflict of interest, they shall immediately notify the designated official at their TCC Institution who will either take, or reassign, the role of their Party's Title IX Coordinator for purposes handling and finalizing the matter at issue. Should the TCC Title IX Administrator have a conflict of interest, they will notify their designated official who will reassign the role accordingly.

VI. Supportive Measures

Each Party's Home Institution's Title IX Coordinator will be responsible for implementing Supportive Measures, as defined in this Policy, as appropriate for their Party (Complainant or Respondent), which are legally available to both Parties, and as applicable to restore or preserve the Party's access to any TCC Institution program or activity or provide support during the Resolution Process, including Agreement-Based Resolution Process, under this Policy.

The Complainant's Home Institution Title IX Coordinator shall, upon becoming aware of alleged Prohibited Conduct, promptly contact the Complainant, if their identity is known, to discuss the availability of Supportive Measures, as well as other rights and options in accordance with this Policy and their Home Institution's policies. Supportive Measures shall be offered to the Complainant, and the Complainant has the right under this Policy to request Supportive Measures, regardless of whether they desire to make a report or Complaint, have their allegations investigated, or seek Agreement-Based Resolution. In implementing any Supportive Measures, the Complainant's Home Institution's Title IX Coordinator shall consider the Complainant's wishes.

The Respondent's Home Institution Title IX Coordinator shall offer Supportive Measures to a Respondent upon notification to the Respondent that there has been a report or Complaint made against them, or earlier as appropriate if a Respondent is aware of a potential Complaint against them.

Supportive Measures provided to a Complainant or Respondent shall remain confidential to the extent that maintaining such confidentiality will not impair the TCC Institution's ability to provide the Supportive Measures. For Cross-Campus Complaints, each Party's Home Institution Title IX Coordinator shall promptly notify the other Party's Home Institution Title IX Coordinator of any Supportive Measures implemented on behalf of a Party or witness. This information will not be shared with the other Party unless it specifically impacts that Party. If there is disagreement about whether information about a specific Supportive Measure for one Party will be shared with the other Party, the Parties' Home Institution Title IX Coordinators shall discuss with the TCC Title IX Administrator to determine best approach to balance privacy and effectiveness.

Supportive Measures may include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments, in coordination with the relevant Faculty member;
- Modifications of work or class schedules, in coordination with the relevant Faculty member and/or supervisor;

- Campus escort services;
- Restrictions on contact and communication applied to one or more parties, including no contact directives (which may be mutual or unilateral, and at the discretion of each Party's Home Institution's Title IX Coordinator as set forth below);
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Training and education programs related to Prohibited Conduct;
- Leaves of absence;
- Increased security and monitoring of certain areas of campus; and,
- Other similar measures determined by the Parties' Home Institution's Title IX Coordinator(s) based on the specific facts of each case.

A. Specific Requirements for No Contact Orders

A No Contact Order (NCO) is a documented directive issued by a Party's Home Institution's Title IX Coordinator that is designed to limit or prohibit contact or communications between the Parties. An NCO may be mutual or unilateral, with the exception that an NCO issued as either a sanction or remedy shall be unilateral, directing that the Respondent to not contact the Complainant.

For cases of Prohibited Conduct involving only students:

- When requested by a Complainant or otherwise determined to be appropriate, the Respondent's Home Institution's Title IX Coordinator shall issue an interim, unilateral NCO prohibiting the Respondent from contacting the Complainant during the pendency of the Resolution Process under this Policy, including any appeal.
- A Home Institution Title IX Coordinator shall not issue an interim mutual NCO automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual NCO is necessary or justifiable to protect the noncomplaining Party's safety or well-being, or to respond to interference with the Resolution Process. Upon issuance of an interim mutual NCO, the Party's Home Institution's Title IX Coordinator shall provide the Parties with a written justification for the mutual NCO and an explanation of the terms of the NCO, including the circumstances, if any, under which a violation of the NCO could be subject to disciplinary action.

Any Party's non-compliance with the parameters of Supportive Measure(s), such as no contact orders, may be referred by either Party's Home Institution's Title IX Coordinator to the appropriate TCC Institution department for review and investigation as to whether the alleged conduct violates the TCC Institution's code of conduct (student), handbook policy (employee), or other applicable policies. Violations may result in sanctions or discipline.

VII. Resources

TCC students and/or employees may wish to speak with a confidential resource. Access to support, including confidential support, is available regardless of whether they make a report or Complaint, or engage in the Resolution Process under this Policy. Below is a list of the available on- and off-campus resources, both confidential and non-confidential. All resources are confidential and available to 7C students unless otherwise noted. Each TCC Institution may have additional resources available to its students and/or employees. Contact the Home Institution Title IX Coordinator for more information. More information, including disclosing Prohibited Conduct to a Confidential Resource, may be found in the following Section VIII. Reporting Prohibited Conduct.

A. On-Campus Resources

1. Resources for Students

- **EmPOWER Center**
  1030 Dartmouth Avenue
  (909) 607-2689
  www.7csupportandprevention.com
  Director, Rima Shah; RShahEmPOWER@claremont.edu

- **Monsour Counseling and Psychological Services(MCAPS)**
  Tranquada Student Services Building
  755 N. College Way
  (909) 621-8222 (For after-hours emergency, press 1 to be connected to the on-call therapist.)
  https://services.claremont.edu/mcaps/
  Available only to the 5Cs*

- **TimelyCare**
  (24/7 medical and mental telehealth care for all students, at no cost)
  https://app.timelycare.com/auth/login

- **The Chaplains for The Claremont Colleges**
  McAlister Center
  919 N. Columbia Avenue
  (909) 621-8685
  chaplains@claremont.edu
  https://services.claremont.edu/chaplains/

- **Queer Resource Center (the "QRC")**
  Walton Commons
  395 E. 6th Street
  (909) 609-1817
  For confidential matters, contact the QRC's Director, Bri Serrano (Bri.serrano@pomona.edu)
  For non-confidential matters, contact qrc@claremont.edu
  https://colleges.claremont.edu/qrc/

- **Student Health Services**
  Tranquada Student Services Center – 1st Floor
  757 College Way Claremont, CA 91711
  (909) 621-8222
  shsrecords@claremont.edu
  https://services.claremont.edu/student-health-services/
  Available only to the 5Cs and limited confidentiality[2]

2. Confidential Resources for Staff and Faculty

- **Employee Assistance Program (EAP)**
  (800) 234-5465
  www.liveandworkwell.com
  Please contact your Human Resources department for access code*

- **The Chaplains for The Claremont Colleges**
  McAlister Center
  919 N. Columbia Avenue
  (909) 621-8685
  chaplains@claremont.edu
  https://services.claremont.edu/chaplains/

B. Off-Campus and Community-Based Resources

1. Services and Support for Sexual Assault

- **Project Sister Sexual Assault 24/7 Crisis Hotline (Pomona, CA) (Sexual Violence)**
  Project Sister Family Services provides services to women, men, and child survivors of sexual violence, and their families, in the East San Gabriel and Inland Valleys in Southern California. Project Sister works with local law enforcement, district attorneys, courts, hospital and health care providers, schools, churches and other community groups and agencies. Its mission is to reduce the trauma and risk of sexual violence and child abuse. All services are provided in both English and Spanish.
  (800) 656-4673
  (909) 626-HELP ((909) 626-4357)
  https://projectsister.org/

[2] Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspect is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Sexual Assault, and Dating and Domestic Violence). This requirement does not apply to sexual assault and domestic violence counselors and advocates.

- **Peace Over Violence (Sexual Assault, Dating/Domestic Violence, & Stalking) (Los Angeles, CA)**
  The Los Angeles Rape and Battering hotline is a confidential non-judgmental resource where staff and volunteers are available to provide emotional support, advocacy, information and referrals.

  24/7 Hotline: English, Spanish, and ASL
  (213) 626-3393 (Central Los Angeles)
  (310) 392-8381 (South Los Angeles)
  (626) 793-3385 (West San Gabriel Valley)
  https://www.peaceoverviolence.org/

- **RAINN National Sexual Assault Crisis Hotline (Rape, Abuse & Incest National Network)**
  (800) 656-HOPE ((800) 656-4673)
  https://rainn.org/about-national-sexual-assault-telephone-hotline

2. Services and Support for Dating and Domestic Violence

- **House of Ruth (Dating and Domestic Violence) (Pomona, CA)**
  (877) 988-5559 (toll-free hotline)
  (909) 623-4364 (Pomona Outreach Office)
  https://www.houseofruthinc.org

- **National Domestic Violence Hotline**
  (800) 799-SAFE (7233)
  (800) 787-3224 (TTY)
  https://www.thehotline.org/

3. Medical Resources

- **Pomona Valley Health Center**
  1798 North Garey Avenue
  Pomona, CA 91767
  (909) 865-9500
  https://www.pvhmc.org/
  Medical staff may have reporting obligation to law enforcement (See FN 2 above).

VIII. Reporting Prohibited Conduct

A. Reporting Prohibited Conduct Directly to the Home Institution's Title IX Coordinator

Any person may report Prohibited Conduct under this Policy. The individual reporting the Prohibited Conduct need not be the individual subjected to the alleged misconduct. However, only the following individuals have the right to make a Formal Complaint alleging Title IX Sexual Harassment, a Complaint of Other Sex-Based Harassment, or Complaint of Retaliation, as defined by this Policy in Section XXII,

requesting that the TCC Institution investigate and make a determination about alleged Prohibited Conduct under this Policy:

1. A Complainant, as defined by this Policy in Section XXII;

2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant;

3. The Complainant's Home Institution's Title IX Coordinator upon making case-specific analysis as described in Section IX.C. and

4. For Cross-Campus allegations of Prohibited Conduct, the Respondent's Home Institution's Title IX Coordinator, and upon consultation with the Complainant's Home Institution's Title IX Coordinator.

Any person wishing to report or file a Complaint of Prohibited Conduct may do so utilizing the contact information of their Home Institution Title IX Coordinator found in Section II.A. These reports or Complaints shall be accepted when received in-person, via mail, electronic mail, telephone, electronic incident report submission, and/or by any other means clearly defined by TCC. Reporting alleged Prohibited Conduct or filing a Complaint may be done orally or in writing. A report of Prohibited Conduct does not necessarily constitute a Complaint and will not automatically initiate the resolution process procedures under this Policy. The "Resolution Process" refers to the process initiated upon receipt of information regarding allegations of Prohibited Conduct. The resolution options available in the Resolution Process under this Policy are outlined in Section XIII.

Upon receipt of a report or Complaint of Prohibited Conduct, the Complainant's Home Institution's Title IX Coordinator will respond in accordance with Section IX.

B. Disclosing Prohibited Conduct to a Confidential Resource

A Confidential Resource is a campus- or community-based resource that has the duty of confidentiality. The duty of confidentiality is an obligation on the part of the resource provider to keep a person's information private and confidential unless consent to release or share the information is provided by the disclosing person.

A disclosure to a Confidential Resource does not result in any report or initiation of the Resolution Process unless requested by the disclosing individual.

There are two types of Confidential Resources at TCC.

1. Confidential Resources with the Legal Privilege of Confidentiality

Communication with these resources have legal protections from disclosure in court. These resources also possess professional obligations (the duty of confidentiality) to hold such communications in confidence and they cannot divulge information about an individual seeking their services to a third party without that individual's consent. There are established limits to confidentiality and these must be communicated to the individual seeking services.

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspect is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical

injury where the injury is the result of assaultive or abusive conduct (including Sexual Assault, and Dating and Domestic Violence).

This requirement does not apply to sexual assault and domestic violence counselors and advocates.

Examples of Confidential Resources with the legal privilege of confidentiality at TCC include, but are not limited to: Chaplains, Monsour Counseling and Psychological Services (MCAPS), and Student Health Services (SHS) (subject to reporting obligation above).

2. Institution-Designated Confidential Resources

Communication with these resources do not have legal privilege and as such are not provided legal protections from disclosure in court. These individuals and/or offices do possess professional obligations (the duty of confidentiality) to hold communications in confidence and they cannot divulge information about an individual seeking their services to a third party without that individual's consent.

Institution-Designated Confidential Resources also have limited reporting responsibilities federally mandated by the Clery Act. Under the Clery Act, their reporting obligation arises when they become aware of information or allegations of criminal behavior and must report the information regarding an incident to the TCC Institution's Clery Coordinator. They do not report identifying information about the individuals involved in an incident. Institution-Designated Confidential Resources are not obligated to inform the Home Institution Title IX Coordinator of a report/disclosure unless requested by the individual seeking their services.

Examples of Institution-designated Confidential Resources at TCC include, but are not limited to: the Director of the EmPOWER Center and the Director of the Queer Resource Center (QRC).

Some campus advocates are Institution-designated Confidential Resources. All campus Advocates, however, are private resources, and do not have an obligation to share any information with the Title IX Coordinator. Please check with your individual TCC institution for a definitive list of confidential resources.

A list of on and off-campus confidential and private resources is included in Section VII, and each TCC Home Institution's Title IX Coordinator maintains a list of additional, TCC Institution-based confidential resources available to its Institution's students and employees.

C. Reporting Prohibited Conduct to a TCC Institution Employee and Their Reporting Obligations

Employees should refer to their own TCC Institution's Responsible Employee Policy.

D. Amnesty for Student Conduct Charges when Reporting Prohibited Conduct Under this Policy

An individual who makes a report of Prohibited Conduct to the Title IX Coordinator or who participates in an investigation of Prohibited Conduct as Complainant or witness, will not be subject to disciplinary action for a violation of their Home TCC Institution's student conduct policy that occurred at or around the time of the incident, unless the Party or witness' Home TCC Institution determines that the violation was egregious, including, but not limited to, an action that placed the health or safety of any other person at risk, or involved plagiarism, cheating, or academic dishonesty. The Party or witness' Home TCC Institution may suggest an educational conference where support, resources, and educational counseling options may be

discussed and potentially require a learning action plan for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.

E. Reporting to Law Enforcement and Concurrent Criminal Investigations

Some Prohibited Conduct may constitute a violation of both the law and this Policy. TCC encourages individuals to report alleged crimes promptly to local law enforcement agencies should they wish to do so. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of this Policy. Filing a complaint with law enforcement does not relieve TCC of its responsibility to address reported concerns or complaints under this Policy.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. A Complainant may make a report or Complaint under this Policy and also file a complaint with law enforcement at the same time. However, when a Complaint is made under this Policy, as well as to law enforcement, TCC may delay its process for a reasonable amount of time if a law enforcement agency requests this delay to allow law enforcement to gather evidence of criminal misconduct. Such delay would constitute good cause for extending the timeline. Criminal or legal proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is relevant to whether the alleged Policy violation occurred and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of the TCC community or the safety of any TCC Institution is threatened, any individual with such knowledge should promptly contact The Claremont Colleges Campus Safety at (909) 607-2000 or (909) 607-7233 (SAFE), or 911. TCC may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the TCC community and TCC as a consortium.

IX. Response to a Report or Complaint of Prohibited Conduct

A. Initial Contact by the Complainant's Home Institution's Title IX Coordinator

Following receipt of a report or Complaint alleging Prohibited Conduct under this Policy, the Complainant's Home Institution's Title IX Coordinator will contact the Complainant to request to meet with them for an initial intake and assessment meeting, and will provide the following information in their outreach to Complainant:

An invitation to meet with Complainant's Home Institution's Title IX Coordinator to offer assistance and explain their rights, resources, and options under this Policy;

Access to this Policy via link or attachment;

Information regarding available campus and community-based resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;

The availability of Supportive Measures regardless of whether a Complaint is filed and/or any Resolution Process is initiated;

Information regarding resolution options (Support-Based, Agreement-Based, and Investigation and Hearing Resolution) under this Policy, how to initiate such Resolution Processes including how to file a Formal Complaint to invoke the Title IX Procedural Requirements; and how those procedures work, including contacting and interviewing Respondent and seeking identification and location of witnesses;

The right to notify law enforcement as well as the right not to notify law enforcement;

The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from TCC Campus Safety or local law enforcement in preserving evidence;

The right to have a Support Person and/or Advisor during any meetings or proceedings under this Policy, including the initial meeting with the Complainant's Home Institution's Title IX Coordinator; as well as the right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so; and

A statement that Retaliation for reporting a concern, filing a Complaint, or participating in the Complaint process, is prohibited.

If the Title IX Coordinator who received the report is different from the Complainant's Home Institution's Title IX Coordinator, then the Title IX Coordinator who received the report will forward the report to the appropriate Home Institution Title IX Coordinator.

B. Initial Intake Meeting and Assessment

A Complainant, or another individual reporting the potential Prohibited Conduct (Reporting Party),[3] may meet with their Home Institution's Title IX Coordinator for the purposes of discussing their reporting options, Supportive Measures, and resolution options under this Policy. The primary concern during the intake meeting shall be safety, and a trauma-informed approach shall be used while meeting with the Complainant.

Below is a summary of the topics the Complainant's Home Institution's Title IX Coordinator will address during the intake meeting with the Complainant:

1. Assistance with immediate safety concerns, care and support resources, medical providers, and law enforcement;

2. Supportive Measures; and

[3] Upon receipt of a report of Prohibited Conduct made by an individual other than the Complainant (referred to as the "Reporting Party" in this instance), and the Complainant's identity is disclosed within the report, or is otherwise known to the Complainant's Home Institution's Title IX Coordinator, Complainant's Home Institution's Title IX Coordinator may meet or communicate with the Reporting Party that they will contact Complainant to offer to meet with them. If Complainant's identity is not disclosed in the report, the Complainant's Home Institution's Title IX Coordinator may request that information from the Reporting Party, who may decide whether or not to disclose this information to the Complainant's Home Institution's Title IX Coordinator.

3. Procedures for determining next steps and appropriate resolution options under this Policy, including Agreement-Based Resolution options.

During this initial meeting, or in a separate follow-up meeting, the Complainant's Home Institution Title IX Coordinator will gather preliminary information about the nature of the circumstances or the report to determine appropriate next steps, including appropriate Supportive Measures, whether this Policy applies, and if so, which resolution option(s) may be appropriate based on the allegations and status of the Parties. Information gathered may include names of individuals involved, date of incident(s), location of incident(s), and a description of the alleged incident. The Complainant's Home Institution's Title IX Coordinator may also determine that the provision of only Supportive Measures is the appropriate response under the Policy based on the information provided. The intake meeting is not intended to serve as an exhaustive interview, but rather to provide the Complainant's Home Institution's Title IX Coordinator with sufficient contextual information to determine the appropriate next steps to support the Complainant and to guide the TCC Institution's response. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the report or Complaint is not the actual Complainant, the Complainant's Home Institution's Title IX Coordinator will limit communication to general information regarding this Policy.

Should the Complainant wish to initiate a Resolution Process, the Complainant's Home Institution's Title IX Coordinator will determine whether this Policy applies and, if so, the appropriate Resolution Process under this Policy. The Complainant's Home Institution's Title IX Coordinator will communicate to the Complainant the determination whether to initiate the Resolution Process, close the matter due to insufficient information to warrant further review under this Policy, and/or refer the matter for handling under a different policy, and/or appropriate TCC Institution office for handling, pursuant to the dismissal provisions of this Policy in Section X. The Complainant's Home Institution's Title IX Coordinator will make reasonable efforts to clarify the allegations with the Complainant prior to any determination to close, dismiss, or refer the report or Complaint.

If the reported information involves a student or employee Respondent from a different TCC Institution, then the Complainant's Home Institution's Title IX Coordinator and Respondent's Home Institution's Title IX Coordinator will jointly make the initial assessment and determination.

C. Request for Confidentiality or No Further Action; Complaints Initiated by the Title IX Coordinator

When a Complainant requests that their Home Institution's Title IX Coordinator not use their name as part of any Resolution Process, or that their Home Institution Title IX Coordinator not take any further action, the Complainant's Home Institution's Title IX Coordinator will take the requests seriously and generally grant the request where permitted by law, while at the same time considering the TCC Institution's responsibility to provide safe and nondiscriminatory access to TCC Institution programs and activities, including learning and work environments.

However, the Complainant's Home Institution's Title IX Coordinator and TCC Institution's ability and options to address Complainant's concerns will be limited if the Complainant's identity cannot be shared with the Respondent. For example, an equitable and fair ABR process or Investigation and Hearing Resolution process would not be feasible resolution options without disclosing the Complainant's identity to the Respondent.

Also, there are circumstances where a Complainant may not want to pursue an investigation, however, their Home Institution's Title IX Coordinator determines there is a broader obligation to the TCC community and may need to act against the wishes of the Complainant. In determining whether to disclose

Complainant's identity or proceed to an investigation or file a Formal Complaint over the objection of Complainant, the Home Institution's Title IX Coordinator and/or TCC may consider the following:

1. The Complainant's request not to proceed with initiation of a Complaint or investigation process;

2. The Complainant's reasonable safety concerns if their identity is disclosed or an investigation process is initiated;

3. The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;

4. Whether there are multiple or prior reports of the same or similar Prohibited Conduct against the Respondent;

5. The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Prohibited Conduct and prevent its recurrence; or if Respondent reportedly used a weapon, physical restraints, or engaged in physical assault;

6. The age and relationship of the Parties, including whether the Respondent is an employee of a TCC Institution, and whether there is an identifiable power differential between Complainant and Respondent (with regard to positional authority or employment);

7. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;

8. Whether the TCC Institution is able to conduct a thorough investigation under this Policy and obtain relevant evidence in the absence of Complainant's participation and cooperation;

9. The availability of evidence to assist a Hearing Decisionmaker in determining whether Prohibited Conduct occurred;

10. Whether the Parties' Home Institution's Title IX Coordinator(s) and Parties' TCC Home Institution could end the alleged Prohibited Conduct and prevent its recurrence without initiating its Investigation and Hearing Resolution procedures under this Policy; and,

11. Whether the alleged Prohibited Conduct presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents any TCC Institutions from ensuring equal access on the basis of sex to its education programs or activities.

If the Complainant's Home Institution's Title IX Coordinator determines that it can honor the Complainant's request for confidentiality, it shall still take reasonable steps to respond to the report, consistent with the request, to limit the effects of the alleged Prohibited Conduct and prevent its recurrence without initiating formal action against the alleged Respondent or revealing the identity of Complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged Prohibited Conduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual misconduct.

The Complainant's Home Institution Title IX Coordinator and TCC Institution shall also take immediate steps to provide for the safety of Complainant while keeping Complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or

tests. Complainant shall be notified that the steps TCC will take to respond to the complaint will be limited by the request for confidentiality.

If the Complainant's Home Institution's Title IX Coordinator determines that it must disclose Complainant's identity to the Respondent or proceed with an investigation, they will inform Complainant, in writing, prior to making this disclosure or initiating taking any action. The Complainant's Home Institution's Title IX Coordinator and TCC Institution shall also take immediate steps to provide for the safety of Complainant where appropriate. In the event Complainant requests that Complainant's Home Institution's Title IX Coordinator inform Respondent that Complainant asked the Complainant Home Institution's Title IX Coordinator not to investigate or seek discipline, the Complainant's Home Institution's Title IX Coordinator will honor this request.

D. Emergency Removal for Title IX Sexual Harassment

In certain circumstances, a Respondent's Home Institution may remove a Respondent from a TCC Institution's education program or activity on an emergency basis. In Cross-Campus matters where all Parties are students, the Complainant's Home Institution's Title IX Coordinator or designee, shall be consulted and given the opportunity to participate in every step of the emergency removal process, including participating in all communications, meetings, and correspondence regarding the individualized safety and risk assessment. An emergency removal is not equivalent to a determination of responsibility, nor is it a sanction for alleged behavior. The Respondent's Home Institution can pursue an emergency removal of a student and/or employee, including students in their capacity as student employees, Respondent regardless of whether a Complaint is filed, or before or after the filing of a Complaint.

Emergency removals in Title IX Sexual Harassment cases will occur only after the Respondent's Home TCC Institution has completed the following steps:

1. **Completion of an individualized safety and risk analysis.** This analysis will focus on the specific Respondent and the specific circumstances arising from the allegations of Prohibited Conduct.

2. **Determination that the following three components are present**:

    a) An imminent and serious threat justifying emergency removal. This analysis should focus on the Respondent's propensity, opportunity, and/or ability to effectuate a stated or potential threat. This determination will be fact-specific.

    b) The threat is to the health or safety of a TCC Institution's students, employees, or other persons. This may be the Complainant, the Respondent, or any other individual.

    c) And it is a threat arising from the allegations of Prohibited Conduct. For purposes of emergency removal under this Policy, the emergency situation must specifically arise from the allegations of Prohibited Conduct.

3. **Consideration of the appropriateness of Supportive Measures in lieu of an emergency removal.** Emergency removals should only occur when there are genuine and demonstrated emergency situations.

4. **Respondent's Home Institution provides the Respondent with notice and an**

opportunity to appeal the decision immediately following the emergency removal. The Respondent's Home Institution will provide the Respondent with a sufficiently detailed notice, notifying the Respondent of the identified imminent and serious threat of health or safety to any individuals. Pursuant to the process identified in the applicable student conduct code, employee handbook, or similar policy of the Respondent's Home Institution, Respondent's Home Institution will provide the Respondent with notice and the opportunity to appeal the emergency removal decision immediately following the removal. The Respondent may challenge the decision by notifying their Home Institution Title IX Coordinator in writing.

E. Administrative Leave (Only Employees Covered by this Policy)

For TCC Institution employees subject to this Policy, a TCC Institution may place an employee Respondent on administrative leave in response to a reported concern while a resolution is pending under this Policy. At the discretion of the Respondent's Home Institution, the Respondent's Home Institution can place an employee Respondent on administrative leave regardless of whether a Complaint is filed, or before or after the filing of a Complaint. A TCC student who is also an employee subject to this Policy can be placed on administrative leave with respect to their employment, but administrative leave cannot impact their educational access, removal from which must be pursuant to the emergency removal provisions outlined in Section IX.D.

For employees subject to this Policy, their Home Institution has its own process for implementing administrative leave.

Placement on administrative leave is not equivalent to a determination of responsibility, nor does it constitute discipline for alleged behavior prior to the conclusion of the Resolution Process under this Policy.

F. Student Withdrawal or Employee Resignation While Matters Are Pending

If a student or employee Respondent that is subject to this Policy withdraws or resigns from their TCC Institution with unresolved allegations pending, regardless of the stage of the process, the Complainant and Respondent's Home Institution Title IX Coordinators will consider whether and how to proceed with the Resolution Process. This includes the decision whether to continue with the pending Resolution Process through conclusion, to the extent possible, or to dismiss or terminate the Complaint and Resolution Process.

Each Party's Home Institution Title IX Coordinator will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

Subject to the discretion of the Respondent's Home Institution, a student Respondent who withdraws or leaves at any point during the Resolution Process may not return to their TCC Home Institution without first resolving any pending allegations of Prohibited Conduct under this Policy. Such exclusion may apply to all TCC Institutions, and any TCC Institution programs, and activities. The Respondent's TCC Institution may place a registration hold, and/or notation on their transcript, or otherwise note their record indicating that they withdrew or left TCC pending the process under this Policy.

An employee Respondent who is subject to this Policy who resigns without resolving pending allegations of Prohibited Conduct under this Policy, regardless of the stage of the process, may not be eligible for rehire with that TCC Institution and the records retained by the Home Institution Title IX Coordinator and Human Resources Office may reflect that status. Responses to future inquiries regarding employment references for employees covered by this Policy may include that the former employee resigned or left their employment during a pending process.

X. Closure or Dismissal of a Complaint

Except as provided under Mandatory Dismissal in Section XIV.A.9.d)., the Complainant's Home Institution's Title IX Coordinator may dismiss a report, Complaint, or any included allegations, at any time after the report or Complaint is made, including during the Investigation and Hearing Resolution process, if it is determined that:

1. The Complainant's Home Institution's Title IX Coordinator is unable to identify the Respondent after taking reasonable steps to do so;

2. The Respondent is not participating in any TCC Institution education programs or activities, is no longer enrolled at any TCC Institution, and/or is not employed by a TCC Institution;

3. The Complainant voluntarily withdraws their Complaint in writing, and the Complainant's Home Institution's Title IX Coordinator determines they will not continue with the Complaint process against Complainant's wishes;

4. The Complainant voluntarily withdraws, in writing, some but not all allegations in a Complaint, and the Complainant's Home Institution's Title IX Coordinator determines that, the conduct that remains alleged in the Complaint would not constitute Prohibited Conduct under this Policy;

5. The Complainant's Home Institution Title IX Coordinator determines the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy, or

6. Specific circumstances prevent a TCC Institution or TCC from gathering evidence sufficient to reach a determination as to the allegations.

Before dismissing a Complaint, the Complainant's Home Institution's Title IX Coordinator will make reasonable efforts to clarify the allegations with the Complainant.

A decision to dismiss a Complaint or close a matter based on any of the above-listed factors is made at the discretion of the Complainant's Home Institution's Title IX Coordinator, in consultation with the TCC Title IX Administrator. The Respondent's Home Institution's Title IX Coordinator will also be consulted for decisions involving Cross-Campus Complaints.

Upon decision to dismiss the Complaint, which may effectively terminate a pending Investigation and Hearing Resolution process, the TCC Title IX Administrator will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the TCC Title IX Administrator will notify the Parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate Resolution Process under this Policy, then the TCC Title IX Administrator will also include that information in the notification.

The TCC Title IX Administrator will notify the Complainant that a dismissal may be appealed on any of the appeal grounds outlined in the Appeals Rights and Process Section XVII.A. If dismissal occurs after the Respondent has been notified of the allegations, then the TCC Title IX Administrator will also notify the Respondent of the dismissal and that the dismissal may be appealed on the same basis. If a dismissal is appealed by any Party, TCC will follow the appeal procedures, as applicable, outlined in Section XVII of this Policy.

Even when a Complaint is dismissed, the Complainant's Home Institution's Title IX Coordinator will, at a minimum:

1. Offer Supportive Measures to the Complainant, as appropriate;

2. If the Respondent has been notified of the Complaint or allegations, the Respondent's Home Institution's Title IX Coordinator (if different) will offer Supportive Measures to the Respondent, as appropriate; and

3. Take other prompt and effective steps, as appropriate, through the Home Institution Title IX Coordinator(s) to ensure that Prohibited Conduct does not continue or recur within the TCC Institution education programs or activities.

A Complainant who decides to withdraw a Complaint may later request to reinstate or refile the Complaint.

XI. Referrals for Other Misconduct Not Subject to this Policy

TCC has the discretion to refer complaints of misconduct not covered by or dismissed under this Policy for review under any other applicable TCC Institution-specific policy or code. As part of any such referral for further review and handling, the TCC Institution may use evidence already gathered through any process covered by this Policy.

For Complaints dismissed under this Policy, including based on the Complainant's Home Institution's Title IX Coordinator's determination that the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct under this Policy, the Respondent's Home Institution may continue to investigate the allegations as a potential violation of another policy of Respondent Home Institution. If the Respondent's Home Institution elects to continue the investigation outside of this Policy, the TCC Title IX Administrator shall include this information in the written notice to the Parties describing this determination.

XII. Consolidation of Complaints and Allegations

TCC may consolidate Complaints as to allegations of Prohibited Conduct under the following two circumstances:

- Where there is a Complaint involving more than one Complainant and/or more than one Respondent, that arises from the same facts or circumstances; or,

- Where a Cross Complaint has been filed by a Respondent against a Complainant, that arises from the same facts or circumstances.

Where a Complaint or report involves more than one Complainant or more than one Respondent, references in this section to the singular ''Party,'' ''Complainant,'' or ''Respondent'' include the plural, as applicable.

A decision to consolidate matters based on any of the above-listed factors is made at the discretion of the TCC Title IX Administrator in consultation with the Parties' Home Institution Title IX Coordinator(s). If the TCC Title IX Administrator determines consolidation is appropriate, written notice must be provided to all Parties.

Where multiple policies may be implicated by the same set of facts or circumstances, TCC may bifurcate the proceedings in accordance with the requirements of the individual policies or the Resolution Process

described below. Additionally, where allegations made in a Complaint include both Prohibited Conduct that falls under this Policy and conduct that is outside of this Policy but is associated with alleged Prohibited Conduct under this Policy, TCC reserves the right to join all allegations and adjudicate all charges consistent with the procedures under this Policy. The Home Institution Title IX Coordinator(s) will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Conduct and/or Human Resources.

XIII. Resolution Options (Support-Based, Agreement-Based, Respondent's Acceptance of Responsibility, and Investigation and Hearing Resolution)

TCC recognizes that the decision of whether to engage in the Resolution Process, and which resolution process option to pursue is an important decision. This Policy provides multiple ways to resolve a report or complaint of Prohibited Conduct, including Support-Based Resolution, Agreement-Based Resolution, Respondent's acceptance of responsibility, and Investigation and Hearing Resolution options (collectively referred to as the "Resolution Process").

In response to a reported concern or Complaint alleging Prohibited Conduct, the Complainant's Title IX Coordinator will make initial contact pursuant to Section IX. Should Complainant choose to meet for an intake with Complainant's Title IX Coordinator, Complainant's Home Institution's Title IX Coordinator will provide Complainant with information regarding their rights and options under this Policy, including the available resolution options, and access to on-campus and community-based resources and support (both confidential and non-confidential). Complainant's Home Institution's Title IX Coordinator will explain how privacy and confidentiality are handled and discuss with Complainant which Support Measures and resolution options require disclosing Complainant's identity to Respondent (for example, implementing an NCO with Respondent).

During the Complainant's intake, and throughout the resolution process of a report or Complaint of Prohibited Conduct, each Party's Home Institution's Title IX Coordinator will determine what type of support may be available and appropriate to assist the Parties, including whether to implement reasonable Supportive Measures, Section VI.

A. **Support-Based Resolution**

There are circumstances where a Complainant may only wish to report the conduct to their Home Institution Title IX Coordinator and/or receive information regarding their rights and options, with no further action desired. Support-Based Resolution is an option for a Complainant who does not wish to take any further steps to address their concern, and when the Complainant's Home Institution's Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support, which are referred to as Supportive Measures, that may be appropriate under this option include, but are not limited to: adjustments or changes to class schedules; relocation from one residence hall room or residence hall to another; adjusted deadlines for projects or assignments; adjustments to work schedule; safety escorts to and around campus; implementation of an NCO with Respondent, and/or counseling (Section VI.).

Support-Based Resolution does not preclude later use of another form of resolution by the Complainant under this Policy, for example if the Complainant later decides to file a Complaint and/or pursue the Agreement-Based Resolution Process (see below) or the Investigation and Hearing Process (see following Section XIV below). Additionally, if new information becomes available to the Complainant's Home Institution's Title IX Coordinator, they may reassess the concern and determine whether additional action is needed to address the report, including initiating the Investigation and Hearing Resolution process.

B. Agreement-Based Resolution[4]

The Agreement-Based Resolution (ABR) process is an alternative resolution option where the Parties each voluntarily agree to resolve the allegations or Complaint of Prohibited Conduct through a Resolution Agreement with agreed upon resolution terms and without engaging in an investigation or proceeding to a hearing where there is a determination of responsibility. No Party may be required to participate in the ABR, and it may never be a condition of enrollment, employment, or enjoyment of any other right or privilege of TCC. The Parties' Home Institution's Title IX Coordinators must determine that ABR is an appropriate resolution option. Generally speaking, ABR may be less time intensive than the Investigation and Hearing Resolution process, while affording Parties an opportunity to actively participate in a process that seeks to provide autonomy with regard to achieving a desired outcome. ABR is a voluntary, structured interaction between or among affected Parties.

1. General Information and Requirements for Engaging in Agreement-Based Resolution

Unless the allegations are subject to the Title IX Procedural Requirements, a Complaint is not required for ABR; however, the Complainant must articulate the allegations of Prohibited Conduct they wish to resolve through the process. Allegations subject to the Title IX Procedural Requirements require a Formal Complaint to be on file before proceeding with ABR.

The ABR process is generally expected to commence as soon as possible, and within 15 business days, after receipt of the Parties' agreement in writing to engage in the process. The process of facilitating and finalizing the Resolution Agreement will generally be completed within 30 business days, depending on the form of ABR, and may be extended by the TCC Title IX Administrator as appropriate. The length of time provided to complete the terms of the Resolution Agreement after the Agreement is finalized will vary depending on the terms and what the Parties have agreed upon. All Parties will be notified, in writing, of any extension and the reason for the extension. During the ABR process, all timeframes for any other stages under this Policy, including investigation, Evidence Review Process, or conducting the hearing will be paused to allow the Parties sufficient opportunity to engage in the ABR process.

The ABR options available under this Policy, include, but are not limited to: Facilitated Resolution Agreement, Mediation, and Restorative Justice. Each option is further described below and is led by a designated Facilitator who is appropriately trained on the ABR option and must not have any conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. The Parties' Home Institution Title IX Coordinator may serve as the Facilitator. The Investigator, Hearing Decisionmaker, or any other decisionmaker within the process for the same matter under this Policy may not serve as the Facilitator. Regardless of the elected option, the Parties may have a Support Person and/or Advisor present with them through the ABR process. The Facilitator and/or TCC reserves the right to exclude or remove a Support Person and/or Advisor who does not comply with this Policy during the ABR process. Unless they have decided to withdraw from the ABR process, the Parties are required to actively participate in the selected ABR process, including by attending the meetings, engaging with the Facilitator, providing timely responses, and completing any actions required in their ABR process.

The Facilitator will provide regular status updates to the Parties and the Home Institution's Title IX Coordinator(s), if applicable. The Home Institution Title IX Coordinator(s) will assist in managing the ABR process to the extent necessary to ensure the process is moving forward in a productive and timely manner,

[4] Also referred to as Alternative Resolution Process.

and they will be available to the Parties should they have any questions or concerns throughout the ABR process.

If the matter is successfully resolved, the process concludes with a written Resolution Agreement outlining the resolution terms agreed upon by the Parties. The Home Institution Title IX Coordinator(s) must review and approve the Resolution Agreement. The ABR process concludes when the Resolution Agreement is signed by all Parties and the Home Title IX Coordinator(s), and upon sufficient completion of the agreed upon terms.

ABR may be initiated at any time during the Resolution Process prior to the release of the Hearing Decision Report. ABR does not include any determination made as to whether a Respondent engaged in the alleged Prohibited Conduct and/or violated this Policy.

The Home Title IX Coordinator(s) must still take other prompt and effective steps as needed to ensure that Prohibited Conduct does not continue or recur within the TCC Institution education program or activity even if the Parties voluntarily agree to engage in ABR.

2. Determining Appropriateness of Agreement-Based Resolution

It is important to note that there are circumstances where ABR, or a specific option under ABR, is not available or is determined not appropriate to resolve a report or Complaint of Prohibited Conduct. For Title IX Sexual Harassment allegations, ABR involving a student and an employee is not permitted. Under California law, mediation is not a permitted resolution option to resolve reports or Complaints involving allegations of Sexual Assault or California Sexual Violence.[5] Instead, a Facilitated Resolution Agreement or Restorative Justice process are permitted options to resolve such allegations. Also, the Complainant's Home Institution Title IX Coordinator has discretion to not offer ABR to resolve a particular matter, or to determine that the ABR process is not appropriate based on the circumstances of the report or Complaint, and that the matter must instead be resolved through an alternate resolution process option, such as the Investigation and Hearing Resolution process. In situations involving Cross-Campus Complaints when the Home Institution Title IX Coordinators do not agree on the appropriateness of ABR, they may consult with the TCC Title IX Administrator. The Complainant's Home Institution's Title IX Coordinator makes the final decision on whether ABR is appropriate. In making this determination, the Complainant's Home Institution's Title IX Coordinator may consider the following: The severity of the allegations, whether there is an ongoing threat of harm or safety, or risk of future harm, to others in the campus community, whether there is an identifiable power differential (with regard to positional authority or employment) between the Parties, and whether the Parties are participating in good faith. This determination is not subject to appeal.

3. Right to Withdraw or Discretion to Terminate the Agreement-Based Resolution Process

Any Party may withdraw from the ABR process at any point before all Parties have signed the Resolution Agreement. Additionally, the Home Title IX Coordinator(s) have discretion to terminate the process when the Parties do not agree on the terms, it is determined that the process is no longer productive or that any Party is not engaging in good faith, or upon receipt of evidence or information that would make addressing the alleged conduct via ABR no longer appropriate. The Complainant's Home Institution's Title IX Coordinator makes the final decision on whether to terminate the ABR process.

[5] Mediation is not permitted under California law to resolve reports or Complaints of Sexual Violence. The Home Institution's Title IX Coordinator(s) must specifically determine that it is permissible, under California Law, for resolving Prohibited Conduct in Employment.

If a Party withdraws from the ABR process, they may consider other resolution options, including initiating or resuming the Investigation and Hearing Resolution process. If the Home Institution's Title IX Coordinator(s) terminates the process, the Complainant's Home Institution's Title IX Coordinator, in consultation with the TCC Title IX Administrator, will determine potential next steps under this Policy, and will notify the Parties in writing, accordingly. Complainant's wishes regarding next steps will be considered in making this determination.

4. Agreement-Based Resolution Options

This Policy offers multiple ABR options for addressing reports or Complaints of Prohibited Conduct covered under this Policy. These options include, but are not limited to:

a) Facilitated Resolution Agreement

The Facilitated Resolution Agreement is a process facilitated by the Home Institution's Title IX Coordinator(s), or other designated Facilitator, with the purpose of finding resolution that addresses the concerns and desired outcome for all Parties. The Parties meet separately with their Home Institution's Title IX Coordinator(s), and do not interact directly with the other Parties. While this option must still be approved by the Home Institution's Title IX Coordinator(s), this option allows the Parties flexibility in finding resolution as it does not have the same limitations as the other options (*e.g.,* can be used to address any Prohibited Conduct under this Policy, so long as it is approved by the Home Institution's Title IX Coordinator(s), it does not require the Respondent to acknowledge harm (Restorative Justice), and does not include any direct dialogue between the Parties (Mediation or Restorative Justice)).

When a Facilitated Resolution Agreement is being negotiated between Parties from different TCC Institutions, each Party's Home Institution Title IX Coordinator will assist with facilitating the process, including meeting with their respective Parties to provide information regarding the process, managing expectations, communicating presented terms from the other Party, and explaining any impact those terms have on their Party's access to any TCC programs and activities.

b) Mediation

Under California law, mediation is not permitted, even on a voluntary basis, to resolve allegations involving Sexual Assault and Sexual Violence as defined in this Policy.[6] Mediation may be permitted for other situations not involving Sexual Assault or Sexual Violence, such as reports involving allegations of Hostile Environment Sexual Harassment, as defined in this Policy. Mediation may be preferrable for Parties who wish to have facilitated dialogue without the condition of Respondent acknowledging harm. The purpose of mediation is for the Parties who are in conflict to identify the alleged conduct, the implications of a Respondent's actions and, with the assistance of a trained Facilitator (mediator), identify points of agreement and appropriate remedies to address the harm. Either Party can request mediation to seek resolution.

During the mediation process, the Facilitator will guide a discussion between the Parties. The Parties are not permitted to contact one another outside of the mediation process.[7] Meetings may be held in person or

[6] Mediation is not permitted under California law to resolve reports or Complaints of Sexual Violence. The Home Institution's Title IX Coordinator(s) must specifically determine that it is permissible, under California Law, for resolving Prohibited Conduct in Employment.

[7] In cases where the Parties have a No Contact Order implemented, the Parties will be permitted (not required) to have limited communication with one another in the presence of the Facilitator and for the purpose of participating in the process. All other communication is prohibited.

via videoconference. In circumstances where the Parties do not wish to meet face to face, either Party can request that the Facilitator conduct separate meetings.

c) Restorative Justice

To qualify for the Restorative Justice ("RJ") resolution option, the Respondent must acknowledge the harm experienced by Complainant and agree to take responsibility for repairing the harm, to the extent possible, experienced by the Complainant, and any other relevant, directly impacted individuals in the TCC community. Respondent's acknowledgment of harm is not an admission of a Policy violation(s), unless Respondent has expressly accepted responsibility pursuant to the process outlined in this Policy, Section XIII.C.

The Restorative Justice resolution process, may include, but is not limited to, a Restorative Conference, or Restorative Circle, in person or via videoconference (if possible), that is facilitated by an appropriately trained Facilitator(s), and is intended to restore relationships and repair harm, to the extent possible, after a conflict has occurred. The Respondent(s), Complainant(s), and any other relevant, directly impacted individual(s) come together with the Facilitator to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired. All Parties must agree on who is present during the discussion.

A Restorative Conference, generally, is a structured, facilitated dialogue between the individual(s) who caused harm and the individual(s) impacted by the harm.

A Restorative Circle, generally, is similar to a Restorative Conference, but utilizes a circle process to facilitate the dialogue and may include a talking piece that is passed around the circle allowing for each person in the circle, while holding the talking piece, to speak and be heard.

5. The Agreement-Based Resolution Process

a) Initiating the Agreement-Based Resolution Process

Prior to initiating the process, each eligible Party must provide their voluntary agreement to engage in the ABR process to their Home Institution Title IX Coordinator in writing and if applicable, indicate the ABR option (*i.e.*, Facilitated Resolution Agreement, Mediation, or Restorative Justice).

Upon confirmation of the Parties' voluntary agreement to proceed with ABR and the selected option, the Home Institution Title IX Coordinator(s) will provide a written Notice of ABR to the Parties (or their respective Party for Cross-Campus matters) that explains:

- The specific allegation(s) and alleged Policy violation(s);
- The requirements of ABR;
- That the process is voluntary, and the Parties must not be required or pressured to participate;
- The Parties agree that this process is confidential related to any information including admissions of responsibility they share or receive during the ABR process concerning the allegations of the report or Complaint. No information concerning the allegations of Prohibited Conduct obtained solely within the ABR process may be disseminated to any person outside the ABR process, provided that any Party may generally discuss the allegations under investigation for the purpose of gathering evidence. Should the ABR process end or be terminated prior to reaching a Resolution

Agreement, information disclosed or obtained for purposes of the ABR process remains confidential, and shall not be used except where the Home Institution's Title IX Coordinator(s) has determined it is appropriate with regard to admission of responsibility in the same case, or to allegations of similar conduct raised against Respondent in another case;

- Any consequences resulting from participating in the ABR process, including the records that will be maintained or could be shared, and whether the Parties' Home Institution Title IX Coordinator(s) could disclose such information for use in a future TCC Resolution Process or TCC Institution-specific processes, including an Investigation and Hearing Resolution Process arising from the same or different allegations, as may be appropriate;

- Consequences should any Party fail to comply with the agreed upon terms applicable to them in the Resolution Agreement. This may include resuming or initiating the Investigation and Hearing Resolution process, and/or referral to the Party's Home Institution's Student Conduct or Human Resource office for review, which may result in new or additional discipline or sanctions, including probation, suspension, or expulsion;

- The Resolution Agreement resulting from the ABR process is binding on the Parties and is not subject to appeal;

- Once the Resolution Agreement is finalized and signed by the Parties, the Parties cannot initiate or resume an investigation process arising from the same allegations, unless it is determined that there was failure to comply with the terms of the Resolution Agreement and the matter should be resolved under a different resolution option;

- A matter is considered resolved and concluded once the agreed upon terms have been sufficiently completed;

- The decision to participate in the ABR process does not presume that the alleged Prohibited Conduct at issue has occurred;

- A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;

- An explanation that all Parties may be accompanied by a Support Person, and/or an Advisor, who may be a parent, colleague, friend, or may be, but is not required to be, an attorney;

- A statement that any Party has the right to withdraw from the ABR process and may initiate or resume the Investigation and Hearing Resolution Process (if already begun), at any time before all Parties sign the Resolution Agreement. Should the Parties withdraw from the ABR process, information disclosed or obtained for purposes of the ABR process remains confidential as set forth above;

- A statement that the Home Institution Title IX Coordinator has the discretion to terminate the ABR process upon determination that the Parties are not engaging in the process in good faith, or upon receipt of evidence or information that would make addressing the alleged conduct no longer appropriate;

- A statement that participating in ABR, the Parties understand that timelines for any stages of the Resolution Process, including any pending Investigation and Hearing Resolution process, will be paused to allow the Parties full participation in the ABR Process and will only recommence if ABR

is ended, by withdrawal by a Party, or termination by the Home Institution's Title IX Coordinator(s);

- Information regarding Supportive Measures, which are equitably available to the Parties; and
- Examples of potential resolution terms that may be requested or offered in a Resolution Agreement.

b) Facilitating Agreement-Based Resolution and the Resolution Agreement

Upon confirmation that the Parties still wish to proceed with ABR after issuance of the Notice of ABR, and an option has been selected by the Parties and approved by the Home Institution's Title IX Coordinator(s), the Parties will then meet with the designated Facilitator(s) pursuant to their selected ABR option (Facilitated Resolution Agreement, Mediation, or RJ) to resolve Complainant's report or Complaint and facilitate the Resolution Agreement.

Any Party may craft or create proposed resolution terms for their Resolution Agreement and will be asked for their suggestions or ideas by their Home Institution's Title IX Coordinator. Examples of resolution terms that may be included in a Resolution Agreement include, but are not limited to:

- The Parties will not communicate or otherwise engage with one another, either directly or indirectly, by any means (Mutual No Contact Order) or agreement that Respondent will not communicate or otherwise engage with Complainant, either directly or indirectly, by any means (Unilateral No Contact Order);
- Class adjustments and/or restriction from enrolling in mutual classes with Complainant for a specified term(s);
- Housing relocation or removal, and/or restriction from living in specific residence halls for a specified term(s);
- Restriction from or limiting access to certain buildings on campus, including residence halls, dining halls, library, and recreational facilities;
- Changes in work schedules, locations, or assignments;
- Restrictions or limitations on participation in and/or presence at activities and events, such as extracurricular activities, athletics events, student organizations, social events, etc.;
- Sufficient completion of educational training or project by the Respondent, and sufficient completion of any assignments, such as a reflection paper or essay. Training or education topics may include, but are not limited to: affirmative consent, healthy relationships, bystander intervention, and drug or alcohol use (if related to the allegations);
- Sufficient completion of community service hours or project by the Respondent;
- Participation in and completion of mentoring, coaching, or counseling sessions within specified term(s), and sufficient completion of any assignments, such as a reflection paper or essay;
- An agreement to engage in a restorative justice process, such as a conference, circle, or facilitated dialogue;

- Sharing of Complainant's impact statement with Respondent, with optional reflection or response from Respondent;

- Disciplinary terms, such as agreement to serve conduct probation or suspension for a specified term(s), or to permanently separate from Respondent's Home Institution and ineligibility to re-enroll or apply for admission at any other TCC Institutions; and

- Agreement to have degree conferral delayed for specified term.

The Home Institution's Title IX Coordinator(s) may require certain resolution terms be included in the Resolution Agreement as a matter of practice, such as educational training and/or implementation or extension of a mutual or unilateral No Contact Order. Any agreed-upon remedies and disciplinary sanctions agreed to in ABR have the same effect as remedies given and disciplinary sanctions imposed following an investigation and hearing.

If a Resolution Agreement cannot be reached, either because the Parties do not agree, any Party withdraws from the process, or the Complainant Home Institution's Title IX Coordinator terminates the process for any reasons previously discussed, the Complainant's Home Institution's Title IX Coordinator may decide that the reported Prohibited Conduct will instead be addressed through the Investigation and Hearing Resolution process, and may include initiating the process, or continuing with any pending process paused for the ABR process. The Home Institution's Title IX Coordinator(s) (or TCC Title IX Administrator) will inform the Parties of such decision, in writing.

c) Finalizing the Resolution Agreement

If a Resolution Agreement is reached, the Home Institution's Title IX Coordinator(s) will review and approve the resolution terms. The Facilitator will draft the Resolution Agreement to include the resolution terms discussed with the Parties and approved by the Home Institution's Title IX Coordinator(s). The opportunity for any Party to withdraw from an ABR process concludes when the Parties and the Home Institution's Title IX Coordinator(s) sign the Resolution Agreement. Once signed, the agreed upon terms of the Resolution Agreement are binding on all Parties, and no appeal is permitted.

The TCC Title IX Administrator will provide copies of the Resolution Agreement to the Parties. The Respondent's Home Institution's Title IX Coordinator, if different from the Complainant's Home Institution's Title IX Coordinator, and/or Human Resources professional will monitor adherence and completion of the agreed upon terms and will update the Complainant accordingly. In situations involving a Cross-Campus Complaint, the Respondent's Home Institution's Title IX Coordinator and/or Human Resources professional will update the Complainant's Home Institution's Title IX Coordinator, who will update the Complainant, accordingly. The matter will be considered resolved and closed when it is determined that Respondent has sufficiently completed and/or complied with the terms of the Resolution Agreement.

The Parties' Home Institution's Title IX Coordinators and/or Human Resources professionals will keep records of all reports and timelines for any stages of the Resolution Process, Prohibited Conduct addressed through ABR consistent with their TCC Institution's record retention policies.

Records of the ABR process can be shared with other TCC Institution offices or administrators, as deemed appropriate and necessary by the Home Institution's Title IX Coordinator(s).

Any violations or unsuccessful completion of any terms of the Resolution Agreement may result in a referral for review by the appropriate office, which may result in disciplinary action. The Home Institution's Title

IX Coordinator(s), in consultation with the TCC Title IX Administrator, will determine next steps in the Resolution Process under this Policy should there be a failure to comply with the terms of the Resolution Agreement, including initiating or resuming the Investigation and Hearing Resolution process. The Complainant's wishes regarding next steps will be considered in this determination.

C. Acceptance of Responsibility by Respondent

At any point prior to the Hearing Decisionmaker issuing their Hearing Decision Report, a Respondent may accept responsibility for some, or all of the alleged Prohibited Conduct outlined in the governing Notice of Allegations document issued to the Parties. (Note: for cases processed under the Title IX Procedural Requirements, a Formal Complaint must be on file.) When Respondent accepts responsibility for the alleged Prohibited Conduct, the fact-finding hearing on the issue of whether the alleged Prohibited Conduct occurred and whether there was a Policy violation(s) is waived, and instead, the matter is referred to a Sanctions Decisionmaker to provide a Remedies and Sanctions Determination for the conduct for which Respondent has accepted responsibility. If Respondent accepts responsibility for only some of the alleged Prohibited Conduct, at the discretion Respondent's Home Institution, the matter may be forwarded to the Sanctions Decisionmaker to provide a Sanctions Determination for the accepted Prohibited Conduct, and the Investigation and Hearing Process will continue for the remaining non-accepted allegations, unless otherwise resolved through an Agreement-Based Resolution, if eligible. The Respondent's Home Institution may place any Sanctions Determination for the accepted Prohibited Conduct in abeyance until the conclusion of the Investigation and Hearing Resolution Process. If there is a Policy violation found with regard to any of the remaining allegations of Prohibited Conduct, the Sanctions Decisionmaker may consider any previously issued remedies and sanctions for conduct for which Respondent accepted responsibility, but only after a finding of responsibility has been made.

To accept responsibility for allegations of Prohibited Conduct under this Policy, a Respondent must sign a written document prepared by the TCC Title IX Administrator, that includes a statement that the Respondent is:

- Aware of the allegation(s) of Prohibited Conduct, including the factual allegations, and definitions of the Prohibited Conduct;
- Voluntarily accepting responsibility for all (or some, as explicitly specified) of the Prohibited Conduct;
- Acknowledging receipt of information regarding the implications of accepting responsibility, including a list of possible sanctions that can be imposed based on the nature of the Prohibited Conduct;
- Aware and agrees that by accepting responsibility, they have waived the fact-finding hearing, and any right to appeal the issue of their responsibility, and instead the matter will be referred to a Sanctions Decisionmaker to determine appropriate remedies and sanctions (Remedies and Sanctions Determination).

The TCC Title IX Administrator will provide a copy of Respondent's signed Acceptance of Responsibility to the Home Institution Title IX Coordinator(s).

Within five (5) business days of receiving the Respondent's signed Acceptance of Responsibility, the TCC Title IX Administrator will:

- Provide written notice to all Parties that Respondent has accepted responsibility for all (or specifically which conduct) and provide information regarding the next steps.

- In consultation with the Home Institution's Title IX Coordinator(s), designate a Sanctions Decisionmaker (internal or external to TCC), whose role will be to review the relevant documents, and issue a Remedies and Sanctions Determination. The Sanctions Decisionmaker's identity will be shared with the Parties, along with information regarding the process to object to the Sanctions Decisionmaker based on a conflict of interest or bias, pursuant Section V.

The Parties may submit a written statement, no longer than three (3) pages, related to suggested remedies or sanctions, and any other relevant information specific to remedies and sanctions for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. Statements must be submitted in writing to the TCC Title IX Administrator, within five (5) business days from confirmation of the Sanctions Decisionmaker. The TCC Title IX Administrator will provide copies to the Sanctions Decisionmaker and the Home Institution's Title IX Coordinator(s). The Parties will not receive a copy of any other Party's statement regarding remedies and sanctions.

The Parties' Home Institution(s) will submit written recommendations related to remedies and sanctions, and any other relevant information that would be important for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. The written recommendations must be submitted to the TCC Title IX Administrator within two (2) business days of receiving access to any Party statements. The TCC Title IX Administrator will provide the written recommendations to the Sanctions Decisionmaker. The Parties will not receive a copy of the Parties' Home Institutions' written recommendations regarding remedies and sanctions.

The Sanctions Decisionmaker will make their Remedies and Sanctions Determination based on review of the Prohibited Conduct accepted by the Respondent, relevant documents (limited to the Notice of Allegations, Respondent's Acceptance of Responsibility, any Party statements, and/or written recommendations by the Home Institution(s)), and any applicable information in this Policy, including factors relevant to sanctioning and possible sanctions as outlined in Section XVI. The Sanctions Decisionmaker shall give significant weight to the written Home Institution recommendations in issuing any sanction(s). The Sanctions Decisionmaker will not be provided access to any evidence that was gathered during the investigation process prior to Respondent accepting responsibility.

The Remedies and Sanctions Determination shall be issued to the Parties within ten (10) business days from receipt of the Home Institution recommendations.

1. Appealing the Sanctions Determination When Respondent Has Accepted Responsibility

The Parties have the right to appeal the Remedies and Sanctions Determination on the grounds that the Sanctions Decisionmaker has a conflict of interest or bias, and/or the sanction(s) are disproportionate to the conduct for which the Respondent accepted responsibility. Any appeal, limited to ten (10) pages, must be submitted in writing to the TCC Title IX Administrator within five (5) business days from issuance of the Remedies and Sanctions Determination to the Parties. TCC and the Parties will follow the process outlined in Section XVII. as applicable.

XIV. Investigation and Hearing Resolution Process that Applies to Title IX Sexual Harassment, Other Sex-Based Misconduct Cases, or Retaliation

Throughout the Investigation and Hearing Resolution Process, the Home Institution Title IX Coordinator(s), as well as the TCC Title IX Administrator, will work closely and cooperatively together. They will maintain open communication during all phases of the Investigation and Hearing Resolution Process, including the investigation, hearing, and appeal stages.

Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Investigation and Hearing Resolution Process, and any applicable appeal process has concluded. TCC does not make determinations of responsibility prior to the completion of the Investigation and Hearing Resolution Process.

A. General Information

1. Nature of Process

The Investigation and Hearing Resolution Process under this Policy is not an adversarial process between a Complainant, a Respondent, and the witnesses, but rather a process for TCC to comply with its obligations under existing law. The Investigation and Hearing Resolution Process shall provide all Parties with appropriate due process and will reach reasonable conclusions based on the evidence collected.

2. Burden of Evidence

TCC has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. Complainant does not have the burden to prove, nor does Respondent have the burden to disprove, the underlying allegation(s) of Prohibited Conduct. Any Party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from TCC and does not indicate responsibility. See below for more information regarding Party participation in the investigation process (Section XIV.A.5) and hearing process (Section XV.B.4).

3. Evidence Standard

In evaluating all allegation(s) of Prohibited Conduct, and in any Investigation and Hearing Resolution Process, TCC will utilize the "Preponderance of the Evidence" standard, which means that the alleged Prohibited Conduct is more likely than not to have occurred.

4. Resolution Process Timeline and Extensions

Absent extensions for good cause, TCC strives to complete the entire Investigation and Hearing Resolution Process as thoroughly, equitably, and as promptly as possible within 150 business days from the issuance of the Notice of Investigation and Allegations to the Parties. This includes the initial assessment and evaluation of the allegations, issuance of notice letters initiating the process, investigation (interviews with the Parties and relevant witnesses), evidence review process, hearing, issuance of the hearing decision (and remedies and sanctions, if applicable), and any appeal process.

TCC has provided the following estimated timelines for the major stages of the Investigation and Hearing Resolution Process:

a) Timeline for Initial Assessment and Evaluation of Allegations

This phase is generally completed within 10 (ten) – 15 (fifteen) business days from submission of Complaint or request to investigate allegations, and Complainant's intake meeting with Complainant's Home Institution Title IX Coordinator. This stage includes the Complainant's Home Institution's Title IX Coordinator's assessment of the allegations, determination of whether the allegations meet the definitions of the Prohibited Conduct under this Policy, and decision of whether to dismiss or investigate the Complaint of Prohibited Conduct. This determination will be made once sufficient information has been gathered from the Complainant at the initial meeting and/or intake meeting.

b) Timeline for Investigation

This phase is generally completed within 80 (eighty) business days. This includes investigative interviews with the Parties and witnesses, gathering and reviewing any submitted or collected evidence, drafting the Preliminary Investigation Report (PIR) and providing the Parties an opportunity to review and respond to the PIR (Evidence Review Process), and issuance of the Final Investigation Report.

c) Timeline for Hearing and Hearing Decision Report (and Sanctioning, if applicable)

This phase is generally completed within 30 (thirty) to 40 (forty) business days from issuance of Final Investigation Report. This process includes scheduling the hearing, pre-hearing conference meetings, conducting the hearing, and the 15 (fifteen) -business day deadline for the Hearing Decisionmaker to issue their Hearing Decision Report. Unless the Parties agree, the hearing must be scheduled at least 10 (ten) business days from the date the Final Investigation Report was issued to the Parties. Scheduling the hearing will be completed as promptly as possible based on the Parties', any Advisors and/or Support Persons, and other participants' (Parties' Home Institution's Title IX Coordinator(s), Decisionmaker, TCC Title IX Administrator) availability and in consideration of campus closures, holidays, and exam periods.

d) Timeline for Hearing Decision and/or Sanctions Determination Appeal

This phase is generally completed within 20 (twenty) business days. This process includes any appeal submitted by one or all Parties, the assignment of an Appeal Decisionmaker, opportunity for the non-appealing Party to issue a response, and the 15 (fifteen)-business day deadline for the Appeal Decisionmaker to issue their decision.

A thorough investigation and procedurally proper hearing and appeal may necessitate one or more extensions for good cause. The timeline for any part of the Investigation and Hearing Resolution Process may be extended for good cause by the TCC Title IX Administrator. Good cause reasons for extension may include ensuring availability of the Parties, witnesses, or other participants in the process, ensuring that the Parties and witnesses have sufficient time to review and respond to materials, and ensuring the Investigator has sufficient opportunity to meet with the Parties and witnesses and gather evidence, as needed. The TCC Title IX Administrator will provide notice to all Parties of any timeline extensions. Failure to complete any specific stage, or the entirety of the Investigation and Hearing Resolution process within the estimated time period does not, in and of itself, constitute a procedural error. Any such argument of procedural error (as set forth in Section XVII.) must also include an explanation as to how the delay(s) materially impacted the outcome of the process.

For pending matters that involve a graduating student Respondent, the Respondent's Home Institution will determine degree issuance consistent with their Institution's process.

Any Party may decide to limit their participation in part or in all of the Investigation and Hearing Resolution Process under this Policy, or to decline to participate. This includes limited or no participation in the investigation, evidence review process, or hearing process.

5. Impact of Party Non-Participation in the Investigation and Hearing Resolution Process

A Party is not required to participate in any stage of the process; however, a Party's decision to limit participation may impact the process by, including but not limited to, delaying the process timeline, limiting the Party's opportunity to present or respond to relevant evidence, the available relevant evidence gathered by the Investigator, and/or available to the Hearing Decisionmaker, the Hearing Decisionmaker's opportunity to ask the Party questions regarding the allegations, and impacting the hearing outcome.

6. Privacy and Confidentiality in the Resolution Process

Parties may share confidential information received through the Investigation and Hearing Resolution Process under this Policy with their Support Person and/or Advisor consistent with the requirements of their Home TCC Institution. Each Party's TCC Institution will provide their Party a FERPA[8] release form for their Support Person and Advisor that authorizes such sharing and participation. The Party's Home Institution's Title IX Coordinator and/or TCC is unable to share information with a Support Person and/or Advisor under this Policy until the form is sufficiently completed by the Party. The form must also be completed prior to the Support Person and/or Advisor attending any meetings or proceedings under this Policy. The Party's Home Institution's Title IX Coordinator and TCC Institution shall not restrict the ability of any Party to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence, including by speaking to witnesses, consulting with their family members, Confidential Resources, Support Person or Advisor, or otherwise to prepare for or participate in the Resolution Process under this Policy.

Parties, witnesses, Support Persons, and/or Advisors are expected to maintain the privacy of the information shared with them under this Policy. This information may not be shared with third parties, duplicated, disclosed publicly, or used for purposes not explicitly authorized by the Party's Home Institution Title IX Coordinator or TCC Institution. TCC may seek to restrict the role of any Support Person and/or Advisor who does not respect the sensitive nature of the process or who fails to abide by these expectations.

Any unauthorized disclosure of information or evidence obtained solely through the Resolution Process under this Policy may be referred to the appropriate TCC Institution's Student Conduct or Human Resources office for review. Any unauthorized disclosures made by a TCC Institution student or employee (subject to this Policy), including by Parties, witnesses, Support Person, or Advisor, may be subject to sanctions or discipline at the discretion of the discloser's TCC Home Institution.

For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Prohibited Conduct are authorized.

The Party's Home Institution's Title IX Coordinator and other administrators at TCC are permitted to share confidential information amongst other TCC Institution representatives who have a reasonable need to know, and such disclosure is not a violation of FERPA. The Party's Home Institution's Title IX Coordinator

[8] Family Educational Rights and Privacy Act.

and TCC Institution will endeavor to respect any requests for confidentiality but will also weigh those requests against the TCC Institution's responsibility to maintain a safe environment for its community. Complete confidentiality cannot be guaranteed.

7. Right to an Advisor

Parties may elect to be accompanied by one Advisor, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Advisor. Parties may be accompanied by one Support Person (see below) in addition to an Advisor. An Advisor can be anyone, and may be, but is not required to be, an attorney. Generally, it is not recommended that the selected Advisor be a Party or a witness in the same matter.

Unless otherwise specified in this Policy, the Advisor may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. TCC reserves the right to exclude or remove an Advisor who does not comply with this Policy. A Party's Advisor is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Advisor to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Advisor understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Advisor are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures.

Except in cases being processed as a Title IX Formal Complaint, where an Advisor is required at the hearing, a Party is not required to have an Advisor during any part of the Investigation and Resolution Process, including meetings, ABR, the investigation, or hearing process, and a TCC Institution is not required to provide one for the Party. Upon a Party's request, however, the Party's Home Institution's Title IX Coordinator may be able to connect a Party with a trained Advisor, if available, who may be an employee at a TCC Institution.

8. Support Person

Parties may elect to be accompanied by one Support Person, as defined in this Policy, during meetings and proceedings related to any ABR, investigation, and hearing process under this Policy. Parties are limited to one Support Person. A Support Person may not be a Party or a witness in the same matter. The Support Person's role is to provide emotional support throughout the process.

The Support Person may not speak or write on behalf of the Party or otherwise disrupt any interviews or proceedings. A Party's Support Person is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Support Person to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Support Person understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Support Person are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures. TCC reserves the right to exclude or remove a Support Person who does not comply with this Policy.

9. Special Rules for Title IX Sexual Harassment

Cases involving Title IX Prohibited Conduct must comply with specific procedural requirements (Title IX Procedural Requirements) in compliance with the 2020 Title IX Final Rule. In addition to the specific rules identified throughout this Policy in their respective section, the below special rules apply to processing Title IX Sexual Harassment cases.

a) Title IX Criteria

Allegations will constitute Title IX Sexual Harassment and will use the Title IX Procedural Requirements when:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in a TCC Member Institution's s Education Programs or Activities; and,
4. The alleged conduct, if true, would constitute Prohibited Conduct under Title IX, specifically, Title IX Quid Pro Quo, Title IX Hostile Environment Harassment, Title IX Dating Violence, Title IX Domestic Violence, and/or Title IX Stalking Based on Sex, as defined in this Policy.

b) Complainant Status

A Complainant must be participating or attempting to participate in a TCC Institution's Education Programs or Activities at the time the Formal Complaint is filed in order to proceed under the Title IX Procedural Requirements.

c) Formal Complaint Required

A Formal Complaint must be filed to process allegations of Title IX Sexual Harassment where the Title IX Sexual Harassment occurred on any TCC Institution's campus or in locations, events, or circumstances within the United States over which a TCC Institution exercised substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a TCC Institution.

A Formal Complaint may be filed with the Complainant's Home Institution's Title IX Coordinator in person, by mail, by electronic means (email or by submitting an online report form via the Home Institution's Title IX Office website, if applicable), by using the contact information listed in Section II of this Policy.

Where the Home Institution's Title IX Coordinator signs a Formal Complaint, the Home Institution Title IX Coordinator is not a Complainant or otherwise a Party. Except as specified below, a Formal Complaint shall initiate the Investigation and Hearing Resolution Process outlined in this document, including the Title IX Procedural Requirements. The Formal Complaint should include the date(s) of the alleged incident(s), the name of the Respondent, the location(s), and should describe the circumstances of the incident(s), where known.

A Formal Complaint must be on file for allegations of Title IX Sexual Harassment prior to engaging in Agreement-Based Resolution.

d) Mandatory Dismissal of a Formal Complaint

The Title IX Coordinator whose Home Institution has jurisdiction over the education programs and activities where the incident is alleged to have occurred shall dismiss the Formal Complaint, or any included allegations, at any time, if it is determined that:

- the conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined by this Policy, even if proved,
- the conduct did not occur in the TCC's education program or activity, and is not within the Title IX jurisdiction;,
- the Title IX Coordinator is unable to identify the Respondent after taking reasonable steps to do so;
- the alleged conduct did not occur against a person in the United States; and/or
- at the time of filing the Formal Complaint, the Complainant was not participating in or attempting to participate in a TCC Institution's education program or activity.

A complaint or allegation dismissed under this process may be addressed under other procedures under this Policy, or under a policy or procedures of the Respondent's Home Institution.

Upon a dismissal required under this section, the TCC Title IX Administrator will promptly send written notice of the dismissal and reason(s) simultaneously to the Parties. The notice will inform the Parties if the complaint or allegation(s) will be addressed under another portion of this Policy. If the allegations do not meet the procedural requirements and definitions of Prohibited Conduct under this Policy, the Respondent's Home Institution may refer the matter for further resolution under other policies and procedures at the Respondent's Home Institution.

B. Initiation of The Investigation and Hearing Resolution Process

1. Notice of Allegations (NOA)

Once TCC has accepted the Formal Complaint or the Complaint for investigation, and has confirmed the allegations to be investigated, the Parties will be provided a written Notice of Allegations, which outlines the allegations within the scope of the investigation, the alleged Policy violation(s), the identity of the Investigator, and other important information related to the process. The issuance of the NOA communicates the initiation of the investigation process.

A Revised NOA must be provided to the Parties any time during the investigation to include allegations of Prohibited Conduct raised by the Complainant against the Respondent that were not included in the initial NOA that are raised later during the investigation process and are determined to be part of the scope of the investigation.

The NOA shall include, at a minimum:

- A reminder that the date and time of the initial interview with the Investigator, will generally be scheduled with a minimum of five (5) business days' notice, unless otherwise agreed upon by the Party;

- The investigation procedures, including the applicable determination procedures that will be used in the Investigation and Hearing Resolution process under this Policy, and a link to this Policy;

- Information about the ABR options, with a link to the full procedures;

- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known;

- A statement that Retaliation is prohibited;

- A statement indicating whether the Investigator, or another individual, shall serve as the Decisionmaker;

- A statement indicating the expected length of the major stages of the Investigation and Hearing Resolution Process, as well as any applicable deadlines;

- A statement informing the Parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses and evidence. These deadlines may be extended by the TCC Title IX Administrator for good cause, and any changes will be provided, in writing, to the Parties, along with the rationale for the revised deadline(s);

- The deadline and process for identifying any conflicts of interest or bias with the Investigator. A statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of the Investigation and Hearing Resolution Process. Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Hearing Decisionmaker;

- A statement that the Parties may have an Advisor who may be a friend, parent, therapist, colleague, and who may be, but is not required to be, an attorney;

- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any Party, and will receive an investigation report that accurately summarizes this evidence;

- A warning that the Decisionmaker may exclude evidence at the hearing that was not presented during the investigation process;

- A statement that the individual TCC Institution's Student Conduct code prohibits knowingly making false statements or knowingly submitting false information during the Resolution Process; and

- The identification of the Investigator.

2. Complaints Initiated by the Institution

In instances where an investigation process is initiated by the Complainant's Home Institution's Title IX Coordinator, the person alleged to be harmed (the Complainant) will still retain all rights of a Complainant in this process, if they should choose to exercise them, including the choice to participate or not participate at any step of the process and in receiving notification of the outcome.

3. Designation of the Investigator

The TCC Title IX Administrator, in consultation with the Parties' Home Institutions' Title IX Coordinator(s), will designate a trained Investigator to conduct an adequate, reliable, and impartial investigation, in a reasonably prompt timeframe. TCC reserves the right to utilize internal or external Investigators As required by California law, the designated Investigator will have undergone a comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

The designated Investigator identity will be provided in the NOA. Any Party that believes that the designated Investigator has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, may submit an objection pursuant to Section V.

C. Investigation Process

1. Evidence Gathering

a) Interviews

After the Parties have been notified in writing of the confirmed Investigator, the Investigator will contact the Parties and identified witnesses to conduct their interviews. Interviews may be conducted in person, or via video conference. Recording investigative interviews, by any individual, and by any means, is prohibited.

The Investigator will provide to a Party or witness whose participation is invited or expected, advance written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate. The Investigator has discretion of the order in which to interview the Parties and witnesses.

A Party is permitted to have one Support Person, and one Advisor accompany them to any meetings with the Investigator and must provide at least 72-hour notice of the Support Person and/or Advisor's planned attendance at the meeting to ensure the appropriate FERPA documentation is completed in advance of the meeting.

TCC may adopt and apply other reasonable rules regarding decorum, provided they apply equally to the Parties. TCC will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties, Support Persons and Advisors. TCC has the discretion to remove, with or without prior warning, from any meeting or proceeding a Party, witness, Advisor, or Support Person who does not comply with these expectations and any other applicable TCC rules or expectations.

All Parties will be provided equal opportunity to meet with the Investigator, submit relevant evidence, and identify relevant witnesses. The Investigator will meet separately with all Parties, and any identified witnesses that are deemed relevant, and will gather relevant documentary evidence provided by the Parties and any identified witnesses.

When a Party meets with the Investigator, the Investigator will ask questions related to the allegations in the Complaint, and Notice of Allegations, and the Party is given the opportunity to speak to the allegations and related events. Parties may identify relevant fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show more likely that an individual engaged in the alleged conduct) and exculpatory evidence (that tends to show less likely that an individual engaged in the alleged conduct).

The Investigator has discretion regarding whom to interview to determine the facts relevant to the Complaint and scope of the investigation, and when to conduct follow-up interviews with Parties and witnesses.

After each Party or witness interview, the Investigator will prepare a written summary of the interview and send the same to the Party or witness for their review for accuracy. Unless the Party or witness requests additional time for review, the written summary will be deemed accurate if the Party or witness does not provide feedback on the written summary within two (2) business days of the Investigator emailing it to the Party or witness.

b) Investigator Determination of Evidence Relevance

The Investigator will take reasonable steps to gather relevant available evidence. The Investigator may exclude evidence they determine to be irrelevant or impermissible. Parties may provide the Investigator with any evidence they believe to be relevant. Character evidence is not relevant evidence, and therefore will not be considered.

It is ultimately the role of the Hearing Decisionmaker to determine what weight, if any, to give to the evidence gathered.

TCC shall not restrict the ability of the Parties to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence.

The Investigator may gather information related to prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake.

c) Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the Parties' TCC Home Institution(s) to determine whether one of the exceptions listed below applies. This information must not be disclosed and must not be otherwise used, regardless of relevance:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- Evidence provided to an employee designated by TCC as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;

- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless TCC obtains that Party's or witness's voluntary, written consent for use in the Resolution Process under this Policy; and

- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged Prohibited Conduct. The fact of prior consensual sexual conduct between the Parties does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

For cases of California Sex-Based Harassment the Investigator or Hearing Decisionmaker shall not consider the past sexual history of Complainant or Respondent except in the limited circumstances. Specifically, they shall not consider:

- Prior or subsequent sexual history between Complainant and anyone other than Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by Respondent were inflicted by another individual.

- The existence of a dating relationship or prior or subsequent consensual sexual relations between Complainant and Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations. Where the Investigator or Hearing Decisionmaker allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between Complainant and Respondent pursuant to this paragraph, the mere fact that Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the Investigator or Hearing Decisionmaker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this paragraph. If the issue is raised at the hearing, the Hearing Decisionmaker will include their written explanation in the Hearing Decision Report.

2. Evidence Review Process

At the conclusion of all fact-gathering and before issuing the Final Investigation Report, the TCC Title IX Administrator will provide the Parties access to the Preliminary Investigation Report (PIR) drafted by the Investigator, which includes all relevant evidence and not otherwise impermissible evidence gathered. The purpose of this review process is to provide the Parties with an equal opportunity to meaningfully respond to the relevant and not otherwise impermissible evidence prior to the conclusion of the investigation and issuance of the Final Investigation Report. This is known as the Evidence Review Process. This opportunity will be provided to each Party, and their Advisor and/or Support Person, if any, regardless of whether the Party made the Complaint or participated in the investigation.

Absent good cause, Parties are provided with ten (10) business days to review and provide a written response to the evidence to the Investigator should they wish to do so. Parties are not required to submit a response. The TCC Title IX Administrator has the discretion to extend the evidence review period based on the volume and nature of the evidence and/or may grant a Party's request for additional time.

The Preliminary Investigation Report will include the following:

- The identities of the Parties;
- The identities of the witnesses;
- A summary of the allegations of the Prohibited Conduct and the alleged Policy violation(s);Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps and process taken from the receipt of the Complaint through the investigation process, including any notifications to the Parties, interviews with Parties and witnesses, and methods used to gather other evidence;
- The relevant statements of the Parties and witnesses, and evidence gathered for each allegation;
- A summary of the relevant, and not otherwise impermissible, evidence gathered by the Investigator; and
- Explanations for why evidence or witnesses submitted by the Parties were not considered or interviewed by the Investigator.

Given the sensitive nature of the information provided in the PIR, the TCC Title IX Administrator will facilitate this review in a secure manner and has the discretion to determine how to provide access to the PIR to the Parties based on the particular circumstances of the case and any Party or witness privacy concerns. Unless provided express written permission and access by the TCC Title IX Administrator, neither the Parties, Advisors, Support Persons, nor anyone on any Party's behalf may copy, remove, photograph, print, image, screenshot, videotape, record, or in any other manner duplicate or remove the information contained in the PIR (unless a Party is describing or quoting the material in a written response to the evidence pursuant to the Evidence Review Process). Any TCC student or employee (subject to this Policy) who fails to abide by this may be subject to discipline. Any Advisor or Support Person who fails to abide by this may be subject to discipline, if applicable, and/or may be excluded from further participation in the process.

As part of this Evidence Review Process, the Parties may:

- Submit additional relevant evidence or information;
- Provide a written response to any of the relevant evidence;
- Submit proposed questions for the Investigator to ask of the other Parties or any witnesses;
- Request additional interviews and information-gathering; and/or
- Suggest additional witnesses for the Investigator to interview.

The Party's Advisor and/or Support Person may provide support to the Party during the Evidence Review Process; however, they are not permitted to speak or write on behalf of their Party. This includes any response to the Evidence Review Process.

The Evidence Review Process serves as the final opportunity to submit reasonably available evidence, or names of witnesses. Evidence, that was reasonably available, but not provided during the investigation process will not be considered by the Hearing Decisionmaker.

The Investigator has discretion to determine if the Parties' responses warrant additional information-gathering. If the Investigator determines it is unnecessary to ask individuals additional questions, interview new witnesses, and/or gather additional evidence, the Investigator will explain their decision in the Final Investigation Report.

If additional evidence is submitted by the Parties, the Parties submit a written response to the evidence, or new evidence is gathered by the Investigator (through additional or follow-up interviews or additional fact-gathering), it will be included in either a Revised Preliminary Investigation Report or a separate addendum, as deemed appropriate by the Investigator.

All Parties will be provided a second reasonable opportunity to review and respond to any new evidence made available through the Revised Preliminary Report or in a separate addendum. The TCC Title IX Administrator will determine how much time is reasonable to review the new evidence. No new evidence will be accepted as part of any response to the second review and response period, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will determine when it is appropriate to conclude the Evidence Review Process. The TCC Title IX Administrator will notify the Parties when the Evidence Review Process is complete and when the Final Investigation Report is finalized.

3. Final Investigation Report

At the conclusion of the Evidence Review Process, the Investigator will prepare a written Final Investigation Report that includes, at minimum:

- The identities of the Parties;
- The identities of the witnesses;
- A summary of the allegations of the Prohibited Conduct and the alleged Policy violation(s);
- Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps and process taken from the receipt of the Complaint through the investigation process, including, any notifications to the Parties, interviews with Parties and witnesses, and methods used to gather other evidence;
- The relevant statements of the Parties and witnesses, and evidence gathered for each allegation;
- A summary of the relevant, and not otherwise impermissible, evidence gathered by the Investigator;

- A statement describing how and when the parties were given the opportunity to review the evidence; and

- Explanations for why evidence or witnesses submitted by the parties were not considered.

The Final Investigation Report will not include findings of fact, findings of whether there was a Policy violation(s), or credibility determinations for Parties or witnesses.

The TCC Title IX Administrator will provide the Parties with access to the Final Investigation Report, including all attachments, at least ten (10) business days prior to the scheduled hearing. The Parties may submit a written response to the Final Investigation Report within ten (10) business days from receipt of access to the Final Investigation Report, or by the deadline otherwise communicated by the TCC Title IX Administrator. Written responses are incorporated into the materials that can be reviewed and considered by the Hearing Decisionmaker. Each Party will receive a copy of any other Party's written response to the Final Investigation Report.

XV. Hearing Process

The purpose of a hearing is for a Hearing Decisionmaker to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this Policy. The Hearing Decisionmaker will make credibility determinations, findings of fact, and will determine whether a Policy violation(s) occurred. The Hearing Decisionmaker will also determine appropriate remedies and sanctions if a Policy violation(s) is found to have occurred. The hearing is a closed proceeding and will not be open to the public.

A. Prior to the Hearing

1. Hearing Coordinator

The TCC Title IX Administrator will be responsible for designating a Hearing Coordinator who will coordinate the hearing process. The TCC Title IX Administrator, or their designee, may serve as the Hearing Coordinator. The Hearing Coordinator will ensure the Hearing Decisionmaker is provided with all necessary materials, including the Final Investigation Report and attachments, as well as any written Party responses to the Final Investigation Report. The Hearing Coordinator will arrange the logistics for the hearing, including coordination of the pre-hearing conferences, a location for the hearing (if not conducted via video conference), and coordination of the date and time for the hearing. Other than at the pre-hearing conference, the Parties and their Advisors and/or Support Persons, if any, are prohibited from directly communicating with the Hearing Decisionmaker prior to the scheduled hearing. The Hearing Coordinator will act as a liaison between the Parties and the Hearing Decisionmaker on all procedural matters.

2. Designation of the Hearing Decisionmaker

The TCC Title IX Administrator, in consultation with the Parties' Home Institution's Title IX Coordinator(s), will designate a Hearing Decisionmaker distinct from the Hearing Coordinator and any Home Institution Title IX Coordinator, who will preside over the hearing and draft the Hearing Decision Report, including remedies and sanctions, if applicable. The Hearing Decisionmaker is a single individual. TCC reserves the right to utilize internal or external Decisionmakers. The Hearing Decisionmaker is responsible for overseeing the hearing, making procedural determinations, managing the questioning process (questions must be submitted by the Parties directly to the Hearing Decisionmaker or through the Hearing Coordinator), and issuing the Hearing Decision Report, as well as a Remedies and Sanctions Determination, if applicable.

The Hearing Decisionmaker will have had appropriate training in the definitions of Prohibited Conduct, the scope of the TCC Institution's education programs and activities, the Investigation and Hearing Resolution process under this Policy, bias, the ABR Process, hearing decision writing, assessing questions and evidence related to relevant and not otherwise impermissible evidence, and any technology to be used at the hearing.

The Hearing Coordinator will provide the Parties with written notice of the Hearing Decisionmaker's identity at the time of scheduling the hearing, as well as information regarding any Party's option to object to the Hearing Decisionmaker based on actual conflict of interest or bias pursuant to Section V.

3. Hearing Notice

At least five (5) business days prior to the scheduled hearing, the Hearing Coordinator shall send the Parties written notice of the hearing. The written notice will include the following information:

- Confirmation of the assigned Hearing Decisionmaker;
- The time, date, and location of the hearing, including if the hearing will be conducted entirely via videoconference;
- The identity of all participants expected to participate in the hearing, including Parties, and witnesses approved by the Hearing Decisionmaker;
- A list of all documents the Hearing Decisionmaker may consider in reaching their determination;
- TCC's Hearing Expectations and Rules of Decorum; and
- A general overview of the hearing process.

4. Pre-Hearing Conferences

Prior to the hearing, each Party and their Advisors and/or Support Person will be offered the opportunity to meet with the Hearing Decisionmaker to review what to expect at the hearing, rules of decorum, and to provide the Parties and their Advisor and/or Support Person, if any, the opportunity to ask any procedural questions, including questions regarding the Hearing Notice. The Hearing Coordinator and the Party's Home Institution Title IX Coordinator may also be present at the pre-hearing conference. After the Hearing Decisionmaker has conducted the pre-hearing conferences with each Party, the Hearing Decisionmaker will issue a written summary of matters discussed at the pre-hearing conferences. Attending the pre-hearing conference is recommended, however, a Party may waive their opportunity for a pre-hearing conference and is not required to participate.

Parties are expected to notify the Hearing Coordinator of the identity of their Advisor and/or Support Person as soon as possible in advance of the scheduled hearing. The Hearing Coordinator will share this information with the Hearing Decisionmaker and other Parties through the Hearing Notice.

5. Witnesses Identified and Requested to Participate in the Hearing

The Parties and Hearing Decisionmaker all have the right to call witnesses. Unless notified otherwise by the Hearing Coordinator, Parties who wish to call witnesses must submit the name and contact information of the witness, as well as an explanation as to what testimony they will provide at the hearing, at least five (5) business days in advance of the hearing or upon request by the Hearing Coordinator.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the Party must provide the reason the witness was not identified or was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations. The Hearing Decisionmaker will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate in the hearing after not having participated in the investigation. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.

The Hearing Decisionmaker may determine not to call witnesses submitted by the Parties, and/or to call witnesses who were not submitted by the Parties, and who participated in the investigation.

The Hearing Decisionmaker will communicate to the Hearing Coordinator as soon as possible the witnesses they have determined should be called for the hearing. The Hearing Decisionmaker will document their explanations for determining not to call certain witnesses submitted by the Parties in the Hearing Decision Report.

With the assistance of the Parties' Home Institution Title IX Coordinator(s), the Hearing Coordinator will request the attendance of the relevant witnesses identified by the Hearing Decisionmaker, and a list of witnesses approved by the Hearing Decisionmaker will be provided to the Parties at least three (3) days prior to the hearing.

The Complainant's and Respondent's Home Institution's Title IX Coordinators can be present in a silent role during the entirety of the hearing.

6. Proposed Questions Submitted by the Parties in Advance of the Hearing

No later than three (3) business days prior to the hearing, each Party shall submit to the Hearing Coordinator a preliminary list of questions they wish the Hearing Decisionmaker to ask of the other Party, or to a witness. The Parties will also have the opportunity to submit questions to the Hearing Decisionmaker at the hearing as well (and to have advisor-led questioning in Title IX Sexual Harassment cases). If the Hearing Decisionmaker determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Decisionmaker shall exclude the question, not ask the question of the intended Party or witness, and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of a Party or witness being questioned will not be permitted. The Hearing Decisionmaker must give a Party an opportunity to clarify or revise any question that the Hearing Decisionmaker has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, and the question is relevant, the Hearing Decisionmaker will ask the question of the intended Party or witness.

B. During the Hearing

1. Hearing Recording

The hearing will be recorded by TCC, and this recording will be considered the only official recording of the hearing. The Hearing Coordinator is responsible for ensuring the hearing is audio recorded.[9] No other individual is permitted to record while the hearing is taking place. For the purpose of preparing an appeal, a recorded Party may request to review the hearing recording, or review the transcript of the hearing, if

[9] Hearings that take place via videoconference may include both an audio and visual recording. Only the audio recordings shall be retained in accordance with Section XVIII.

available, in-person or via video conference, and under supervision by a TCC representative or other designee. Requests should be made to the TCC Title IX Administrator.

Hearing audio recordings will be maintained for seven (7) years after the conclusion of the Resolution Process under this Policy, the Respondent's graduation, separation from TCC, or separation from TCC Institution employment, whichever is latest.

2. Separation of Parties

Hearings may be conducted with any or all Parties, witnesses, and other participants appearing virtually, with technology enabling participants to simultaneously see and hear one another, or with Parties physically present in the same geographic location.

As standard practice, the Parties will be physically separated during the hearing and will participate virtually, unless all Parties request otherwise. If needed, the Party's Home Institution Title IX Coordinator may assist the Party with access to a private location to participate in the hearing. The Parties should request this assistance as soon as possible in advance of the hearing.

3. Hearing Expectations and Rules of Decorum

TCC expects that all participants in the hearing process do so truthfully and respectfully, and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias.

The Hearing Decisionmaker shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary, to adjourn the hearing or exclude the disruptive person. In the event the Hearing Decisionmaker removes a Party's Advisor or Support Person, the Hearing Decisionmaker will have the discretion to appoint another Advisor for the remainder of the hearing. The Hearing Decisionmaker also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions.

4. Party and Witness Participation in the Hearing

While Party and witness participation is considered crucial to providing an equitable hearing process for the Parties and provides the Hearing Decisionmaker the opportunity to ask questions to inform their findings, TCC cannot compel Parties or witnesses (with the exception of the Investigator) to attend or participate in the hearing. Any Party or witness's decision not to participate will not be a reason to cancel or postpone a hearing. The TCC Title IX Administrator, in consultation with the Home Institution Title IX Coordinator(s) and Hearing Decisionmaker, may determine that the hearing will continue in the absence of any Party or any witness.

Parties or witnesses may choose to attend the hearing and not answer questions. The Hearing Decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Decisionmaker will not draw any inference about the determination regarding responsibility solely based on a Party or witness's absence from the hearing or refusal to respond to questions deemed relevant and not impermissible, although this decision may impact the information available to the Hearing Decisionmaker in reaching their determination. However, the Hearing Decisionmaker may draw inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The Parties, and their Advisors and/or Support Persons, if any, can be present in the hearing for the entire duration of the hearing. The witnesses will only be present in the hearing for the duration of their testimony.

Investigators who are current employees of a TCC Institution, or external investigators retained by TCC, are expected to participate in the hearing, if requested. Non-employee Investigators, including Investigators who have left employment with TCC, can be requested, but cannot be compelled, to participate in the hearing.

5. Participation of the Advisor and Support Person During the Hearing

Each Party is entitled to be accompanied by one Advisor and one Support Person at the hearing. The role of the Advisor at the hearing is to assist the Party with understanding and navigating the proceeding. Other than the limited opportunity to cross-examine the other Party and witnesses in Title IX Sexual Harassment cases, the Advisor may not advocate for, respond for, or otherwise speak or write on behalf of, a Party during the hearing. In the event that a Party does not appear for the Hearing, the Advisor for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

The role of the Support Person is to provide emotional support to the Party during the proceeding. The Support Person may not advocate for, respond for, or otherwise speak or write on behalf of, a Party during the hearing. In the event that a Party does not appear for the Hearing, the Support Person for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

6. Hearing Timeline

The following provides a general timeline for the Hearing; however, the Hearing Decisionmaker shall have the authority and discretion to change the order of process as necessary, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing.

a) Opening Introductory Statements

The Hearing Decisionmaker will begin the hearing and provide information regarding the expected timeline of the hearing and allow the Parties and their Advisors, to ask any questions regarding the structure of the hearing.

Each Party will then be permitted to provide an opening introductory statement, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person is not permitted to provide an opening introductory statement on behalf of their Party.

Following opening introductory statements, the Hearing Officer will call Parties and witnesses for questioning.

b) Questioning at the Hearing

The Hearing Decisionmaker will determine the order of questioning at the hearing. The Hearing Decisionmaker may change the order of questioning, with appropriate verbal notice to the Parties, if the Hearing Decisionmaker determines a change is necessary to accommodate a witness' schedule, or for other procedural reasons. The rules governing Impermissible Evidence set forth in Section XIV.C.1.c). shall be applied to all questioning. Only the Hearing Decisionmaker is permitted to ask questions of any Party or witness during the hearing. No Party may directly question the other Parties or witnesses. Advisors and/or Support Persons, if any, are not permitted to directly or indirectly question, or otherwise communicate with

the other Parties or witnesses.

The Hearing Decisionmaker will pose questions to the Parties and witnesses, including the questions the Hearing Decisionmaker approved to be asked that were submitted by each Party prior to the hearing. Each Party will then be provided an opportunity to submit follow-up written questions to the Hearing Decisionmaker to be asked of the other Parties and any witnesses, including questions challenging credibility. The Parties will submit their proposed questions through the Hearing Coordinator. The questions must be relevant to the allegations and must not seek otherwise impermissible evidence, not be duplicative or repetitive of information already gathered, and/or not be harassing of any individual providing testimony. The Hearing Decisionmaker will evaluate each question submitted by the Parties. If the Hearing Decisionmaker determines the question should not be asked, the Hearing Decisionmaker will not ask the Party or witness the question will state their reasoning for this determination on the record, and offer the Party an opportunity to reframe or resubmit the question. The Hearing Decisionmaker also has the authority to ask additional follow-up questions, or as otherwise deemed necessary. All determinations made by the Hearing Decisionmaker at the hearing are final, including determinations on questioning.

A Party may choose not to submit any questions for a Party or witness, either prior to the hearing or during the hearing. A Party's waiver of their right to submit questions does not eliminate the ability of the Hearing Decisionmaker to consider the testifying individual's statements made during the hearing and/or to the Investigator during the investigation process.

(1) Cross-Examination at the Hearing by Advisors

For cases of Title IX Sexual Harassment that are processed as Title IX Formal Complaints, in addition to questioning by the Hearing Decisionmaker described above, the Hearing Decisionmaker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. If a Party does not have an advisor for the live hearing, the Party's Home Institution shall provide without fee or charge to that Party, an advisor of that Home Institution's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that Party of the other Party/ies and witnesses. Each Party's Home Institution is obligated to ensure each Party has an advisor, either of the Party's or the Home Institution's choice regardless of whether or not the Party is present at the hearing. To ensure timely proceedings, a Party shall alert their Home Institution's Title IX Coordinator as soon as practicable if the Party will need an advisor for the hearing. Only relevant questions may be asked of the other Party or witness (referred to as "cross-examination").

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the Party's advisor of choice and never by a Party personally. TCC and/or the Hearing Decisionmaker may restrict the extent to which advisors may participate in the proceedings.

Before the Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Decisionmaker must first determine whether the question is relevant and will instruct the Party or witness being asked the question whether they may answer. The Hearing Decisionmaker must explain to the Party proposing the question(s) any decision to exclude a question as not relevant. The rules governing Impermissible Evidence set forth in Section XIV.C.1.c) shall be applied to all questioning. The questions must be relevant to the allegations and must not seek otherwise impermissible evidence, not be duplicative or repetitive of information already gathered, and/or not be harassing of any individual providing testimony.

For allegations of Title IX Sexual Harassment and other Prohibited Conduct that have been consolidated into one case, cross examination may only be used when questioning a witness regarding Title IX Sexual Harassment that is being processed under a Formal Complaint.

c) Closing Statements and Concluding the Hearing

Following the questioning of Parties and witnesses, each Party will be permitted a reasonable opportunity, no longer than five (5) minutes, unless otherwise extended at the discretion of the Hearing Decisionmaker, to provide a closing statement. Any additional time granted to one Party must be provided to all other Parties, if requested. An Advisor and/or Support Person is not permitted to provide a closing statement on behalf of their Party.

The Hearing Decisionmaker will provide closing remarks, if any, and then conclude the hearing.

C. After the Hearing

1. Party Statements Regarding Remedies and Sanctions

Within five (5) business days of the hearing, each Party may provide to the TCC Title IX Administrator a written statement, limited to three (3) pages, related to suggested remedies and sanctions, and any other relevant information specific to remedies and sanctions for the Hearing Decisionmaker to consider in making their sanctions determination. If a Party chooses not to provide a written statement in accordance with this section, they will not be provided an additional opportunity to submit a written statement to the Hearing Decisionmaker.

If the Hearing Decisionmaker determines there was a Policy violation, the Hearing Decisionmaker will notify the TCC Title IX Administrator before issuing their Hearing Decision. The TCC Title IX Administrator will provide the Hearing Decisionmaker with copies of the Party statements, in accordance with Section XVI. The TCC Title IX Administrator will also provide copies of the Party statements to the Parties' Home Institution Title IX Coordinator(s) and appropriate administrator(s).

If the Hearing Decisionmaker determines there was not a Policy violation, the TCC Title IX Administrator will not release the Party statements to the Hearing Decisionmaker.

2. Notice of Hearing Outcome and Hearing Decision Report

In reaching findings and drafting their decision, the Hearing Decisionmaker will consider the investigation record, including the Final Investigation Report and attachments, which will include all relevant and not otherwise impermissible evidence gathered by the Investigator, and evidence accepted at the hearing.

The Hearing Decisionmaker will use the preponderance of the evidence standard, which means more likely than not, to determine whether the alleged Prohibited Conduct occurred, and if so, whether a Policy violation occurred. To the extent the Hearing Decisionmaker must make credibility determinations, such determinations shall not be based on an individual's status as complainant, respondent, or witness.

The Hearing Decisionmaker will not draw any inference about the determination regarding responsibility solely based on a Party's absence from the hearing or refusal to answer questions posed, although this decision may impact the information available to the Hearing Decisionmaker in reaching their determination. However, the Hearing Decisionmaker may draw inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

The Hearing Decision Report will include the following:

- A description of the Prohibited Conduct as defined in this Policy, and any other allegations, if applicable;

- A reference to the policies and procedures used to evaluate the allegations;
- A description of the procedural steps taken from receipt of the Complaint, (or TCC Institution's decision to initiate the process) through the determination;
- A list of Parties and witnesses who participated in the hearing and applicable credibility determinations;
- The Hearing Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
- Finding for each allegation, with rationale;
- Policy findings, with rationale;
- Sanctioning determination with rationale (if applicable); and
- Remedies with rationale (if applicable).

Within fifteen (15) business days from the hearing, the TCC Title IX Administrator will issue to the Parties the Notice of Hearing Outcome and Hearing Decision Report, which will include the Hearing Decisionmaker's policy, and sanctioning, determinations, as applicable.

If the Hearing Decisionmaker finds a Policy violation, the Hearing Decisionmaker and TCC shall follow the procedures set forth in Section XVI, and the Hearing Decision Report will include a Remedies and Sanctions Determination.

If the Hearing Decisionmaker does not find a violation of Policy, the Hearing Decisionmaker's Hearing Decision Report will not include sanctions.

The TCC Title IX Administrator will explain the Appeal Rights and Process, including the permissible bases for appeal, in the Notice of Hearing Outcome. The Hearing Decisionmaker's determination(s) becomes final on the date on which an appeal would no longer be considered timely (see Section XVII).

XVI. Remedies and Sanctioning

This section sets forth the procedures to be followed should the Hearing Decisionmaker find a Policy violation(s) occurred. A student or employee found responsible for a Policy violation will be subject to sanction(s) regardless of whether legal proceedings involving the same incident are pending or anticipated.

If the Hearing Decisionmaker determines there was a Policy violation, prior to issuing the Hearing Decision Report, the Hearing Decisionmaker will notify the TCC Title IX Administrator of this determination. The TCC Title IX Administrator will take two steps:

- Home Institution Written Recommendations: They will notify the Home Institution Title IX Coordinator(s) and the appropriate administrator(s) of each Parties' Home Institution. The Parties' Home Institutions may submit a written recommendation related to remedies and sanctions, and any other relevant information that would be important for the Hearing Decisionmaker to consider in making their Remedies and Sanctions Determination. The Home Institution's written recommendation shall be completed collaboratively between each Party's Home Institution Title IX Coordinator and/or other appropriate Student Affairs administrator(s). The Parties' Home

Institutions will provide those recommendations to the TCC Title IX Administrator, who will transmit them to the Hearing Decisionmaker. The Parties' Home Institution written recommendations will not be shared with the Parties; and

- Party Statements: Pursuant to Section XIV.C.1, they will provide the Hearing Decisionmaker with any submitted written Party statements. If a Party did not provide a written statement, the Party will not be provided an additional opportunity to submit a written statement to the Hearing Decisionmaker. Any submitted Party statement(s) will not be shared with the other Parties.

The Hearing Decisionmaker will make their Remedies and Sanctions Determination based on the factual and Policy findings, written Party statements, written Home Institution recommendations, and other factors relevant to sanctioning as outlined below. The Hearing Decisionmaker shall give significant weight to the written Home Institution recommendations in issuing remedies and sanction(s). Expulsions and employment terminations are at the sole discretion of the Respondent's Home Institution.

The Hearing Decisionmaker will decide if remedies are appropriate in order to restore or preserve the Party's equal access to TCC's education, activity, and/or employment. Such remedies may include Supportive Measures. However, unlike Supportive Measures, remedies need not be non-disciplinary or non-punitive, and need not avoid unreasonably burdening the Respondent.

The factors a Hearing Decisionmaker (or Sanctions Decisionmaker)[10] may consider in issuing sanctions include, but are not limited to:

- **Severity of the Violation:** The duration of the conduct; whether the conduct was repeated; the number of Policy violations; abuse of power; use of intimidation; use of force; level of endangerment to the Complainant; level of injury to the Complainant; presence of a weapon; deliberate embarrassment; exploitation of level of intoxication.

- **Aggravation:** Whether the Respondent used force, threat, violence, duress, or intentionally caused intoxication or impairment to engage in conduct without Complainant's consent.

- **Intent:** Whether Respondent intended to cause harm; whether Respondent premeditated the conduct; whether Respondent pressured others to engage in the conduct or similar conduct; whether Respondent was pressured by others to engage in the conduct.

- **Retaliation:** Whether Respondent complied with No Contact Orders, Supportive Measures, and other interim measures in place during the Investigation and Hearing Resolution process; whether Respondent continued to engage in alleged Prohibited Conduct after commencement of the investigation process; whether Respondent engaged in conduct meant to intimidate or harass the Complainant or participants for their participation in the investigation or hearing process; whether Respondent was forthcoming during the investigation and hearing process; whether Respondent engaged in any other conduct which would obstruct the investigation or hearing process, or impacted the fairness of the processes.

- **Impact:** The impact of Respondent's conduct and presence on the Complainant's safety and participation in any TCC Institution's education or employment programs and activities; the impact of Respondent's conduct on TCC's community; the impact of sanctions on Respondent's access to participation in TCC's programs, if applicable.

[10] For cases where the Respondent has accepted responsibility pursuant to Section XIII.C.

Possible remedies and sanctions that the Hearing Decisionmaker may issue include:

- **Warning:** Written notice that the Respondent's behavior was in violation of this Policy and that future violations will result in more severe sanctions.

- **Restitution:** Reimbursement by the Respondent(s) to the TCC Institution, another TCC Institution, TCC, the Complainant(s), or a member of TCC's community to cover the cost of property damage or other loss.

- **Service Hours:** A set number of work hours the Respondent must complete. The Home Institution Title IX Coordinator(s) will determine the nature of the work to be performed. Generally, service hours are conducted within TCC.

- **Educational Program/Project:** Programs and activities designed to help the Respondent become more aware of the TCC Institution's policies and help the Respondent understand the inappropriateness of their behavior to avoid repeat offense, including, but not limited to, participation in an educational program or completion of an online program.

- **Counseling and/or Coaching Sessions:** A set number of counseling and/or coaching sessions that the Respondent must complete, as well completion of any assigned reflection essay or other assignment(s) within a specified time. The counselor, facilitator, and/or the Home Institution Title IX Coordinator(s) will review the required assignments for sufficiency.

- **Referral for Assessment:** A referral for an assessment with an appropriately trained therapist who will recommend a process for treatment. Reinstatement is conditioned upon receiving proof of completion of the recommended treatment.

- **Loss of Privileges:** Denial of specific privilege(s) for a defined period of time. Privileges include, but are not limited to, participation in extracurricular activities and events such as on-campus, or campus-sponsored or affiliated social events, intercollegiate athletics, intramural programs, student organizations, and student government, eligibility to apply for and gain on campus employment within TCC, as well as the privilege of living on campus, living in a specific residence hall, participation in commencement ceremonies, or having a vehicle on campus.

- **Restricted Access:** Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in TCC Institution-sponsored or affiliated activities and events. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus, including residential and dining halls, sports and recreation fields, buildings, and courts, and classrooms. This also includes a No Contact Order, which prohibits communication, by any means, with the Complainant, and/or any other specified individual who participated in the investigation or hearing process. In cases involving Parties from different TCC Institutions restricted access may extend to exclusion from another TCC Institution's campus, programs, activities, and events.

- **Removal of Offending Cause**: Requirement to remove the item which was the subject of the Complaint.

- **Relocation or Removal from Residence Halls**: Requirement that the Respondent relocate to another residence hall, or off-campus residence, by a specified date.

- **Conduct Probation:** Formal, written notice that the Respondent's behavior is in violation of its TCC Institution's policies and an expectation that the Respondent exhibit good behavior for a defined period of time. Pursuant to the Respondent's Home Institution's policy regarding Conduct Probation, such probation may limit Respondent's on-campus privileges. Any violation during the probationary period will result in increased sanctioning, including academic suspension or expulsion. Notice of Conduct Probation is sent to the Respondent's academic advisor, as well as to the Respondent's parent(s)/guardian if the Respondent is a minor.

- **Employment Probation:** Formal, written notice that the employee's conduct is in violation of its Institution Policies and an expectation that the employee exhibit good behavior for a defined period of time. Any further violations during the probationary period will result in increased sanctioning and may result in employment suspension without pay or termination of employment.

  Suspension Up to One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), or Eight Semesters (8): Separation from the Institution for one (1), two (2), three (3), four (4), five (5), six (6), seven (7), or eight (8) semesters. During the suspension period, the Respondent is not permitted on campus, is not permitted to participate in any Institution-sponsored or affiliated program or activity, or events, and is not permitted to enroll in any courses and earn any credits towards the Respondent's degree. The terms of the suspension may include the designation of special conditions affecting eligibility for re-enrollment or special conditions to be in effect upon re-enrollment, including a term of Conduct Probation. A term of suspension may also include delayed conferral of degree. Notice of Respondent's suspension will be communicated to the Registrar and other appropriate administrator(s) at the other TCC Institutions to ensure compliance. The Respondent's Home Institution will determine degree and transcript status for suspended students.

- **Employment Suspension without Pay (staff and faculty, including student-employees**): Separation of employment for a defined period of time without pay for the time of separation.

- **Employment Termination:** Permanent separation of the employee from their position. If the Respondent is a student, they may be permanently separated from their student-employee position. A staff or faculty member who is terminated from their employment is not permitted to participate in any TCC Institution-sponsored or affiliated program or activity, or event. A staff, faculty, or student-employee terminated from their TCC Institution employment is not eligible for rehire at that TCC Institution.

- **Expulsion:** Permanent separation from their Home Institution and ineligibility to apply for admission at any other Institutions in the TCC. A Respondent who has been expelled is not permitted on any TCC Institution property and is not permitted to participate in any TCC Institution-sponsored or affiliated program, activity, or events.

  The Respondent's Home Institution will determine degree and transcript status for expelled students.

- **Degree Non-Conferral, Delayed Degree Conferral, or Revocation of Degree: At the discretion of the Respondent's Home Institution.**

XVII. Appeal Rights and Process

Except as provided in Addendum A which has its own appeal process, a Complainant or Respondent who is not satisfied with the determinations made as to closure or dismissal of a Complaint, or the dismissal of any included allegations, under this Policy, and/or the Policy findings, or sanctions imposed at the

completion of the hearing process may submit an appeal (Appealing Party) to the TCC Title IX Administrator. The TCC Title IX Administrator, in consultation with the Parties' Home Institution's Title IX Coordinator(s), will identify an appropriately trained Appeal Decisionmaker to review and make a determination of the appeal(s).

When the TCC Title IX Administrator identifies an Appeal Decisionmaker, they will provide written notice of the individual's identity to the Parties, along with information regarding the process to object to the designated Appeal Decisionmaker on the basis of actual conflict of interest or bias pursuant to Section V.

A. Appeal Grounds

Each Party has a right to appeal:

- The dismissal of a Complaint or any included allegations;
- The Hearing Decisionmaker's Policy findings; and/or
- Any sanctions.

Appeals must be submitted in writing to the TCC Title IX Administrator within five (5) business days following the issuance of the Notice of the Hearing Outcome and Hearing Decision Report (Notice of Case Dismissal, or Remedies and Sanctions Determination for Complaints where Respondent accepted responsibility). The appeal must be no longer than 10 (ten) pages, and must specify which grounds the appeal is based upon and include any arguments the Party wishes to make in support of their appeal.

A Party may appeal based on one or more of the following grounds:[11]

- **Procedural Error:** There was a procedural error(s) that would change the outcome of the matter (i.e., failure to follow the process outlined in this Policy). The appealing party must describe in their appeal the procedural error and its impact on the decision outcome.
- **Conflict of Interest or Bias:** Any Party's Home Institution Title IX Coordinator, the TCC Title IX Administrator, Investigator(s), Hearing Decisionmaker, and/or Sanctions Decisionmaker (for cases where the Respondent has accepted responsibility) has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent, that would change the decision outcome. The appealing party must describe in their appeal the alleged conflict of interest or bias held by the individual and how this impacted the decision outcome.
- **New Evidence:** There is new evidence or information that would change the decision outcome that was not reasonably available or known (and could not have reasonably been known) during the investigation process or when the hearing decision or dismissal of complaint or allegations was made. Information that was known to the party during the resolution process but which they did not to present is not considered new evidence or information. The appealing party must describe in their appeal how the new evidence would change the decision outcome and why the new evidence was not reasonably available or reasonably known prior to the appeal.

[11] As explained in Section XIII.C., for cases where the Respondent has accepted responsibility, a Party may only appeal on the grounds that the Sanctions Decisionmaker had a conflict of interest or bias, and/or that the sanctions are disproportionate to the Prohibited Conduct for which Respondent accepted responsibility.

- **Disproportionate Sanctions:** The sanctions are disproportionate to conduct for which the Respondent accepted responsibility, or to the Hearing Decisionmaker's findings.

The submission of an appeal pauses the implementation of any sanctions, and any change in student or employee status, during the pendency of the appeal(s). Supportive Measures remain available during the appeal process.

B. Designation of Appeal Decisionmaker

As noted above, the TCC Title IX Administrator will designate an appropriate Appeal Decisionmaker to conduct a prompt, thorough, and impartial review of the appeal(s). The Appeal Decisionmaker will not be the same person as the Investigator, Hearing Decisionmaker, Sanctions Decisionmaker, TCC Title IX Administrator, or any of the Parties' Home Institution's Title IX Coordinator(s).

The Appeal Decisionmaker will have had appropriate training as required by Title IX and California law, which includes but is not limited to training in the definitions of Prohibited Conduct, the scope of the TCC Institution's education programs and activities, the Investigation and Hearing Resolution process under this Policy, bias, the ABR Process, and appeal process.

C. Appeal Response by Non-Appealing Party

The TCC Title IX Administrator will send a written notice of the appeal to the Non-Appealing Party or Parties and provide them with a copy of the appeal. A Non-Appealing Party or Parties may issue a response to the appeal. Any Party's decision not to submit a response to an appeal is not evidence that the Non-Appealing Party agreed with the appeal. The appeal response is limited to ten (10) pages, including attachments, and may address only the issues raised in the appeal. The Non-Appealing Party will have five (5) business days to submit their appeal response after receiving the notice of the appeal. Any response to the appeal must be sent to the TCC Title IX Administrator, who will provide the response to the Appeal Decisionmaker. Requests to submit an appeal response of more than ten (10) pages must be sent to the TCC Title IX Administrator, along with an explanation as to why additional pages are needed.

D. Appeal Clarification

If the Appeal Decisionmaker needs clarification on any point raised in the appeal, they may make a written request for clarification from the Appealing Party, through the TCC Title IX Administrator. The Appealing Party may respond in writing. The TCC Title IX Administrator will transmit the written response to the Appeal Decisionmaker. The Appeal Decisionmaker may not communicate directly with the Parties. The TCC Title IX Administrator will provide copies of any written communications to the Non-Appealing Party and to the Parties' Home Institution Title IX Coordinator(s).

E. Appeal Record

The review of an appeal will not involve any additional investigation by the Appeal Decisionmaker. The review will be based upon evidence gathered during the investigation process and presented at the hearing, including access to the hearing recording, as well as the arguments made during the appeal process. The Appeal Decisionmaker will not consider new evidence for the purposes of upholding, overturning, or modifying the findings. Appeals submitted under the ground of new evidence will be considered only to determine whether the new evidence could likely change the determination of responsibility.

F. Appeal Decision Report

The Appeal Decisionmaker will issue an Appeal Decision Report which summarizes their decision regarding the appeal. The Appeal Decision Report will include a description of the ground(s) for the appeal, a summary of the issues raised on appeal, a statement regarding the evidence considered, a statement describing the decision was made based on the preponderance of the evidence standard, and the determination regarding the appeal.

The Appeal Decisionmaker may decide to do the following:

- Uphold the findings and sanctions;
- Overturn the findings and/or sanctions;
- Modify the findings and/or sanctions; or
- Remand the case, to the Investigator for additional fact-gathering, or for a new hearing based on new evidence which could change the outcome; or
- If the Appeal Decisionmaker finds that The Title IX Coordinator, TCC Title IX Administrator, Investigator(s), and/or Hearing Decisionmaker had an actual conflict of interest or bias that changed the decision outcome, the Appeal Decisionmaker may, as appropriate, remand the case for a new hearing with a new Hearing Decisionmaker, or remand the case for a new investigation with a new investigator.

G. Notice of the Appeal Decision

The TCC Title IX Administrator will send the Notice of the Appeal Decision to the Parties within ten (10) business days of the submission of an appeal response from the Non-Appealing Party (or the deadline for the Non-Appealing Party to submit a response). The Notice of the Appeal Decision will include a copy of the written Appeal Decision Report. The notice will inform the Parties that there is no further review of the matter, no further right to appeal, and if applicable, that the matter is closed.

The determination regarding responsibility and sanctioning becomes final on the date of the Appeal Decision Report, unless the Appeal Decision Report determines further investigation, and/or a new or additional hearing or investigation is necessary based on new evidence available or actual conflict of interest or bias.

H. Final Remedies and Sanctioning Determination

After the issuance of the final decision (the Notice of Hearing Outcome and Hearing Decision Report if there is no appeal, or the Notice of Appeal Decision), the TCC Title IX Administrator will send a Notice of Final Outcome and Sanctions to the Parties, with a copy to the designated Student Affairs, faculty, or Human Resources administrator(s) within the Respondent's Home Institution, as appropriate. The designated administrator will review the issued remedies and sanctions and determine if any enhancements are warranted based on a Respondent's disciplinary history. Recommendations for enhancements based on a prior disciplinary history are not shared with the other Party.

For student Respondents, the Respondent's Home Institution's Title IX Coordinator is responsible for ensuring completion of the sanction(s), which may include collaboration with the appropriate Student Affairs administrator(s), as necessary.

For employee Respondents, the Respondent's Home Institution's designated Human Resource professional or other designated administrator is responsible for ensuring completion of the discipline or sanction(s). The Human Resource professional or other designated administrator shall update the Respondent's Home Institution Title IX Coordinator on sanction completion and/or compliance.

I. Failure to Complete or Comply with Imposed Sanctions

All Respondents are expected to comply with conduct sanctions, responsive actions, or corrective actions within the timeframe specified in the Parties' Notice of Remedies and Sanctions Determination. Respondents who need an extension to comply with their sanctions must submit a written request to their Home Institution Title IX Coordinator stating the reason(s) for needing additional time.

At the discretion of the Respondent's Home Institution, failure to follow through on conduct sanctions, responsive actions, or corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions, responsive actions, or corrective actions, such as suspension, expulsion, termination, or transcript notations. Respondent students who fail to comply may be referred to their Home Institution's Student Conduct office, and employees who fail to comply may be referred to their Human Resource office. A student or employee Respondent who withdraws or leaves their employment prior to sanction completion may receive a notation on their transcript or employee record, respectively.

XVIII. Recordkeeping

Records of all reports and resolutions will be kept by the Home Institution's Title IX Coordinator(s) for a period of seven (7) years. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act (FERPA) governing confidentiality of student information. This means that the TCC Institutions will protect the Party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process Complaints under this Policy. Documents related to this process include: Complaints, Supportive Measures provided to the Parties, remedies provided to the Complainant, any Agreement-Based Resolution Process documents, if applicable, the Final Investigation Report and attachments, the hearing record, including any audio recording or transcript of the hearing, the Hearing Decision Report, and any sanctioning determination and appeal-related documents, if applicable.

Each Home Institution Title IX Coordinator will also retain, for a period of seven (7) years, all materials used to train their TCC Institution's Title IX administration, including Title IX Coordinators, Deputy Title IX Coordinators, Hearing Coordinators, Investigators, Decision-makers, and any person(s) facilitating the Agreement-Based Resolution process.

XIX. Crime and Incident Disclosure Obligations

The Clery Act is a federal crime and incident disclosure law. Pursuant to the Clery Act, each TCC Institution is required to include statistics about certain offenses, including some of the Prohibited Conduct in this Policy (Sexual Assault as defined by Title IX, Dating Violence, Domestic Violence, and Stalking), that occur in particular campus-related locations, in its annual security report (ASR) and provide those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the TCC Institution to issue timely warnings to the TCC Institution's community about certain crimes that have been reported and which may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the TCC Institution withholds the names and other personally identifying information of Complainant(s) when issuing timely warnings to the TCC Institution's community.

As a condition of participation in CalGrants, the TCC Institutions state the following pursuant to section 67380 of the California Education Code:

> *The TCC Institutions require any report made by a victim or an employee pursuant to Section 67383 of a Part 1 violent crime, sexual assault, or hate crime, as described in Section 422.55 of the Penal Code, received by a campus security authority and made by the victim for purposes of notifying the TCC Institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the TCC Institution has a written agreement pursuant to Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of the victim's right to have the victim's personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the TCC Institution determines both of the following, in which case the TCC Institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:*
>
> > *(i) The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the TCC Institution.*
> >
> > *(ii) The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.*

XX. Policy Review and Revision

This Policy, effective March 28, 2025, supersedes previous policies addressing Title IX Sexual Harassment and Retaliation, and is maintained by The Claremont Colleges Services (TCCS), and will be reviewed and updated regularly in a manner consistent with changes in federal and state law, regulations, and best practices that may require policy or procedural revisions.

XXI. Non-Discrimination Application and Additional Enforcement Information

Except where federal law requires distinctions, the requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or witness.

Individuals who wish to file a Complaint about this Policy or process may contact the Department of Education's Office for Civil Rights using contact information available at https://ocrcas.ed.gov/contact-ocr.

Questions about Title IX may be referred to the individua's Home Institution Title IX Coordinator or to the assistant secretary for civil rights:

Office for Civil Rights, San Francisco Office
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
Telephone: (415) 486-5555
Facsimile: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov

TCC Institutions whose employees are covered by this Policy are not required to report concerns directly to their immediate supervisors at their TCC Institution. Concerns about violations of this Policy may be reported to the U.S. Equal Employment Opportunity Commission (EEOC) and California Civil Rights Division (CCRD). Each investigate reports of unlawful harassment, discrimination, and retaliation, including sex-based harassment, in employment.

U.S. Equal Employment Opportunity Commission (EEOC)
Roybal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012
(213) 785-3090
https://www.eeoc.gov/contact-eeoc

California Civil Rights Department (formerly DFEH)
320 West 4th Street, Suite 1000, 10th Floor
Los Angeles, CA 90013
Monday to Friday: 8am to 5pm
Phone: (800) 884-1684
https://calcivilrights.ca.gov/

XXII. Important Definitions

Advisor of Choice: An Advisor of Choice (Advisor) is an individual who provides guidance to the Complainant or Respondent throughout the Resolution Process, including any Agreement-Based Resolution Process, if applicable, as set forth in this Policy. Each Party is entitled to choose and consult with an Advisor, at their own expense, through any stage of the Resolution Process (including the Agreement-Based Resolution Process, when applicable). Parties may be accompanied by an Advisor to any meeting or proceeding to which they are required or are eligible to attend. A Party can select an Advisor at any time in the process. An Advisor can be any person, including a friend, colleague, and may be, but is not required to be, an attorney. Generally, it is not recommended that the selected Advisor be a Party or a witness in the same matter.

A Party does not have to have an Advisor during the Investigation and Hearing Resolution Process except in cases being processed as a Title IX Formal Complaint, an advisor is required for the hearing.

The Advisor's role is limited. Unless otherwise specified in this Policy, an Advisor may never speak or write on behalf of a Party or otherwise disrupt any meetings or hearings in any manner. Any restrictions on Advisor participation will be applied equally.

A Party's Advisor is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Advisor to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Advisor understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Advisor are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures.

TCC reserves the right to exclude an Advisor who does not abide by these procedures and expectations set forth in this Policy.

Affirmative Consent: Affirmative Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that

they have the Affirmative Consent of the other or others to engage in the sexual activity. Affirmative Consent must be ongoing throughout a sexual activity and can be revoked at any time.

- Lack of protest or resistance does not mean consent.
- Silence does not mean consent.
- The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious.
- The Complainant was incapacitated, as defined below, due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
- The Complainant was unable to communicate due to a mental or physical condition.

In addition, it shall not be a valid excuse to alleged lack of Affirmative Consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent. A Respondent's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

Affirmative Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

Consent may not be given by an individual who has not reached the legal age of consent under applicable law, which is the age of 18 in California.

Complainant: A Complainant is any individual, including a TCC Institution student or employee (including applicants for employment, student-employees, unpaid interns, volunteers, contractors), or participant in a TCC Institution's Education Program or Activity who has reported being, or is alleged to be, impacted by Prohibited Conduct as defined by this Policy, and who was employed, or participating or attempting to participate in a program or activity offered by a TCC Institution at the time of the alleged misconduct. This Policy only applies to employees of TCC Institutions as set forth above.

Complaint: A Complaint means an oral or written request to the Complainant's Home Institution's Title IX Coordinator that objectively can be understood as a request for the TCC Institution to investigate and make a determination about alleged Prohibited Conduct under this Policy. (Title IX Sexual Harassment requires the filing of a Formal Complaint as defined below.) A Complaint may be filed with the Complainant's Home Institution's Title IX Coordinator in person, by mail, by phone, by electronic means (email or by submitting an online report form via the Home Institution's Title IX Office website, if

applicable), by using the contact information listed in Section II.A, or as otherwise described in this Policy. (*Individuals who would like more information about making a Complaint or a Formal Complaint are encouraged to contact their Home Institution's Title IX Coordinator for additional information*).

A Complaint is not required to engage in the Agreement-Based Resolution process as explained in Section XIII.B. (A Formal Complaint is required for cases being processed as Title IX Sexual Harassment.)

Education Program or Activity: For purposes of this Policy, "Education Program or Activity" refers to all the operations of each TCC Institution, including, but not limited to: in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by a TCC Institution. It also includes off-campus locations, events, or circumstances over which a TCC Institution exercises substantial control over the Respondent and the context in which the Prohibited Conduct occurs, including Prohibited Conduct occurring in any building owned or controlled by a student organization that is officially recognized by a TCC Institution. It also includes conduct subject to the Respondent's Home Institution's disciplinary authority that occurs off-campus and conduct that takes place via TCC Institution sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the TCC Institution or TCC. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity and may be covered by this Policy.

Conduct that is not covered by this Policy may still be addressed through other policies and processes, such as those under a TCC Institution's student codes of conduct, civil rights policies, discrimination and harassment policies, and/or any other applicable policy adopted by a TCC Institution.

Formal Complaint: Formal Complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the recipient investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator and by any additional method designated by the recipient. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a complainant or otherwise a party.

Incapacitation: Consent cannot be given by someone who is incapacitated. Incapacitation occurs when someone cannot make rational decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual activity). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs, including prescription drugs, or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make rational decisions.

In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol or drugs impacts an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make rational decisions; and/or,
- Capacity to appreciate the nature and the quality of the act.

Reporting Party: An individual who makes a report of alleged Prohibited Conduct, as defined by this Policy. This can be any person, including an individual unassociated with TCC. A Reporting Party is not considered a Complainant for purposes of the Resolution Process under this Policy.

Respondent: A Respondent is an individual, or individuals, who are subject to a TCC Institution's disciplinary authority, and who has been reported to have engaged in conduct that could constitute Prohibited Conduct, as defined by this Policy. In some situations, an individual does not have to be enrolled or employed by TCC to qualify as a Respondent under this Policy and may be a third-party participant whom a TCC Institution has the ability to take corrective action against. This Policy only applies to employees of TCC Institutions as set forth above.

Responsible Employee: A Responsible Employee is designated by each TCC Institution. Please refer to your Home Institution for their Responsible Employee Policy definition of this term.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- Restore or preserve that Party's access to any TCC Institution education program or activity, including measures that are designed to protect the safety of the Parties or the TCC Institution educational or working environment; or.
- Provide support during the TCC Resolution Process, including during an Agreement-Based Resolution process.

The range of Supportive Measures available is listed in Section VI of this Policy.

Support Person: A Support Person is an individual who provides emotional support to a Complainant or Respondent throughout the Resolution Process, including any Agreement-Based Resolution Process, if applicable, as set forth in this Policy. Each Party is entitled to one Support Person to provide them support through every stage of the Resolution Process (including the Agreement-Based Resolution Process. A Party's Support Person may not be acting as an attorney, nor may they be another Party or witness in the same matter.

The Support Person may never speak or write on behalf of a Party or otherwise disrupt any meetings or hearings in any manner.

A Party's Support Person is expected to have reviewed this Policy to understand their role and expectations under this Policy prior to providing support to the Party. The Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator may require the Support Person to meet with the Party's Home Institution's Title IX Coordinator and/or the TCC Title IX Administrator to ensure the Support Person understands their role and the expectations under this Policy prior to their involvement in any process under this Policy. A Party and their Support Person are encouraged to contact the Party's Home Institution's Title IX Coordinator with any questions regarding this Policy and its Resolution Process and procedures. TCC reserves the right to exclude a Support Person who does not abide by these procedures.