

Occidental College
Interim Sexual Misconduct Policy

Effective: August 14, 2020

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Formal Complaints Signed by Title IX Coordinator
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Institutional Values, Community Expectations, and Notice of Non-Discrimination

It is the policy of Occidental College (“Occidental” or “the College”) to maintain an environment for students, faculty, administrators, staff, and visitors that is free of all forms of discrimination and harassment, including sexual misconduct. The College has enacted this Sexual Misconduct Policy (“Policy”) to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

This Policy prohibits all forms of sexual or gender-based discrimination, harassment, and misconduct, including sexual assault, non-consensual sexual contact, dating violence, domestic violence, sexual exploitation, stalking, and complicity. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in, any matter related to this Policy. All the foregoing conduct will be referred to as “Prohibited Conduct.” Occidental College does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

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.

Sexual harassment is also prohibited under Title IX, Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act, and other applicable statutes. This Policy prohibits sexual harassment against Occidental community members of any sex, sexual orientation, gender identity, or gender expression in the context of education or employment. This Policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

The College strongly encourages all members of our community to act to maintain and facilitate a safe, welcoming, and respectful environment on campus. The College expects that all Occidental

Academic Freedom and Freedom of Speech

This Policy is consistent with the College's commitment to academic freedom and free speech, including but not limited to those set forth in the 1940 Statement of Principles on Academic Freedom and Tenure. This commitment requires that the College protect community members' expression of ideas in their teaching, learning, and research, including advocacy that may be controversial, provocative, or unpopular. This protection extends to the expression of ideas, however controversial, in the classroom, residential life, and other campus-related activities. It must be recognized, however, that this protection has its limits. This Policy defines those limits and conduct which is found to be "harassing" is not consistent with the College's commitment to academic freedom and free speech. No member of the College community may escape responsibility for engaging in harassing conduct merely by labeling the conduct as "speech" or other expressive activity.

Conduct takes place within the “College’s programs and activities” when that conduct occurs: (1) in a location, at an event, or in a circumstance where the College exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the College. Events that occur off campus or in locations with no connection to the College are unlikely to be considered a College program or activity. Conduct that does not meet this strict definition for Title IX Sexual Harassment is still prohibited by this policy if it otherwise constitutes Prohibited Conduct as further defined below. Prohibited Conduct under the definition of Title IX Sexual Harassment will follow the disciplinary resolution procedures outlined in [Appendix A](#).

The following Prohibited Conduct definitions apply for purposes of the definition of Title IX Sexual Harassment:

Title IX Quid Pro Quo Sexual Harassment

Conduct on the basis of sex by which an employee of the College conditions the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct.

Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment

Conduct on the basis of sex that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to the College’s education program or activity.

Title IX Sexual Assault

Title IX sexual assault includes rape, fondling, incest, or statutory rape, defined as follows:

- Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral-genital contact of another person without [affirmative consent](#).
- Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without [affirmative consent](#).
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape is sexual intercourse with a person who is under the statutory age of consent. Under California law, individuals younger than 18 years of age are legally incapable of giving consent to sexual penetration or contact by an adult (someone 18 years of age or older) who is three or more years older than the individual.

Title IX Domestic Violence

Conduct, on the basis of sex, that constitutes a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the complainant;
- By a person with whom the complainant shares a child in common;

- By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
- By a person similarly situated to a spouse of the complainant 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 complainant 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.

Title IX Dating Violence

Conduct that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship will be determined based on the parties' statements 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. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Title IX Stalking

Conduct on the basis of sex that constitutes a course of conduct 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. For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the

Non-Consensual Sexual Contact

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression is typically not sufficient to constitute a hostile environment.

Sexual or Gender-Based Harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, sexual orientation, gender identity, or gender expression.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute Sexual Harassment as defined above may include a severe, persistent, or pervasive pattern of unwelcome conduct that includes one or more of the following:

- Physical conduct, including unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements, or unwanted sexual advances;
- Verbal conduct, including making or using derogatory comments, epithets, slurs or humor; verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; or objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;
- Visual conduct, including leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons, or posters in a public space or forum; or severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate;
- Written conduct, including letters, notes or electronic communications containing comments, words, or images described above;

- *Quid pro quo conduct*, including direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering educational or employment benefits in exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; or making or threatening reprisals after a negative response to sexual advances.

Sexual Exploitation

Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another. Sexual exploitation may include:

- surreptitiously observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved;
- exposing one’s genitals or inducing another to expose their own genitals;
- knowingly exposing another individual to a sexually transmitted disease or virus; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Non-Title IX Stalking

Stalking as defined in the Title IX Stalking [definition](#) above that did not reportedly occur in a program or activity of the College in the United States, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the alleged victim on the basis of sex.

Non-Title IX Dating Violence

Dating violence as defined in the Title IX Dating Violence [definition](#) above that did not reportedly occur in a program or activity of the College in the United States.

Non-Title IX Domestic Violence

Domestic violence as defined in the Title IX Domestic Violence [definition](#) above that did not reportedly occur in a program or activity of the College in the United States.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code

The following are essential elements of affirmative consent:

- *Informed and reciprocal:* All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- *Freely and actively given:* Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.
- *Mutually understandable:* Communication consists of mutually understandable words and/or actions that indicate a mutually unambiguous willingness to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.
- *Not indefinite:*

Force

“Force” is the use or threat of physical violence to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid. For the use of force to be demonstrated, there is no requirement that a complainant resist the sexual advance or request. However, evidence of resistance by the complainant will be viewed as a clear demonstration of a lack of consent.

Intimidation

“Intimidation” is the use of implied threats to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.

Coercion

“Coercion” is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will. Consent obtained through coercion is not valid.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive. The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure,

It will 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: (a) the complainant was asleep or unconscious; (b) the complainant was incapacitated 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; (c) the complainant was unable to communicate due to a mental or physical condition.

Whether the respondent reasonably should have known that the complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the respondent was actually unaware of the complainant's incapacity is irrelevant to this analysis, particularly where the respondent's failure to appreciate the complainant's incapacitation resulted from the respondent's failure to take reasonable steps to determine the complainant's incapacitation or where the respondent's own incapacitation (from alcohol or drugs) caused the respondent to misjudge the complainant's incapacity. It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity. Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

The College has adopted a policy that strives to balance, on the one hand, its wish not to interfere with the private choices of its community members and, on the other hand, concerns regarding relationships in which one party maintains a direct supervisory or evaluative role over the other party. Specifically, if an individual contemplates beginning, or is involved in, a sexual or other intimate relationship with another, over whom the individual holds direct supervisory or evaluative responsibilities, the individual must promptly: (1) discontinue any supervising role or relationship over the other person; and (2) report the circumstances to their own supervisor or the Human Resources Director. Failure to fully or timely comply with these requirements is a violation of this Policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the College. Any individual may file a complaint alleging harassment or discrimination, including third parties outside the relationship directly affected by the perceived harassment or discrimination.

Confidentiality, Privacy, and Related Reporting Responsibilities

Privacy and Confidentiality: Understanding the Differences

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The College also is committed to assisting students, employees, and third parties in making informed choices. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All College employees who are involved in the College's Title IX response receive specific instruction about respecting and safeguarding private information. Privacy and confidentiality have distinct meanings under this Policy.

Privacy

“Privacy” generally means that information related to a report of Prohibited Conduct will only be shared with individuals who “need to know” in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the College's FERPA Policy. The privacy of an individual's medical and related records may be protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA and by the California Confidentiality of Medical Information Act (“CMIA”), Cal. Civ. Code § 56.05 et seq. Access to an employee's personnel records may be restricted by applicable California and federal law. While there are certain limitations on privacy, the College generally will not release the names of the complainant or respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Clery Act. In addition, no information will be released from a proceeding to enforce this Policy except as required or permitted by law and College policy.

Take Back the Night and Other Public Awareness Events

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, or other forums in which community members disclose incidents of Prohibited Conduct do not initiate the College’s Title IX obligations, including its obligation to investigate reports of sexual harassment or sexual violence. Such events may, however, inform the need for campus-wide educational and prevention efforts, and the College may implement broad community initiatives in response to such events where appropriate.

Disclosures Required by The Clery Act

Timely Warnings

A “Timely Warning” is a campus-wide notification of a serious or continuing threat to the Occidental community. The Timely Warning does not include identifying information about the complainant. If a report of misconduct discloses a continuing threat involving one of the specified “Clery crimes” to the Occidental community, the College may issue a campus wide timely warning (which can take the form of an email to campus) to protect the health or safety of the community.

Annual Reporting Responsibilities

All higher education institutions that receive federal funding, including the College, are obligated to issue publicly an Annual Security Report (“ASR”) which identifies the number of particular reported crimes on campus or campus property, or adjacent to campus. The ASR does not include identifying information about the complainant or respondent.

Crime Log

All higher education institutions that have campus police forces or security departments must maintain a daily crime log that includes entries for all crimes that occur within both the Clery geography and the campus safety force’s regular patrol route. The crime log does not include identifying information about the complainant or respondent.

Reporting Options

The College strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College also strongly encourages all individuals to make a report to the College and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously. The College has a strong interest in supporting those who have experienced sexual harassment, sexual violence, stalking, and intimate partner violence and strongly encourages all individuals or third-party witnesses to report any incident to the College.

Making a report means telling a Responsible Employee what happened - in person, by telephone, in writing, or by text message or email. At the time a report is made, a complainant does not have to request any particular course of action, nor does a complainant need to know how to label what happened.

Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these decisions and will respect an individual's autonomy in deciding how to proceed to the extent possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

The College will respond to all reports of Prohibited Conduct in a fair and impartial manner. A complainant, a respondent, and all individuals involved will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the College will make an immediate assessment of a risk of harm to the complainant, respondent, or to the broader campus community and will take steps to address those risks. These steps may include interim supportive or protective measures to provide for the safety of the individual and the campus community.

Reports of violations of this Policy may be made to the Title IX Coordinator. A formal complaint may be filed at any time by using the form provided at <https://www.oxy.edu/sexual-respect-title-ix>. A formal complaint to the Title IX Coordinator may be filed at any time by using the form provided at <https://www.oxy.edu/sexual-respect-title-ix>.

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Campus Reporting Options

The College strongly encourages all individuals to report misconduct to any College employee. The College recommends that individuals report Prohibited Conduct to any of the following offices or individuals:

Title IX Office

Handles complaints of Prohibited Conduct against any individual; works with other offices on-campus as appropriate to provide supportive interim measures, which may include

The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with the Clery Team, compliance with all Clery Act obligations.

A [formal complaint](#) cannot be filed anonymously, and is only considered to have been filed when the complaint contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Reporting to External Agencies

In addition to reporting to law enforcement or the College, students, faculty, and staff should be aware of the following external governmental agencies that investigate and prosecute complaints of prohibited discrimination and harassment:

Title IX Compliance

Inquiries or complaints concerning the College's compliance with Title IX may be referred to the U.S. Department of Education's Office for Civil Rights.

U.S. Department of Education Office for Civil Rights, San Francisco
United Nations Plaza, Suite 50
San Francisco, California 94102
(415) 486-5555
www2.ed.gov/about/offices/list/ocr/index.html

Employment Discrimination or Harassment

Any employee may pursue any charge of discrimination or harassment with the California Department of Fair Employment and Housing ("DFEH") or the federal Equal Opportunity Employment Commission ("EEOC"). It is unlawful to retaliate against any employee for opposing the practices prohibited by the California Fair Employment and Housing Act or comparable federal law or for filing a complaint with, or for otherwise participating in an investigation, proceeding, or hearing conducted by the DFEH or EEOC.

Any employee may pursue any charge of discrimination or harassment with the California Department of Fair Employment and Housing ("DFEH").

California Department of Fair Employment and Housing
320 West 4th Street
Los Angeles, California 90013
(213) 439-6799
www.dfeh.ca.gov

Any employee may pursue any charge of discrimination or harassment with the federal Equal Opportunity Employment Commission ("EEOC").

Equal Opportunity Employment Commission
255 East Temple Street,
Los Angeles, California 90012
(213) 894-1000
www.eeoc.gov

The Bureau for Private Postsecondary Education accepts all types of complaints related to the College and may refer any complaint it receives including complaints related to

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. The College may not delay conducting its own investigation unless specifically requested by the law enforcement (e.g., LAPD). In the event of such a specific request, the College will defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten days absent extenuating circumstances. The College will nevertheless communicate with the complainant and respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of supportive measures to assure safety and well-being. The College will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

False Reports

The College takes the accuracy of information very seriously, as a report of Prohibited Conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated report of Prohibited Conduct. Each party and every witness is expected to provide truthful information to the Investigator, Hearing Officer, and Appeals Officer. Should any party, or a witness, provide knowingly false information as part of this process, this may be considered a violation of College policies and will be referred to the appropriate office for further handling. It is a violation of the Code of Student Conduct to make an intentionally false

Supportive Measures and Remedies

Upon receipt of a report, the College will provide reasonable and appropriate supportive measures designed to preserve equal access to the College's programs and activities, and to protect the parties involved. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Supportive measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the College, and regardless of whether the crime is reported to Campus Safety or local law enforcement. Interim protective measures are available to both complainants and respondents.

A complainant or respondent may request a mutual No Contact Letter or other protection, or the College may choose to impose supportive measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the process. The College will maintain the privacy of any remedial and supportive measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a supportive measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

Range of Measures

Supportive and protective measures will be implemented at the discretion of the College. Potential measures may include:

- Access to counseling services and assistance in scheduling, both on and off campus;
- Assistance in obtaining a sexual assault forensic examination or other medical services;
- Imposition of mutual campus "No Contact Letter;"
- Rescheduling of exams and assignments;
- Providing alternative course completion options, change in class schedule, including the ability to take an "incomplete," drop a course with7 ()JTJ14 re61 () (otoe)-1u24 (t)4f1g b otoetg ldul e

Interim Suspension or Separation

Confidential Resources (Non-Medical)

The College strongly encourages all community members to make a prompt report of any incident

Off-Campus Confidential Resources:

Peace Over Violence

Provides comprehensive, free treatment for sexual assault survivors, including 24- hour emergency medical care and forensic services, counseling and psychotherapy, advocacy, and accompaniment services.

1015 Wilshire Blvd.

Los Angeles, California 90017

Taxi vouchers are available at Campus Safety, Emmons Student Wellness Center and Residential Education and Housing Services to provide free transportation to local medical centers. The Survivor Advocate is also available to accompany survivors to access off-campus resources. The following three off-campus medical centers are all designated by Los Angeles County as Sexual Assault Response Team (“SART”) Centers. While the specific process and resources each SART Center offers may vary, generally each SART Center will provide an immediate, victim-centered response following an incident of sexual assault, including collaborating between the hospital, law enforcement agencies, and sexual assault counselors to provide comprehensive treatment options.

Emmons Student Wellness Center

Provides medical care and supportive psychological counseling services to students.

www.oxy.edu/student-life/resources-support/emmons-wellness-center

(323) 259-2657

San Gabriel Valley Medical Center

Provides medical treatment and forensic exams performed by Sexual Assault Nurse Examiners; closest facility to campus. Los Angeles County designated Sexual Assault Response Team (“SART”) Center.

438 W. Las Tunas Dr.

San Gabriel, California 91776

(877) 209-3049

LA County/USC Medical Center

Provides medical treatment and forensic exams performed by Sexual Assault Nurse Examiners. Los Angeles County designated SART Center.

2010 Zonal Ave.

Los Angeles, California 90033

(323) 226-3961

Rape Treatment Center at Santa Monica-UCLA Medical Center

Provides comprehensive, free treatment for sexual assault survivors, including 24-hour emergency medical care and forensic exams performed by Sexual Assault Nurse Examiners, counseling and psychotherapy, advocacy, and accompaniment services. Los Angeles County designated SART Center.

1250 Sixteenth Street

Santa Monica, California 90404

(424) 259-7208 (24-hour hotline)

Additional On-Campus & Off-Campus Resources

Occidental community members have access to a variety of resources provided by the College. All on-campus reporting options listed above have staff members trained to support individuals affected by Prohibited Conduct and to coordinate with the Title IX Coordinator consistent with the College’s commitment to a safe and healthy educational environment. While not bound by confidentiality, those resources will maintain the privacy of an individual’s information within the limited circle of those involved in the Title IX resolution process.

The processes under this Policy are separate and distinct from California's criminal procedures. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this Policy occurred.

Initial Assessment

After receiving a report of Prohibited Conduct, the Title IX Office will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The Title IX Office will assess the complainant's safety and well-being, offer the College's immediate support and assistance, and assess the nature and circumstances of the report to determine whether the reported conduct raises a potential Policy violation, whether the reported conduct is within the scope of this Policy, and the appropriate manner of resolution under this Policy. As part of the initial assessment, the Title IX Office will:

- assess the nature and circumstances of the report;
- address immediate physical safety and emotional well-being;
- notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- notify the complainant of the right to seek medical treatment;
- notify the complainant of the importance of preservation of evidence;
- communicate necessary details of the report to Campus Safety to enter the report into the College's daily crime log if required by the Clery Act;
- provide the complainant with written information about on- and off-campus resources;
- notify the complainant of the range of interim or supportive measures available, including the right to reasonable interim remedial measures regardless of whether they choose to participate in a College or law enforcement investigation;
- provide the complainant with an explanation of the procedural options, including Disciplinary Resolution and Adaptable Resolution;
- discuss the complainant's preference for manner of resolution and any barriers to proceeding;
- discuss the process for filing a formal complaint;
- notify the complainant of the right to be accompanied by an advisor of choice;
- assess for any pattern of conduct by the respondent;
- explain the College's policy prohibiting retaliation, that the College will take prompt action when retaliation is reported, and how to report acts of retaliation; and
- determine age of the complainant; and if the complainant is a minor, or was a minor at the time of the alleged Prohibited Conduct, make the appropriate notifications to state agencies.

If the formal complaint satisfies all of these elements, it will be investigated and resolved as a [Title IX Sexual Harassment](#) matter through the procedures outlined in [Appendix A](#). If it appears based upon initial review or upon information gathered during an investigation that a formal complaint does not satisfy and/or no longer satisfies all of these elements, the College will dismiss the formal complaint for purposes of the Title IX Sexual Harassment process. The Title IX Coordinator may upon such dismissal transfer the matter for handling under the disciplinary processes outlined in [Appendix B](#) or [Appendix C](#), or other College procedures, as deemed appropriate by the College.

Even if the allegations of a formal complaint fall within the definition of [Title IX Sexual Harassment](#), the Title IX Coordinator may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by the Collpo (d); (l)3 (e)sWy t t t t tolololon o 8 Tm[

A complainant may request that their name or other personally identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, a member of the Title IX Office will discuss any concerns with the complainant and seek to address and remedy barriers to reporting and/or participation based upon concerns about retaliation or other lack of clarity in understanding procedural options and potential outcomes. In reaching a determination on whether to honor a complainant's request that the matter not be pursued, the Title IX Coordinator will balance the complainant's request against the following factors:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the complainant and respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of other Prohibited Conduct or other misconduct by the respondent;
- whether the report reveals a pattern of misconduct related to Prohibited Conduct at a given location or by a particular group;
- the complainant's interest in the College not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
- whether the College possesses other means to obtain relevant evidence;
- fairness considerations for both the complainant and the respondent;
- the College's obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

The Title IX Coordinator will consider what steps may be possible or appropriate when a respondent is unknown or the complainant requests anonymity, and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The Title IX Coordinator will make a determination regarding the appropriate manner of resolution under the policy. The College will seek resolution consistent with the complainant's request, if it is possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the complainant and the College community.

Where the Title IX Coordinator determines that a complainant's request(s) can be honored, the College may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the complainant and the College community. Those steps may include offering appropriate remedial measures to the complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator may also request that a report be reopened and pursued under this Policy if any new or additional information becomes available, and/or if the complainant decides that they would like Disciplinary Resolution to occur.

In those instances when the Title IX Coordinator determines that the College must proceed with an investigation despite the complainant's request that it not occur, the Title IX Coordinator will notify the complainant that the College intends to initiate an investigation. The College's ability to investigate and respond fully to a report may be limited if the complainant requests anonymity or declines to participate in an investigation. The College will, however, pursue other steps to limit the effects of the potential Prohibited Conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent the College will conduct an investigation and whether other interim remedial or protective measures will be taken in connection with a report of Prohibited Conduct will be made in a manner consistent with this Policy.

Additional Provisions

Consolidation of Investigation

The Title IX Office has the discretion to consolidate multiple reports into a single investigation if

Modification of Processes

The College will follow the Processes described herein barring exceptional circumstances. In rare instances, however, the College may be required to adapt or modify the Processes (including t5 (c)-1 (l)podiludings, hudiso24euTcd tre r mae()5 (udi) (t)-2 (e)4b (l)-2 (e)-1 (r)-2 (e)4 (s)-1 (ol)-2u2 (udiso24 (i

Transcript Actions

When a Disciplinary Resolution begins under this Policy, the College will notate the student respondent's transcript with "Administrative Matter Pending." The notation will be removed after the Grievance Process is completed, unless the respondent is also a respondent in other ongoing investigations or processes for which the notation is also applicable.

Training for Investigators, Hearing Officers, Appeals Officers, Title IX Coordinator

The Title IX Coordinator, Hearing Officer, and Appeals Officer must have the following training prior to commencing any role in any case involving [Title IX Sexual Harassment](#):

- the definition of sexual harassment under 34 CFR 106.30(a);
- the scope of the College's education program or activity as defined by the same regulations;
- how to conduct investigations (not required for hearings or appeals officers), hearings, appeals, and informal resolution processes; and
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Hearing Officers must have training on the following prior to commencing a role in any case involving [Title IX Sexual Harassment](#):

- the definition of sexual harassment under 34 CFR 106.30(a);
- the scope of the College's education program or activity as defined by the same regulations;
- how to conduct investigations (not required for hearings or appeals officers), hearings, appeals, and informal resolution processes;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Any individual who will be coordinating any hearing involving [Title IX Sexual Harassment](#) must also have training on how to use any technology that will be used at a live hearing.

Investigators must have training on the following prior to commencing a role in any case involving [Title IX Sexual Harassment](#):

- the definition of sexual harassment under 34 CFR 106.30(a);
- the scope of the College's "education program or activity" as defined by the regulations;
- how to conduct investigations, hearings, appeals, and informal resolution processes;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- issues of relevance; and
- how to create an investigative report that fairly summarizes relevant evidence.

Appendix A: Disciplinary Resolution of a Grievance of Title IX Sexual Harassment

Appendix A outlines the disciplinary resolution procedures the College follows in resolving allegations that a person has been subjected to [Title IX Sexual Harassment](#) in violation of the College's Sexual Misconduct Policy.

Notice of Investigation

Upon the filing of a [Formal Complaint](#), written notice will be provided to the parties. The notice will include the following information:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The identity of the parties;
- The date and location (if known) of the conduct that is alleged to have occurred;
- A copy of this Policy, which contains the process that will be followed, including an explanation that each party will have the right to inspect and review all evidence (get language) prior to the completion of the investigation;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the respondent is presumed not responsible, unless

Upon receipt of each party's response to the evidence reviewed, the Investigator will determine if any additional investigation is needed. In addition, either party may offer new witnesses or other new evidence. The Investigator will consider the responses provided, will pose questions to parties or witnesses as appropriate (at the discretion of the Investigator), and interview new witnesses, and accept new, relevant, evidence. If new relevant evidence is provided by either party, or gathered by the Investigator, the newly gathered evidence (including answers to clarifying questions) will be made available for review by each party. Each party will have five (5) business days in which to respond to the new evidence. Each may provide a response in writing, or verbally, to the Investigator. The Investigator will incorporate any written response provided by the parties into the Investigation Report.

Any evidence to be considered by the Hearing Officer must be provided to the Investigator during the fact-gathering portion of the investigation. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to, or available to, the parties at the time of the investigation. Should new evidence be presented at hearing, the Hearing Officer has the authority to reject the new evidence, or to sen()5 (1 wE)1 (a)-1 (c)4 (h1(de)-1 (r)-l)-5eoat5 (e)-1 (r)-r1 (w)2blyh1(de)-oh1
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Within three (3) business days of receipt of the Notice of Hearing, either party may object to the Hearing Officer on the basis of an actual bias or conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is a bias or conflict of interest, the Title IX Coordinator will remove the Hearing Officer and appoint another.

Hearing

Hearings

If either party does not appear, their advisor will be present for the purpose of asking questions of the other party, or of witnesses. During the hearing, if either party has any follow-up or clarifying questions for the other party, or for witnesses, the questions must be submitted in writing to the Hearing Officer. The Hearing Officer will determine the relevance of each question and explain why any question is deemed irrelevant. At the hearing, the Hearing Officer will not consider any statement(s) of any party or witness who does not appear at the hearing, and who is not cross-examined. Each party will have the opportunity to make a closing statement. This statement is to be made by the party directly, and not by their advisor. This closing statement is not evidence but is intended as an opportunity to address the decision-maker directly.

Following the conclusion of the hearing, the Hearing Officer will prepare a written notice of hearing outcome. To the extent credibility determination needs to be made, determinations will not be based on a person's status as complainant, respondent, witness. The Hearing Officer's written determination regarding responsibility and any sanctions, as determined by the procedures outlined in [Appendix E](#) or [Appendix F](#), will be provided to the parties within fifteen (15) business days of the hearing. The Hearing Officer's written determination will include:

- Identification of the Prohibited Conduct section(s) of this policy, and of any other College policy sections considered in the investigation, alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the College's definitions of Prohibited Conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any sanction imposed on the respondent, and whether remedies designed to restore or preserve equal access to the educational program or activity of the College will be provided by the College to the complainant; and
- Identification of procedures and permissible bases for the parties to appeal.

The written decision will not be redacted and will be sent simultaneously to each party. The determination regarding responsibility becomes final either on the date that the parties are provided written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Advisor for Hearing

Each party is entitled to one advisor at the hearing. The role of the advisor is to ask questions of the other party and of witnesses, but not to advocate for, or otherwise speak on behalf of, the advisee during the hearing. No party will be permitted to ask questions of the other party, or of a witness. An advisor of the College's choosing will be provided for any party who does not have an advisor.

Sanctions and Remedies

Upon conclusion of the adjudication process, when there is a finding of responsibility, the complainant will be offered such remedies designed to restore or preserve

Appendix B: Disciplinary Resolution of a Grievance of Non-Title IX Misconduct Against a Student

Appendix B outlines the disciplinary resolution procedures the College follows in resolving allegations that a person has been subjected to [Non-Title IX Misconduct](#) by a student in violation of the College's Sexual Misconduct Policy.

Notice of Investigation

If (1) the Title IX Coordinator determines that the complainant's report must proceed through Disciplinary Resolution; (2) either the complainant or respondent declines to pursue Adaptable Resolution; or (3) either the complainant or respondent fails to respond to the Title IX Coordinator's inquiry regarding Adaptable Resolution, the Title IX Coordinator will notify both parties, in writing, that the complaint will proceed through Disciplinary Resolution. The Title IX Coordinator's written notification to the respondent and complainant will include:

Once the Title IX Coordinator has agreed that the Preliminary Investigation is complete, within five (5) business days, the Title IX Coordinator will provide the Investigation Report to the parties. The parties will have ten (10) business days to review the Investigation Report and provide a response to the Title IX Coordinator. The Title IX Coordinator will provide the parties' response, if any, to the Hearing Officer, and to the other party. Given the sensitive nature of the information provided, the Title IX Coordinator will provide the Investigation Report in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. An advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process.

Hearing

The hearing is an opportunity for the parties to address the Hearing Officer in person, to question the other party and/or witnesses through indirect cross-examination, and for the Hearing Officer to obtain information following the investigation that is necessary to make a determination of whether a Sexual Misconduct Policy violation occurred. The hearing will be conducted as follows:

Hearing Officer

The hearing will be conducted by a Hearing Officer, who is selected by the College. The Hearing Officer will be an individual other than the Investigator or Title IX Coordinator. The Hearing Officer will receive annual training regarding the College's policies and procedures, the handling of student sexual misconduct cases, and other relevant issues.

The Hearing Officer must be impartial and free from bias or conflict of interest. The parties will be informed of the identity of the Hearing Officer and vice versa before the pre-hearing meeting. If the Hearing Officer has concerns that they cannot conduct a fair or unbiased review, the Hearing Officer must report those concerns in advance of the pre-hearing meeting to the Title IX Coordinator and a different Hearing Officer will be assigned. Similarly, the parties will have three (3) business days to object to the Hearing Officer's selection on the basis of bias or conflict of interest. If any party objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any Hearing Officer the Title IX Coordinator finds to have a bias or conflict of interest against any party.

The Hearing Officer has broad discretion to determine the hearing format. However, in all instances in which a respondent faces severe disciplinary sanctions (i.e., expulsion or suspension), and the credibility of any party or witness is central to the adjudication of the allegation, the Hearing Officer will conduct a live hearing, at which they will permit indirect cross-examination of the parties and witnesses. For purposes of

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Case Presentation

The hearing is intended to provide a fair and ample opportunity for each side to present their account of the incident and for the Hearing Officer to determine the facts of the case and make a determination as to whether College policy was violated. The hearing is not intended to be a repeat of the Investigation. The Hearing Officer will be well-versed in the facts of the case based upon the Investigation Report and the parties' responses to the Investigation Report, if any. The Hearing Officer will make a hardcopy of the

Standard of Evidence

The Hearing Officer will determine a respondent's responsibility by a preponderance of the evidence. This means that the Hearing Officer will decide whether it is "more likely than not," based upon all the evidence, that the respondent is responsible for the alleged violation(s).

Notice of Hearing Outcome

Following the hearing, the Hearing Officer will consider all of the evidence and make a determination, by a preponderance of the evidence, whether the respondent has violated the Sexual Misconduct Policy. In making this determination, the Hearing Officer will independently review and assess all evidence collected and presented at the hearing. Where appropriate, the Hearing Officer may also assess credibility. The Hearing Officer will issue a written notice of hearing outcome (the "Final Report"), which will contain the Hearing Officer's factual findings, determination of whether a Sexual Misconduct Policy violation occurred, and a summary of the

Appendix C: Disciplinary Resolution of a Grievance of Non-Title IX Misconduct Against Administrator, Staff Member, or Faculty Member

Appendix C outlines the disciplinary resolution procedures the College follows in resolving a grievance that a person has been subjected to [Non-Title IX Misconduct](#) by an administrator, staff

The investigation will include an interview(s) with the complainant, the respondent and/or any other person who may have information regarding the incident, each of whom is encouraged to cooperate with any investigation. The Investigator may also gather any relevant documents. The Investigator will also conduct follow-up interviews, as necessary. The Investigator will take steps to ascertain the accuracy of the notes taken in each interview, whether by reading the notes back to the person interviewed at the conclusion of the interview, or by providing a copy of the notes and requesting corrections.

The Title IX Coordinator will provide the Interview Summaries and any documentary evidence gathered to the parties for review. Given the sensitive nature of the information provided, the Title IX Coordinator will provide the information in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any party who fails to abide by this Policy may be subject to discipline. Any advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process. The parties may respond to the Interview Summaries and any documentary evidence; the parties will submit any response within ten (10) business days of being notified of their opportunity to review the documents. The parties may respond in one or both of the following ways:

- The parties may provide a written response. The Investigator will incorporate any written response provided by the parties in the Final Investigation. Report.
- The parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions

Once the report is finalized, the Title IX Coordinator will issue a resolution letter to the complainant and respondent. The resolution letter will briefly describe how the investigation was conducted, as well as the ultimate finding(s) (i.e., whether the respondent did, or did not, violate College policy) and the specific factual findings in support of the Investigator's ultimate finding(s).

Sanctions

Where the Investigator concludes that a violation of this Policy has occurred, the appropriate College officers will take prompt and appropriate remedial action, including disciplinary action, as described in [Appendix F](#).

Appeals

The right to appeal is limited and applies only in cases where suspension without pay or termination of employment are appropriate disciplinary actions for the alleged conduct. An appeal for such cases will follow the procedures outlined in [Appendix G](#).

Appendix D: Adaptable Resolution Procedures

Adaptable resolution is a voluntary, remedies-based, structured interaction between or among affected parties that balances support and accountability without taking formal disciplinary action against the respondent. Adaptable resolution is generally designed to allow the respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the complainant and/or the College community. Adaptable resolution is designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant while maintaining the safety of the campus community. Adaptable resolution may not be used in cases where an employee is alleged to have committed [Title IX Sexual Harassment](#) against a student.

The Title IX Coordinator reviews the matter to the extent necessary to confirm that it is of the type that would be appropriate for an adaptable resolution process and that use of an adaptable resolution process was without pressure or compulsion from others. The adaptable resolution options available under this Policy recognize:

- The goal of adaptable resolution is to address the Prohibited Conduct, identify ways that individuals and/or the community have been harmed, and develop a resolution agreement to address the harm and prevent future Prohibited Conduct;
- Participation is voluntary and both a complainant and a respondent, as well as any other participating individuals, must consent in writing to participation in adaptable resolution;
- The written consent will inform the complainant and the respondent that either can request to end adaptable resolution at any time and pursue formal resolution. Written consent will also inform parties that information gathered and utilized in adaptable resolution by and between the parties cannot be used in any other College process, including formal resolution, if adaptable resolution ends and formal resolution begins or resumes;
- The College will not pressure or compel a complainant to engage in mediation, to directly confront the respondent, or to participate in any particular form of adaptable resolution;
- Prohibited Conduct affects complainants, respondents, witnesses, friends, community members, family members, and others;
- Complainants, respondents, and other participants in adaptable resolution often benefit when resolution processes and outcomes are tailored to meet their unique needs and interests;
- Complainants and other participants in adaptable resolution may find it useful to meet with a respondent who acknowledges the substance of the underlying events and who acknowledges that complainants or participants have reported experiencing harm as a result;
- Structured interactions between participants can facilitate long-term healing and reduce recidivism; and
- Participants in adaptable resolution processes must be protected from secondary victimization and other potential harms, including the pressure to proceed through adaptable resolution instead of formal resolution.

Adaptable Resolution Options

The adaptable resolution options will be enabled by a trained coordinator. The adaptable resolution coordinator must be impartial and free from bias or conflict of interest. If the adaptable resolution coordinator has concerns that they cannot facilitate a fair or unbiased process, the adaptable resolution coordinator must report those concerns to the Title IX Coordinator and a different adaptable resolution coordinator will be assigned. Similarly, a complainant, a rc 0.155 Tw -2.56 lhn dnt, ar an

Circle of Accountability (COA): A facilitated interaction between the respondent and College faculty and/or staff designed to provide accountability, structured support, and the development of a learning plan. The focus of a COA is to balance support and accountability for an individual who has acknowledged their obligation to repair harm and willingness to engage in an educational process. The COA model does not require participation from the complainant, but as with other types of adaptable resolution, it must be voluntary for the complainant and the respondent.

Measures that may be agreed to as a result of the adaptable resolution process may include:

- Alcohol education classes for the respondent;
- Regular meetings with an appropriate College individual, unit, or resource;
- Permanent extension of a no contact directive;
- Restriction from participation in specific clubs and/or organizations;
- respondent restriction from participation in particular events;
- respondent completion of an educational plan with regular meetings with the adaptable; resolution coordinator or other appropriate College staff or faculty member; and/or
- Counseling sessions for the resp

Adaptable Remedies or Interventions for the College Community

In addition to interventions applied to the respondent, and regardless of whether the College pursues an Disciplinary Resolution or takes other formal disciplinary action, the Title IX Coordinator may find it helpful or necessary to request or require the respondent or others to undertake specific steps designed to eliminate the misconduct, prevent its recurrence, and/or remedy its effects. Examples include, but are not limited to, the following:

- Requesting or requiring a College entity to provide training for its staff or members;
- Requesting or requiring the respondent to receive training;
- Continuing any of the protective and supportive measures previously established;
- Identifying the need for any additional or ongoing measures, supports and remedies; or
- Revising College policies, practices, or services.

Appendix E: Student Sanctioning Procedures

If a report proceeds through Disciplinary Resolution and the respondent is found responsible for one or more violations of the College's antidiscrimination policies, the College will issue sanctions commensurate with the violation(s). The Title IX Coordinator will designate three trained individuals to serve on a three-person panel ("Review Panel") to determine sanctions. The Title IX Coordinator will notify the parties, in writing, of the name of the designated Review Panelists at least five (5) business days prior to the hearing. The parties will have three (3) business days to object to any Review Panelist on the basis of actual bias or conflict of interest. If any party objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any Review Panelist the Title IX Coordinator finds to have a bias or conflict of interest against either party.

The Title IX Coordinator also has the discretion to review any interim protective or remedial measures to determine whether they should be changed or are no longer applicable. The Review Panel will issue a determination on sanctions and the parties will receive notice of the determination within five (5) business days of the Review Panel's receipt of all materials in the case. For cases involving allegations of [Title IX Sexual Harassment](#) the Review Panel's determination regarding sanctions will be included in the Hearing Officer's written determination.

Any one or more of the sanctions listed here may be imposed on a respondent who is found responsible for a violation of the College's Sexual Misconduct Policy. Sanctions are assessed in response to the specific violation(s) and any prior discipline history of the respondent. Sanctions are effective immediately. If the respondent appeals the findings contained in the Final Report, the sanctions will continue in effect during the appeal. The sanctions may be lifted only if, as a result of the final outcome of the appeal, the respondent is found not responsible for one or more of the original policy violations submitted to the Review Panel.

List of Possible Sanctions

Any one or more of the sanctions listed below may be imposed on a respondent who is found

Removal from Campus Housing Students may be removed from College housing and/or barred from applying for campus housing due to disciplinary violations of this Code.

Suspension Exclusion from College premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the student's conduct file and will be permanently recorded on the student's academic transcript. Conditions for readmission may be specified in the suspension notice.

Expulsion Permanent termination of student status and exclusion from College premises, privileges, and activities. This action will be permanently recorded on the student's academic transcript.

Revocation of Admission and/or Degree Admission to, or a degree awarded by, the

Appendix F: Administrator, Staff Member, or Faculty Member Sanctioning Procedures

If the respondent is found responsible for a violation of one or more of the College's antidiscrimination policies, the Disciplinary Resolution process concludes with the imposition of

Reprimand: A written reprimand for violating one or more of the College's antidiscrimination policies. The employee is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, or termination of employment.

Restricted Access or Modification of Duties: Conditions which specifically dictate and limit the respondent's presence on campus, restrict or modify employment duties and/or participation in College sponsored or related activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus.

Probation: Formal, written notice that the employee's conduct is in violation of the College's antidiscrimination and/or other College policy and an expectation that the employee exhibits good behavior for a defined period of time. Any violation during the probationary period may result in further disciplinary action including but not limited to suspension without pay or termination of employment.

Suspension Without Pay: Separation of employment for a defined period of time without pay for the time of separation. During the suspension period, the employee is not permitted on campus and is not permitted to participate in, or supervise, any College sponsored or affiliated program or activity. The terms of the suspension may include the designation of special conditions.

The Hearing Committee will make a recommendation to the Dean of the College, subject to her or his approval. Acceptance of the Hearing Committee's decision will normally be expected. The Title IX Coordinator will notify the parties of the Hearing Committee decision in writing. The Hearing Committee's decision on disciplinary action may be appealed to the President by either party. An appeal must be submitted in writing to both the Title IX Coordinator and the President within five (5) business days of receipt of the Hearing Committee's decision on disciplinary action. When an appeal is filed, the other party will be notified in writing and then have five (5) business days to respond to the appeal. The parties will generally be notified in writing of the outcome of the appeal within ten (10) business days of receipt of the non-appealing party's response statement.

The President will transmit to the Board of Trustees the full report of the Hearing Committee, stating its action, and/or her or his decision after an appeal. If the Board of Trustees chooses to review the case, its review should be based on the record. The decision of the Hearing Committee will either be sustained or the proceeding will be returned to the Hearing Committee with objections specified and with or without suggesting a different decision. In such a case the Hearing Committee will reconsider, taking account of the stated objections and any other decision recommended, and receiving new evidence if necessary. It will frame its decision and communicate it in the same manner as before. Following study of the Hearing Committee's reconsideration, the Board of Trustees will make a final decision. The Dean of the College, all members of the Hearing Committee, the President, and the Board of Trustees will complete Title IX training facilitated by the Title IX Coordinator prior to commencing any role in any case under the Sexual Misconduct Policy.

Other: Other actions may be imposed instead of, or in addition to, those specified here. Service, education, training, coaching, or research projects may also be assigned.

Multiple Disciplinary Actions: More than one of the actions listed above may be imposed for any single violation.

Accommodations and Non-Disciplinary, Administrative Measures

In addition to, and independent of, the results of the investigation and disciplinary process, the Title IX Coordinator, in consultation with the Operative Vice President and Director of Human Resources, will determine any appropriate non-disciplinary, administrative measures. Such measures may include various forms of remedial, community-based responses, such as educational initiatives and/or trainings. In addition, the Title IX Coordinator will continue to provide for the care and support of the parties as appropriate, including the ongoing provision of appropriate accommodations.

Appendix G: Appeal Procedures

Appeals of hearing or investigative outcomes may be filed by either party. Appeals must be sent to the Title IX Coordinator within five (5) business days of receipt of the Final Report. When an appeal is filed, the other party will be notified, in writing, and then have five (5) business days to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

The appeals process is documentary only, and no hearing is held. Either party may file an appeal of: 1) a determination regarding responsibility; and/or 2) the Title IX Coordinator's dismissal of a formal complaint or any allegations therein from the [Title IX Sexual Harassment](#) process as outlined in [Formal Complaints, Dismissals and Appeals of Dismissals](#) on the following grounds

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