Occidental College
Policy Prohibiting Discrimination, Harassment, and Retaliation (Other than Sex)

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I. Introduction: 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. The College has enacted this Discrimination, Harassment, and Retaliation Policy (the "DHR 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 all members of the College community (including visitors) who allege violations of this Policy.

This Policy prohibits discrimination and harassment on the basis of protected class: race, color, national origin, ancestry, age, religious belief, marital status, physical or mental disability, medical condition, veteran status, or any other characteristic protected by federal, state, or local law. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any proceeding related to this Policy. All of the foregoing conduct shall be referred to as "Prohibited Conduct."

Occidental does not discriminate on the basis of any protected class in its educational, extracurricular, athletic, or other programs, or in the context of employment. The College complies with Title VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Immigration and Nationality Act, Title IX of the Education Amendments of 1972, the California Fair Employment and Housing Act, California Unruh Civil Rights Act, and all other applicable federal, state, and local laws addressing discrimination and equal opportunity.

The College also expects all members of our community (including visitors on campus) to take action to maintain and facilitate a safe, welcoming, and respectful environment on campus. In particular, the College expects that all Occidental community members will take reasonable and prudent actions to prevent, stop, and report Prohibited Conduct. The College strongly supports individuals who take such action and will protect such individuals from retaliation.

Upon receipt of a report, the College will take prompt and equitable action to eliminate the discrimination or harassment (if any), prevent its recurrence, and remedy its effects. The College’s procedures for investigating and responding to violations of this Policy are contained in Appendix A (Student Grievance Process - student Respondent). Students who are found to have violated this Policy may face disciplinary action up to and including expulsion.

Occidental separately has enacted a Sexual Misconduct Policy, which specifically prohibits all forms of sexual or gender-based discrimination and harassment, including sexual assault, non-consensual sexual contact, intimate partner violence, sexual exploitation, and stalking, as well as retaliation for raising such concerns or participating in any related process. Occidental’s Sexual Misconduct Policy can be found here.

II. Scope of Policy
This Policy applies to all reports of Prohibited Conduct made on or after the effective date of this Policy. If the alleged Prohibited Conduct occurred before the effective date of this Policy, applicable definitions of misconduct in College policies in existence at the time of the report will be used to the extent that they conflict with definitions of terms in this Policy. The Grievance Process under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the incident(s) are alleged to have occurred.

When used in this Policy, “Complainant” refers to the individual who is identified as the target of Prohibited Conduct. “Respondent” refers to the individual accused of engaging in Prohibited Conduct. A “Third-Party” refers to any other participant in the process, including a witness to the incident.

A. Persons Covered

This Policy applies to all Occidental community members, including students, faculty, administrators, staff, volunteers, vendors, contractors, visitors, and individuals regularly or temporarily employed, conducting business, studying, living, visiting or having any official capacity with the College, or on College property.

The College strongly encourages all individuals to report Prohibited Conduct regardless of who engaged in the conduct. Even if the College does not have the authority to take disciplinary action against a Respondent, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

B. Locations Covered

This Policy applies to all on-campus conduct and some off-campus conduct, described below. The College strongly encourages all individuals to report Prohibited Conduct regardless of its location. Even if the Policy does not apply to the conduct because of its location, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

- **On-Campus Conduct.** This Policy applies to conduct that occurs on campus, including conduct that occurs on property owned or controlled by the College.
- **College Programs.** This Policy applies to conduct that occurs in the context of College employment or education programs or activities, including, but not limited to, Occidental study abroad or internship programs.
- **Off-Campus Conduct.** This Policy also applies to conduct that occurs off campus and has continuing adverse effects on, or creates a hostile environment for, any member of the Occidental community while on campus or in any College employment or education program or activity.

III. Prohibited Conduct and Definitions
A. **Discrimination**

“Discrimination” refers to the disparate treatment of a person or group because of that person’s or group’s protected class, such as race, color, national origin, ancestry, age, religious belief, marital status, physical or mental disability, medical condition, veteran status, or any other characteristic protected by federal, state, or local law. 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.

B. **Harassment**

“Harassment” is conduct that creates an intimidating, offensive, or hostile working or learning environment, or that unreasonably interferes with work or academic performance based on a person’s protected class, including race, color, national origin, ancestry, age, religious belief, marital status, physical or mental disability, medical condition, veteran status, or any other characteristic protected by federal, state, or local law, when either or both of the conditions below are present. All such conduct is unlawful and constitutes Prohibited Conduct.

Generally speaking, harassment can be divided into two types of conduct:

1. **Quid Pro Quo Harassment.** Submission to, or rejection of, such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment, academic standing, or participation in any aspect of a College program or activity, or is used as the basis for the College’s decisions affecting the individual.

2. **Hostile Environment.** A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College’s education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Harassing conduct can take many forms, including physical, verbal, or visual, and can be committed by any person or against any other person. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to: (1) the frequency of the conduct; (2) the nature and severity of the conduct; (3) whether the conduct was physically threatening; (4) the effect of the conduct on the Complainant’s mental or emotional state, with consideration of whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or College programs or activities; (5) whether the conduct was directed at more than one person; (6) whether the conduct arose in the context of other discriminatory conduct; and (7) whether the conduct implicates concerns related to academic freedom or protected speech.

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 extreme physical violence, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the
perceived offensiveness of a single verbal or written expression or exchange is typically not sufficient to constitute a hostile environment.

Harassment:

(1) 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.

(2) 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.

(3) May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.

(4) May be committed by or against an individual or may be a result of the actions of an organization or group.

(5) May occur by or against any individual -- of any sex, sexual orientation, gender identity, gender expression, race, color or age.

(6) May occur in any setting, including for example the classroom, the workplace, the athletic field, or residential settings.

(7) May be a one-time event or can be part of a pattern of behavior.

(8) May be committed in the presence of others or when the parties are alone.

(9) May affect the Complainant and/or Third Parties who witness or observe harassment and are affected by it.

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

(10) Physical conduct, including unwelcome touching, physical assault, impeding, restraining, or blocking movements;

(11) Verbal conduct, including making or using derogatory comments, verbal abuse, epithets, slurs or humor;

(12) Written conduct, including letters, notes or electronic communications containing comments, words, or images described above.

The College's Commitment to Academic Freedom and Free Speech
This Policy is consistent with the College’s commitment to academic freedom and free speech which 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 DHR Policy defines those limits. Conduct that is found to be “harassing” (as defined above) 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.

C. Retaliation

Retaliation includes adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy. Adverse action includes conduct that threatens, intimidates, harasses, coerces, or that seeks to discourage a reasonable person from engaging in activity protected under this Policy. Retaliation can be committed by or against any individual or group of individuals, not just a Respondent or Complainant. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct. Retaliation may be present even where there is a finding of “no responsibility” with respect to the allegations of Prohibited Conduct.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

As explained below, complaints of discrimination, harassment or retaliation may also be made with the Office for Civil Rights for the Department of Education (“OCR”); the California Department of Fair Employment and Housing (“DFEH”) or the federal Equal Opportunity Employment Commission (“EEOC”).

IV. Confidentiality and Privacy

A. 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 eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

Privacy and confidentiality have distinct meanings under this Policy.

1. Privacy
“Privacy” generally means that information related to a report of Prohibited Conduct under this Policy will only be shared with a limited circle of 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 FERPA and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (as amended), 20 U.S.C. § 1092(f) (the “Clery Act”).

In addition, no information shall be released from a proceeding to enforce this Policy except as required or permitted by law and College policy.

2. Confidentiality

“Confidentiality” generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by California law, including California Evidence Code restrictions on disclosure of information by mental health providers, ordained clergy, crisis counselors, and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. The confidential resources available to individuals on campus are listed in Section VI below. Note, however, that these confidential resources are required by state law to notify child protective services and/or local law enforcement of any report which involves suspected abuse of a minor under the age of 18.

Disclosures Required by the Clery Act

1. Timely Warnings

A “Timely Warning” is a campus-wide notification of a serious or continuing threat to the Occidental community. If a report of misconduct discloses a serious or continuing threat 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. A Timely Warning does not include identifying information about the Complainant.

2. **Annual Reporting Responsibilities**

All higher education institutions that receive federal funding, including Occidental, are required to issue publicly an Annual Security Report (“ASR”) that 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.

3. **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 occurring 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.

V. **Reporting**

The College strongly encourages all individuals to report Prohibited Conduct to the College and to local law enforcement (in the case of alleged criminal misconduct). These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously.

Making a report to the College means filing a report with the DHR Coordinator or other College official. 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.

The College will investigate and resolve 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 any risk of harm to the Complainant, Respondent, or to the broader campus community and will take reasonable steps to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

A list of reporting options is set forth below. A complete list of options can be found in Section VI of this Policy.

B. **Emergency and External Reporting Options**

Complainants have the right to notify or decline to notify law enforcement. The College strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of Prohibited Conduct that involves injury or imminent threat of injury to person or property. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders. The College will help any Occidental community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and
information about on- and off-campus resources and options for resolution.

- **LAPD Northeast Division**

  Available to respond to any reports of crime or violence. Occidental is located in the Northeast Division.

B. Campus Reporting Options

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

- **Ella Turenne**
  
  Assistant Dean for Community Engagement and DHR Coordinator  
  (323) 341-4683  
  turenne@oxy.edu  

  Addresses complaints of Prohibited Conduct made against any student relating to all forms of discrimination, harassment, or retaliation, other than gender or sex. Can provide reasonable interim measures or remedies for housing, academic flexibility, and No Contact letters.

- **Human Resources**

  Danita Maxwell, Director of Human Resources  
  (323) 259-2613  
  maxwelld@oxy.edu  

  Addresses complaints made against employees (faculty, administrators, or staff) relating to all forms of discrimination, harassment, or retaliation, other than gender or sex.

- **Campus Safety**

  Available as an option to report any incident of crime or violence, as well as any incidents involving Prohibited Conduct. Also provides an escort service on campus to any student and can reach the Dean on Duty at any time.

C. Anonymous Reporting

Any individual may make an anonymous report concerning an act of Prohibited Conduct. An individual may report the incident without disclosing their name, identifying the Respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the College’s ability to respond to an anonymous report may be limited. The Anonymous Reporting Form can be found [here](#).
The appropriate Civil Rights Coordinator ("DHR 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 and compliance with all Clery Act obligations.

D. 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 Conduct:

- **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. Contact information for the DFEH and EEOC may be found in Section VI. [Add link]

- **Title VI Compliance.** Inquiries or complaints concerning the College’s compliance with anti-discrimination laws (Title VI) may be referred to the U.S. Department of Education’s Office for Civil Rights. Contact information for the OCR may be found in Section VI. [Add link]

- **Bureau for Private Postsecondary Education**
  2535 Capitol Oaks Drive, Suite 400
  Sacramento, CA 95833
  Telephone: (916) 431-6924
  FAX: (916) 263-1897
  Website: bppe.ca.gov

D. Care and Support Options

To the extent the Prohibited Conduct involves any assault, violence, or any other crime, the College strongly encourages individuals to seek assistance from a medical provider and/or law enforcement. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College will help any Occidental community member to get to a safe place and will facilitate transportation to the hospital, coordination with law enforcement, and information about on-and off-campus resources and options for resolution. A complete list of resources for care and support can be found at this link. [Add link].

E. Other Reporting Considerations

1. **Timeliness and Location of Incident**
Complainants and Third-Party witnesses are encouraged to report Prohibited Conduct as soon as possible so that the College can respond promptly and effectively. There is, however, no time limit or deadline for reporting Prohibited Conduct.

If the Respondent is not a member of the Occidental community, the College will take steps to end the harassment, prevent its recurrence, and address its effects even if it does not have the ability to take disciplinary action against the Respondent.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant’s on-campus life and activities or poses a threat or danger to members of the Occidental community may also be addressed under this Policy.

2. **Amnesty for Alcohol or Other Drug Use**

The College strongly encourages the reporting of Prohibited Conduct under this Policy. It is in the best interest of this community that all complaints be reported to College officials; that participants in the grievance process be forthright in sharing information; and that witnesses come forward to share what they know. To encourage reporting, a student who timely and in good faith reports discrimination or harassment or participates in the grievance process, either as a Complainant or a Third-Party witness, will not be subject to disciplinary action by the College for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs.

3. **False Reports**

A charge of discrimination or harassment can have severe consequences, and the College expects that every complaint is made in good faith. A good-faith complaint that results in a finding of “not responsible” is not considered a false or fabricated accusation. However, when a Complainant or Third-Party witness is found to have fabricated allegations or knowingly given false information, that person may be subject to disciplinary action. It is a violation of the Code of Student Conduct and other College policy to make an intentionally false report of any Policy violation, and it may also violate state criminal statutes and civil defamation laws.

4. **Coordination with Law Enforcement**

The College strongly encourages Complainants to pursue criminal action for incidents of discrimination or harassment that may also constitute crimes under California law. The College will assist a Complainant in making a criminal report and will cooperate with law enforcement agencies (to the extent permitted by law) if a Complainant decides to pursue the criminal process.

The College’s Policy, definitions, and burden of proof may differ from California criminal law. A Complainant may seek recourse under this DHR Policy and/or pursue criminal action. Neither law enforcement’s determination whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether a violation of this Policy has occurred.
Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

The College will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding their rights, procedural options, and the implementation of interim measures to assure safety and well-being. The College will promptly resume its fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

F. **Interim Measures and Remedies**

Upon receipt of a report, the College will impose reasonable and appropriate interim measures designed to eliminate the alleged discrimination or hostile environment and 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. Interim 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.

**Range of Measures**

Interim measures will be implemented at the discretion of the College. The range of potential remedies includes:

1. Access to counseling services and assistance in setting up initial appointment, both on- and off-campus;
2. Imposition of campus “No Contact Letter;”
3. Rescheduling of exams and assignments (with the agreement of appropriate faculty and Deans as necessary);
4. Providing alternative course completion options (with the agreement of the appropriate faculty and Deans as necessary);
5. Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
6. Change in work schedule or job assignment;
7. Change in on-campus housing;
8. Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies;
9. Assistance from College support staff in completing on-campus housing relocation;
(10) Limiting an individual or organization’s access to certain College facilities or activities pending resolution of the matter;

(11) Voluntary leave of absence;

(12) Providing an escort to ensure safe movement between classes, on-campus employment and activities;

(13) Arranging academic support services, such as note takers when available;

(14) Interim suspension or College-imposed leave;

(15) Any other remedy that can be tailored to reasonably achieve the goals of this Policy.

Interim Suspension or Separation

Where the reported conduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may place a student or student organization on interim suspension or impose leave for an employee. Pending resolution of the complaint of Prohibited Conduct, an individual or organization may be denied access to campus, campus facilities, and/or all other College activities or privileges, as the College determines appropriate for which the individual might otherwise be eligible. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

A student Respondent who has been put on interim suspension has the right to a meeting within three (3) business days with the Dean of Students or designee to appeal the interim suspension. The Dean of Students (or designee) reviews the appeal to determine whether the decision to put a student on interim suspension was arbitrary or capricious. A decision is arbitrary or capricious when there is no rational connection between the facts presented and the decision made.

VI. List of Resources for Reporting, Care and Support

The College is committed to treating all members of the community with dignity, care, and respect. Any student or employee who experiences, or is affected by, violations under this Policy, whether as a Complainant, a Respondent, or a Third-Party, will have equal access to reasonable support and counseling services through the College.

The College strongly encourages individuals to report Prohibited Conduct, and recognizes that the decision to report (to the College and/or law enforcement) can be difficult. Individuals who are considering whether to report Prohibited Conduct are may seek the support of confidential campus and community resources, listed below. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this Policy is pursued. These resources are available regardless of when or where the incident occurred.
There are many resources available on campus and in the surrounding community. As described below, there are Confidential Resources who by law in most circumstances cannot share information without the consent of the individual seeking assistance. There are also a variety of College resources that will be discreet and private, but are not considered confidential. These resources will maintain the privacy of an individual’s information within the limited circle of those who have a need to know (are involved in the investigation, assessment or resolution of a complaint under this Policy).

A. Confidential Resources

Incidents of Prohibited Conduct involving injury or threat of injury to person or property should be reported as soon as possible to local law enforcement and the College. For individuals who are not prepared to make a report, or who may be unsure how to proceed, but are still seeking information and support, there are several legally-protected confidential resources available as described below. These confidential resources will not, in most circumstances, share information with the College or anyone else without the individual’s permission.

- **Office for Religious & Spiritual Life**
  Provides spiritual guidance and in the context of ordained clergy, confidential support.
  (323) 259-2621

- **Employee Assistance Program**
  Provides confidential telephone consultation or face-to-face meeting with a master’s level consultant; also provides educational materials through an online library of downloadable materials and interactive tools.
  (800) 854-1446, English
  (877) 858-2147, Spanish
  [www.lifebalance.net](http://www.lifebalance.net) (User ID and password: lifebalance)

- **Emmons Student Wellness Center**
  Provides confidential psychological counseling services. As detailed below, Emmons also provides medical treatment.*
  (323) 259-2657

  *Medical providers who treat a physical injury sustained from an assault, physical or sexual, are required by state law to report the assault to law enforcement.

B. Below is a complete of other reporting, care, and support options, with accompanying contact information.
- **Campus Safety**
  Available as a first option to report any incidents of crime or violence, including Prohibited Conduct. Also provides an escort service on campus to any student and can reach the Dean on Duty at any time. Available 24 hours a day, 7 days a week.

  (323) 259-2599 (front desk)
  (323) 259-2511 (emergency line), or dial 5 from any campus phone.

- **Dean of Students Office/Dean on Duty**
  Can provide reasonable accommodations for housing, academic flexibility and No Contact Letters. Available on weekdays during regular office hours. Access to Dean on Duty 24 hours a day by calling Campus Safety at (323) 259-2599.

  Office: AGC #111 and #112 (Ground floor, north side) deanofstudents@oxy.edu
  (323) 259-2661

- **DFEH Los Angeles Office**
  Any employee may pursue a charge of discrimination or harassment with the California Department of Fair Employment and Housing (“DFEH”).

  320 West 4th Street, 10th Floor
  Los Angeles, CA 90013
  (213) 439-6799

- **EEOC Los Angeles District Office**
  Any employee may pursue a charge of discrimination or harassment with the federal Equal Opportunity Employment Commission (“EEOC”)

  255 East Temple Street, 4th Floor
  Los Angeles, California 90012
  (213) 894-1000

- **Human Resources**
  Addresses complaints of Prohibited Conduct against all employees (faculty, administration, and staff). Available on weekdays during regular office hours to respond to complaints related to employees of the College, including faculty.

  (323) 259-2613
  hr@oxy.edu

- **LAPD Northeast Division**
Available to respond to any reports of crime or violence, including Prohibited Conduct. Occidental is located in the Northeast Division.

For Emergencies: 911

3353 North San Fernando Road
Los Angeles, CA 90065
Front desk phone number: (323) 344-5701

- **United States Department of Education**

  Inquiries or complaints concerning the College’s compliance with anti-discrimination laws (Title IX and Title VI) may be referred to the U.S. Department of Education’s Office for Civil Rights.

  Office for Civil Rights, San Francisco Office
  50 United Nations Plaza
  San Francisco, CA 94102
  (415) 486-5555
  Email: OCR@ed.gov

- **Bureau for Private Postsecondary Education**

  2535 Capitol Oaks Drive, Suite 400
  Sacramento, CA 95833
  Telephone: (916) 431-6924
  FAX: (916) 263-1897
  Website: bppe.ca.gov

  The Bureau accepts all types of complaints related to the College, and may refer any complaint it receives including complaints related to institutional policies or procedures, or both, to the College, an accrediting agency, or another appropriate entity for resolution. More information about filing a complaint with the Bureau can be found at: bppe.ca.gov/enforcement/faqs.shtml and bppe.ca.gov/enforcement/complaint.shtml.
APPENDIX A: RESOLUTION OF GRIEVANCE AGAINST STUDENT (BASED ON PROTECTED CLASS OTHER THAN SEX)

This Appendix A outlines the procedures the College follows in resolving allegations that a person ("Complainant") has been subjected to Prohibited Conduct by a student ("Respondent") in violation of the College’s Discrimination, Harassment and Retaliation Policy (Other than Sex) (referred to as the “DHR Policy”). Complainant and Respondent will be referred to collectively as the “Parties.” The College follows the grievance procedures outlined in Appendix B to resolve grievances against non-faculty employees and Appendix C to resolve grievances against faculty.

A. Complaint And Initial Assessment

1. Overview

An individual who wishes to report prohibited conduct by a student based on any protected class is encouraged to report directly to the Dean of Students Office or the Title IX Coordinator (or Deputy Title IX Coordinators). A student may also report discrimination, harassment, and/or retaliation to Campus Safety.

Discrimination, Harassment, or Retaliation Based on any Protected Status other than Sex or Gender:
Ella Turenne
DHR Coordinator, Assistant Dean for Community Engagement
Turenne@oxy.edu
323-341-4683

Discrimination, Harassment, or Retaliation on The Basis of Sex or Gender:
Office of Title IX
Ruth Jones, Title IX Coordinator
(323) 259-1338
Trailer D, Office 2
ruthjones@oxy.edu
Web: http://www.oxy.edu/office-title-ix

Jacalyn Feigelman, Title IX Deputy Coordinator
(323) 259-2614
jacalynf@oxy.edu

Alison Haehnel, Title IX Deputy Coordinator
323-259-2632
haehnel@oxy.edu

Eileen Spain, Title IX Deputy Coordinator
323-259-2940
emspain@oxy.edu
The College will identify, based upon the nature of the allegations, the appropriate office to coordinate resolution of the report through the Grievance Process. The office that coordinates resolution of the report will identify a Grievance Process Coordinator (“DHR Coordinator”) to monitor the Grievance Process as follows:

- The Dean of Students (or designee) will be the DHR Coordinator with respect to all reports of Prohibited Conduct committed by students; the Director of Human Resources (or designee) will be the DHR Coordinator with respect to all reports of Prohibited Conduct committed by employees.

- The Office of Title IX, and the Title IX team, will coordinate resolution of all reports of Prohibited Conduct defined in the Sexual Misconduct Policy. The Title IX Coordinator or a Deputy Title IX Coordinator will be the DHR Coordinator in all instances where the Complainant reports discrimination, harassment, and/or retaliation on the basis of sex or gender.

- In instances where a report alleges Prohibited Conduct under both the Sexual Misconduct Policy and the Civil Rights Policy, the Title IX Coordinator or a Deputy Title IX Coordinator will generally serve as DHR Coordinator for the entire complaint in accordance with the applicable policies and procedures.

**Addressing Possible Conflicts or Bias by the Title IX Coordinator**

As described below, both Parties will have the opportunity to object to the designated CRC on the grounds of bias or conflict of interest. If either of the Parties objects, the Grievance Process will be suspended, and the Dean of Students, or other appropriate College administrator who is not the subject of the objection, will evaluate whether the objection is substantiated. The Parties will be notified in writing of the findings within two (2) calendar days. If the CRC is found to have a bias or conflict of interest against either Party, the CRC will be removed and replaced by another CRC. The Grievance Process will resume immediately upon a finding of no bias or conflict of interest, or upon the CRC’s replacement, whichever is first.

2. **Initial Assessment**

   a. **Intake Meeting**

   Upon receipt of a report, the DHR Coordinator will conduct an Intake Meeting as soon as possible after receiving a complaint. At that meeting, the DHR Coordinator will address the following topics, if appropriate:

   - Address immediate physical safety and emotional well-being needs.
- Notify the Complainant of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), including the importance of preservation of evidence.

- Notify the Complainant of the right to be assisted by individuals at the College in contacting law enforcement.

- Explain the right to object to the assignment of the designated CRC based on bias or conflict of interest within two (2) calendar days of a decision to proceed through the Grievance Process;

- Notify the Complainant of confidential and non-confidential reporting options internally and externally.

- Provide the Complainant with information about:
  - On- and off-campus resources, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services.
  - The range of potential interim measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures, which may be available to the Complainant regardless of whether the Complainant files a formal complaint with the College, Campus Safety or local law enforcement.

- Provide an overview of the procedural options, including Informal Resolution and Formal Resolution.

- Explain that the student has a right to an advisor of their choice during the process, and provide a list of College employees trained as advisors upon request.

- Assess for pattern evidence or other similar conduct if possible.

- Explain the College’s alcohol and drug amnesty policy.

- Explain the College’s policy prohibiting retaliation.

If the reported Prohibited Conduct could constitute a crime as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (as amended), 20 U.S.C. § 1092(f) (the “Clery Act”), the DHR Coordinator will explain that the College’s Clery Coordinator will be notified of the report to assess the need to (1) enter the report into the College’s daily crime log; and (2) issue a timely warning as defined by the Clery Act. The DHR Coordinator will explain to the Complainant that any such reports will not include the Complainant’s personally identifying information.
Following the meeting, the DHR Coordinator will provide the Complainant with the above-listed information in writing.

As explained in the DHR Policy, the Complainant may request that the DHR Coordinator not share the Complainant’s name (or other identifiable information) with the Respondent, or that the DHR Coordinator take no formal action in response to the report. If the Complainant makes such a request, the DHR Coordinator will balance the request with its dual obligation to provide a safe and nondiscriminatory environment for all College community members, and to remain true to principles of fundamental fairness that require the College to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent. The DHR Coordinator will make this determination consistent with the following considerations: (1) the seriousness of the alleged conduct; (2) the respective ages and roles of the Complainant and the Respondent; (3) whether there have been other complaints or reports of Prohibited Conduct or other misconduct against the Respondent; and (4) the right of the Respondent to receive notice and relevant information before disciplinary action is sought. Should the DHR Coordinator determine that, in response to the Complainant’s request for confidentiality, the College can nevertheless satisfy its obligations to the Complainant, the College community members, and the Respondent without proceeding through the Grievance Process, the DHR Coordinator has the discretion to do so.

Absent a request for confidentiality, the DHR Coordinator will ask the Complainant questions to get a basic understanding of the reported Prohibited Conduct. The interview will include questions to understand the key facts upon which the Complainant bases the report (i.e., the “who, what, where, and when”) to appropriately assess how to proceed. If the individual wishes to move forward with a complaint, the DHR Coordinator will make two threshold determinations: (1) Does the Complainant’s report state facts that, if true, could constitute a violation of the College’s DHR Policy? (2) If yes, should the College proceed through Formal or Informal Resolution?

The DHR Coordinator will make both threshold determinations within three (3) business days of the DHR Coordinator’s Intake Meeting with the Complainant and communicate that finding in writing to the Complainant.

b. **First Threshold Determination: Does The Complainant’s Report Allege A Potential Violation of the College’s DHR Policy?**

The DHR Coordinator will determine whether the Complainant’s report alleges a potential violation of the College’s DHR Policy. This determination is *not* intended to screen complaints from the Grievance Process. Rather, its purpose is to determine whether the conduct as stated *could* constitute a violation of the College’s DHR Policy. For example, if a Complainant alleges that a Respondent engaged in Prohibited Conduct as defined by the DHR Policy, but did not allege facts demonstrating that the conduct was on the basis of a protected class, the College likely would determine that the Complainant’s report does not allege a potential violation of the College’s DHR Policy. The standard for the first threshold determination is “preponderance of the evidence,” i.e. that it is more likely than not that the Complainant’s report states facts, that if true, could constitute a violation of the College’s DHR
Policy. (In the event that the DHR Coordinator finds that the report does not allege a potential violation of the College’s DHR Policy because the misconduct was not alleged to be on the basis of protected class, the DHR Coordinator would take appropriate action such as referring the report to the administrator responsible for addressing the complaint.) In addition, the Complainant may file a report with the Office of Student Conduct, the federal Office for Civil Rights, the police, or seek available civil remedies through the judicial system. The Complainant also may re-file the report with the College upon discovery of additional facts.

If the DHR Coordinator determines that the Complainant’s report states facts which, if true, could constitute a violation of the College’s DHR Policy, the DHR Coordinator will assess whether the complaint must proceed through Formal Resolution, or may proceed through Informal Resolution. The DHR Coordinator will communicate the threshold determination finding in writing to the Complainant.

c. Second Threshold Determination: Should The Complainant’s Report Proceed Through Formal Or Informal Resolution?

The DHR Coordinator will determine whether the report may proceed through informal resolution, or must proceed through formal resolution. The DHR Coordinator will rely on the following guidelines in making this determination: Any complaint that alleges forms of physical violence must proceed through the formal investigation process. Some complaints that allege harassment (without violence) may be appropriate for informal resolution. If the DHR Coordinator determines that the complaint may appropriately be resolved through informal resolution, the DHR Coordinator will ask the Complainant and Respondent, separately, whether they would agree to pursue resolution of the complaint informally. If either Party does not agree to pursue Informal Resolution, or if the Complainant, Respondent, or DHR Coordinator, at any time, determines that Informal Resolution is no longer appropriate, the complaint will proceed through Formal Resolution.

B. Resolution Of Complaint

1. Formal Resolution

If the DHR Coordinator determines that the Complainant’s report must proceed through Formal Resolution, the DHR Coordinator will notify both Parties, in writing, of the decision within three (3) business days of the DHR Coordinator’s Intake Meeting with the Complainant. The DHR Coordinator’s written notification to the Respondent will state facts sufficient to apprise the Respondent of the nature of the allegations, including, specifically:

- Complainant’s name;
- Nature of the report;
  - Specific policy violation(s) alleged (e.g., racial harassment, retaliation);
  - Date(s) of alleged policy violation(s);
  - Approximate time(s) of alleged policy violation(s);
o Location(s) of alleged policy violation(s);

o Brief description of allegation(s).

The notice of the complaint shall be accompanied with a request for a meeting with the DHR Coordinator within three (3) business days. If the Respondent does not respond to the meeting request or is unable to meet within three (3) business days, the DHR Coordinator shall provide the following information in writing to the Respondent:

o On- and off-campus resources, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;

o The range of interim measures and remedies, including changes to academic, living, transportation, and/or working situations, or other protective measures;

o If the Respondent has not yet been provided an opportunity to object to the designated CRC based on bias or conflict of interest, the CRC will also notify the Respondent of the right to do so within two (2) calendar days of receipt of the notice of Formal Resolution. As noted above, the Complainant will have been provided the same opportunity after the Intake Meeting.

o An overview of the procedural options and process, including Informal Resolution and Formal Resolution;

o Student’s right to an advisor of their choice during the process, along with a list of College employees trained as advisors upon request;

o The College’s alcohol and drug amnesty policy; and

o The College’s policy prohibiting retaliation.

Concurrently, the DHR Coordinator will select a trained internal or external investigator or a two-person investigative team, (which may include a combination of one internal and one external investigator) (the “Investigator”) to conduct a reasonable, impartial, and prompt investigation of the complaint (“Investigation”). The DHR Coordinator will select an Investigator based on several factors, including the Parties involved, the complexity of the complaint, the need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all Parties involved. The DHR Coordinator will notify the Parties, in writing, of the name of the designated Investigator at the time the DHR Coordinator issues the notice of Formal Resolution. Both Parties will have three (3) business days to object to the Investigator’s selection on the basis of bias or conflict of interest. If either of the Parties objects, the DHR Coordinator will evaluate whether the objection is substantiated. The DHR Coordinator will remove and replace any Investigator the DHR Coordinator finds to have a bias
or conflict of interest against either Party.

The Investigator will commence the investigation once the time for the Parties to object has passed (or, if an objection is made, and the DHR Coordinator determines the objection is not substantiated, from the time the DHR Coordinator notifies the objecting Party of the determination). The Investigator, in consultation with the DHR Coordinator, will establish a timeline and process for conducting the Investigation. The Investigator will conduct the Investigation in three stages, with recommended timelines as follows: (1) Preliminary Investigation (twenty-five (25) business days from commencement of Investigation); (2) Notice Of Findings And Response (eight (8) business days from completion of Preliminary Investigation); and (3) Final Report (five (5) business days from completion of Notice of Findings and Response). The complainant and Respondent will be notified in writing of any delays and the new timeframes/deadlines. Each stage proceeds as follows:

a. **Preliminary Investigation**

The Investigator will begin with a Preliminary Investigation, with a recommended timeline of twenty-five (25) business days. The purpose of a Preliminary Investigation is two-fold: *first*, to identify and gather all relevant facts; and *second*, to provide the Parties with an opportunity to develop, and respond to, the allegations and evidence presented before the Investigator makes findings. Generally, the Investigator will conduct the Preliminary Investigation in the following order:

- **Step One: Initial Fact-Gathering.** The Investigator will interview both Parties and relevant witnesses, and gather documentary evidence provided by the Parties and any identified witnesses. The Investigator will prepare a summary of each interview (“Interview Summary”). The Investigator will share the Interview Summary with the interviewee. The interviewee will have the opportunity to correct or comment on any statements made in the Interview Summary. If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed the Interview Summary and agrees that it is accurate. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response within three (3) business days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee’s statement. If no response is timely received from the interviewee, the Interview Summary shall be deemed to be undisputed and may be included in the report. In all instances where the Investigator includes the Interview Summary as an exhibit to a report, the Investigator will also include any response.

- **Step Two: Rebuttal Fact-Gathering.** The Investigator may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered in Step One. The Parties and witnesses can expect that, in these follow-up interviews, the Investigator will seek responses to specific allegations or evidence (e.g., an Investigator may show one of the Parties a series of text messages between himself or herself and another witness, and ask
about the content of the text messages). To the extent additional material, witnesses or evidence are identified during Step Two, the Investigator will (in the Investigator’s discretion) conduct additional interviews and gather additional evidence consistent with the procedures outlined in Step One. Step Two may be repeated as necessary to ensure a complete gathering of evidence.

- **Step Three: Preliminary Report.** The Investigator will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation. The Investigator will make factual findings in the Preliminary Report. The standard for determining each factual finding is “preponderance of the evidence,” i.e., that it is more likely than not that the factual finding is true. The Investigator will not, in this Preliminary Report, make ultimate findings as to whether the Respondent has, or has not, violated one or more of the College’s policies. The Investigator will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered and relied upon in the Preliminary Investigation. When the Investigator determines that the Preliminary Investigation is complete, the Investigator will submit the Preliminary Report to the DHR Coordinator. The DHR Coordinator may require the Investigator to conduct additional investigation; if so, the Investigator will do so consistent with the procedures outlined above.

b. **Notice of Findings and Response**

Once the DHR Coordinator has confirmed that the Preliminary Investigation is complete, the DHR Coordinator will make the Preliminary Report available to the Parties for review within three (3) business days of receipt of the agreed-upon Preliminary Report from the Investigator. Given the sensitive nature of the matter, the DHR Coordinator will provide the information in a secure manner (e.g., by providing view-only access to hard-copy materials in an office designated by the DHR Coordinator, or by providing digital copies of the materials through a protected, “read-only” web portal). Neither the Complainant nor the Respondent (or any of 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 honor these restrictions may be excluded from further participation in the process. A Party (student or employee) who fails to honor these restrictions will be subject to discipline for violating College policy.

The Parties may respond to the Preliminary Report by submitting a response within five (5) business days of being notified of their opportunity to review the report. The Parties may respond in one or both of the following ways:

- The Parties may provide a written response to the Preliminary Report, or any portion of it, including each Interview Summary. The Investigator will consider any written response provided by the Parties in preparing the Final Determination.

- The Parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) requests for follow-up interviews with existing witnesses to clarify or provide additional
information, including offering questions to the investigator to pose to witnesses (which the Investigator may, but is not required to ask); (2) requests for interviews with new witnesses; or (3) requests to consider new evidence. Any request for additional Investigation shall explain the reason for the request.

If neither of the Parties requests additional investigation, the Investigator will prepare the Final Report. If either (or both) Parties request additional investigation, the Investigator will review the requests in consultation with the DHR Coordinator. The Investigator will conduct the requested additional investigation if the Investigator (in consultation with the DHR Coordinator) determines that the requests will assist the Investigator in completing the investigation. The Investigator and DHR Coordinator will assess whether investigation of the additional information requires a substantial deviation from the recommended time frame for completion of the investigation; if so, the DHR Coordinator will notify the Parties in writing with an anticipated revised timeframe.

If the Investigator conducts additional investigation, the Investigator will prepare an Addendum to the Preliminary Report (“Addendum”). The Addendum will include: (1) a summary of the additional investigation; (2) a statement as to whether the additional investigation changed any finding in the Preliminary Report (and, if it did, the Investigator will identify which finding(s) changed); and (3) exhibits, to the extent the supplemental investigation resulted in additional documentary evidence or Interview Summaries. The Investigator will submit the Addendum to the DHR Coordinator. The DHR Coordinator may require the Investigator to conduct additional investigation before the Addendum is complete. Once the DHR Coordinator has confirmed that the Addendum is complete, the DHR Coordinator will provide the Addendum to the Parties for review within three (3) business days.

The Parties will have an opportunity to respond to the Addendum; any response must be submitted within five (5) business days of receipt of the Addendum. At the time that the Parties respond to the Addendum, the Parties will have already had the opportunity to respond to the Preliminary Report in full. Therefore, the Parties shall limit the scope of their Addendum response to the effect (or lack thereof) of additional evidence on the findings as stated in the Addendum.

c. Final Report

As noted above, if neither of the Parties requests additional investigation, the Investigator will prepare a Final Report. If one or both Parties requests additional investigation, and the request is granted, the Investigator will prepare a Final Report once both Parties have had the opportunity to respond to the Addendum, and the Investigator and DHR Coordinator are satisfied that no further investigation is required.

The Final Report will state: (1) the ultimate findings (i.e., whether the Respondent did or did not, violate the College’s Policy); (2) the specific factual findings in support of the Investigator’s ultimate findings; and (3) the specific evidence upon which the Investigator relied in making each factual finding. The standard for determining the ultimate finding (of responsibility or non-responsibility) is the “preponderance of the evidence,” i.e., more likely than not. The Final Report will have attached as exhibits the testimonial and documentary evidence
from the Preliminary Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties’ responses throughout the Formal Resolution proceeding. The Investigator will submit the Final Report to the DHR Coordinator. The DHR Coordinator will review the report and determine whether the report demonstrates by a preponderance of the evidence that: (1) the evidence supports the Investigator’s factual findings; and (2) the Investigator’s factual findings support the Investigator’s finding of responsibility or non-responsibility. The DHR Coordinator may require the Investigator to revise the Final Report if the report is incomplete.

Once the DHR Coordinator has confirmed that the Final Report is complete, the DHR Coordinator will provide the Final Report to the Parties for review. Given the sensitive nature of the matter, the manner in which the DHR Coordinator provides the information must be secure (e.g., by providing view-only access to hard-copy materials in an office selected by the DHR Coordinator, or by providing digital copies of the materials through a protected, “read-only” web portal). Again, neither the Complainant nor the Respondent (or any of their advisors, including but not limited to advocates, support persons, family members, legal counsel, and/or others who may serve as advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. An advisor who fails to honor these restrictions may be excluded from further participation in the process. A Party (student or employee) who fails to honor these restrictions will be subject to discipline for violating College policy. The DHR Coordinator, in collaboration with the Investigator, will seek to provide the Final Report to the Parties within five (5) business days of the Parties’ responses to the Preliminary Report (or, if the Parties requested additional investigation, within ten (10) business days of the Parties’ responses to the Addendum).

If the Respondent is found responsible for a violation of the College’s DHR Policy, the Formal Resolution process concludes with Sanctions, described in Section C. If the Respondent is found not to have violated any DHR Policy, the Formal Resolution has concluded. At the conclusion of the Formal Resolution Process, either Party may appeal upon the grounds described in Section D.

2. Informal Resolution

As an alternative to Formal Resolution, and only if the DHR Coordinator determines that it is appropriate, the Parties may choose to resolve complaints through Informal Resolution. Informal Resolution is not an option in cases involving allegations of physical assault or violence motivated by a protected class. The Parties may proceed to Informal Resolution only if the following occurs: first, the DHR Coordinator determines that the complaint may be resolved through Informal Resolution; second, the Complainant agrees to Informal Resolution; and third, the Respondent agrees to Informal Resolution. If any of the three conditions is not met, the DHR Coordinator will proceed to Formal Resolution. If all three conditions are met, the DHR Coordinator will notify the Parties within five (5) business days and proceed through Informal Resolution.

The nature of Informal Resolution is flexible, and not all complaints resolved through Informal Resolution will proceed in the same way. Typically, however, the DHR Coordinator will ask the Complainant to prepare a written report, which sets out the factual basis for the grievance and any proposed resolution. The Complainant will be asked to provide the written
report to the DHR Coordinator within five (5) business days after the Intake Meeting has concluded. The DHR Coordinator will share the written report with the Respondent, and will instruct the Respondent to provide a written response to the report within five (5) business days of reviewing the Complainant’s report. The DHR Coordinator will then meet separately with both Parties to discuss potential alternative resolutions based on the Parties’ statements and (if applicable) other information available. The DHR Coordinator is not a fact-finder; rather, the DHR Coordinator identifies possible alternative resolutions to the complaint. Examples of alternative resolutions include, but are not limited to:

- Permanent no-contact order between the Complainant and Respondent;
- Academic or residential reassignment;
- Written apology and/or explanation of the circumstances surrounding the grievance;
- Educational remedies; Community service.

If the DHR Coordinator and the Parties reach agreement, the matter is closed. If not, the DHR Coordinator will proceed with Formal Resolution set forth in Section B.1., above. Any Party (including the DHR Coordinator) may terminate the Informal Resolution process at any time. In that event, the DHR Coordinator will so notify the Parties in writing and will describe next steps and timeframes for the Formal Resolution. Any resolution reached through an informal process will be confirmed in writing and provided to the parties within five (5) calendar days of reaching a resolution.

C. Sanctions

If the report proceeds through Formal Resolution and the Respondent is found responsible for one or more violations of the College’s DHR Policy, the College will issue sanctions commensurate with the violations. The DHR Coordinator will designate three trained individuals to serve on a panel ("Review Panel") to determine sanctions. The DHR Coordinator will notify the Parties, in writing, of the name of the designated Review Panelists within three (3) calendar days after receipt of the final report. [Note that the time lines in this section are calculated in calendar dates, not business days.] Both Parties will have three (3) calendar days to object to each Review Panelist on the basis of bias or conflict of interest. If either of the Parties objects, the DHR Coordinator will evaluate whether the objection is substantiated. The DHR Coordinator will remove and replace any Review Panelist the DHR Coordinator finds (in the DHR Coordinator’s discretion) to have a bias or conflict of interest against either Party.

The DHR Coordinator will notify the Parties that they have the opportunity to submit statements ("Impact Statement") to the Review Panel within five (5) calendar days after the receipt of the final report. The Review Panel will review the Parties’ Impact Statements, and all other materials in the case, including the Final Report and attached exhibits, in assessing the appropriate sanction. The Review Panel does not have the power or ability to alter the findings (factual or policy violation) by the Investigator.

The Review Panel has the discretion to recommend a variety of sanctions. However, if
the Investigator has found that the Respondent physically assaulted the Complainant in violation of the College’s DHR Policy, the Review Panel must recommend, at a minimum, a suspension of one semester. If the Review Panel recommends sanctions that do not meet this minimum, the Review Panel must provide an explanation to the DHR Coordinator, in writing, of the exceptional circumstances in the case that warrant a lesser sanction. The Review Panel will issue a recommendation to the DHR Coordinator regarding sanctions within eight (8) calendar days of receiving all materials in the case, including any Impact Statements. The DHR Coordinator will issue final sanctions within three (3) calendar days of receipt of the Review Panel Recommendation. The DHR Coordinator will issue the sanctions recommended by the Review Panel unless the Review Panel recommends sanctions that the DHR Coordinator believes are not appropriately tailored to stop the alleged discrimination, prevent its recurrence, or remedy its effects.

The DHR Coordinator will notify the Parties of the sanctions simultaneously in writing. If the DHR Coordinator departs from the Review Panel’s recommended sanctions, the notification shall explain the basis for the deviation.

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 DHR Policy. Additional or alternate sanctions may be imposed by, the Review Panel and/or the DHR Coordinator. Sanctions are assessed in response to the specific violations and any prior discipline history of the Respondent. Sanctions may become effective immediately (if so recommended by the Review Panel and/or decided by the DHR Coordinator). If the Respondent appeals the findings in the Final Report, immediate 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.

Possible sanctions include, but are not limited to:

1. **Warning**: Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

2. **Censure**: A written reprimand for violating the DHR Policy or other College policies. This conduct status specifies a period of time during which the good standing of a student or organization may be in jeopardy. The student is officially warned that continuation or repetition of Prohibited Conduct or other misconduct may be cause for additional conduct action including probation, suspension, or expulsion from the College.

3. **Disciplinary Probation**: Exclusion from participation in privileged activities for a specified period of time (privileged activities include, but are not limited to, elected or appointed ASOC offices, student research, athletics, some student employment, and study abroad). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other College policy violations may result in
further disciplinary action including suspension, or expulsion from the College.

4. **Restitution**: Repayment to the College or to an affected Party for damages resulting from a violation of this College policy (amount to be determined solely by the College). To enforce this sanction, the College may withhold transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.

5. **Removal from Campus Housing**: Students may be removed from College housing and/or barred from applying for campus housing.

6. **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. Conditions for readmission may be specified in the suspension notice.

7. **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.

8. **Revocation of Admission**: Admission to the College may be revoked if a student is found to have engaged in Prohibited Conduct prior to enrollment.

9. **Withholding Degree**: The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.

10. **Other**: Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education or research projects may also be assigned.

11. **Multiple Sanctions**: More than one of the sanctions listed above may be imposed for any single violation.

**Remedies and NonDisciplinary, Administrative Measures**

The DHR Coordinator has the discretion to take non-disciplinary administrative action to stop harassment, prevent its recurrence, and remedy its effects. This may include action addressed toward the Respondent, the campus community, and/or the Complainant, as follows:

**Respondent**: Any student found to have engaged in Prohibited Conduct, who is not permanently separated from the College, will be required to, in addition to other sanctions, complete non-disciplinary, educational initiatives at the discretion of the DHR Coordinator.

**Campus Community**: In all instances where a student is found to have engaged in
Prohibited Conduct, the DHR Coordinator will consider and determine whether nondisciplinary, administrative measures for the larger campus community are appropriate. Such remedial, community-based responses may include educational initiatives and/or trainings, climate surveys, targeted assessment of high-risk campus areas, or other appropriate measures.

Complainant: The DHR Coordinator will continue to provide support to the Complainant as appropriate, including the ongoing provision of appropriate accommodations.

D. Appeal

Both Complainant and Respondent have a limited right to appeal from the findings set out in the Final Determination as follows:

Complainant: If the Investigator’s Final Report concludes that the Respondent did not violate the College’s DHR Policy, the Complainant may submit a written appeal to the DHR Coordinator within five (5) business days from receiving written notice of the Final Report. If the Respondent has been found responsible for one or more policy violations, but not others, the Complainant may submit a written appeal to the DHR Coordinator within five (5) business days of notice of the sanction.

Respondent: If the Investigator’s Final Determination is that the Respondent did violate one or more policies, the Respondent may submit a written appeal to the DHR Coordinator within five (5) business days from receiving written notice of the sanction.

The Party who submits the written appeal will be the “Appellant,” and the responding Party will be the “Appellee.” The Appellant’s written appeal must be based on one of two grounds: (1) Significant Procedural Error; or (2) New Information. Each ground is explained in greater detail:

**Significant Procedural Error:** A procedural error occurred that significantly impacted the outcome of the investigation as it applies to the Appellant (e.g. substantiated bias, material deviation from established procedures). A description of the error and its impact on the outcome of the case must be included in the written appeal.

**New Information:** New information has arisen that was not available or known to the Appellant during the investigation and that could significantly impact the findings. Information that was known to the Appellant during the investigation but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal.

Appellee will have five (5) business days from receipt of the appeal to submit a response. At the conclusion of these time periods, the DHR Coordinator will refer the written appeal, including the Final Report, exhibits attached to the Final Report, Impact Statements and any response by Appellee (the “Appeal Record”), to an Appeal Officer.

The DHR Coordinator will appoint the Appeal Officer from a member of the trained
Appeals Panel and will notify both Parties of that appointment within five (5) business days of receipt of the written appeal. Both Parties will have five (5) business days to object to the Appeal Officer’s selection on the basis of bias or conflict of interest. The DHR Coordinator will consider any objection on the grounds of bias or conflict of interest. If the DHR Coordinator determines that an Appeal Officer may have bias or conflict of interest, the DHR Coordinator will remove the Appeal Officer and designate a new Appeal Officer.

The role of the Appeal Officer is limited. Appeals are not intended to be a rehearing of the complaint. Appeals are confined to a review of the Appeal Record for the grounds stated above. The findings contained in the Investigator’s Final Report are presumed to have been decided reasonably and appropriately. The Appellant carries the burden of proof to demonstrate by a preponderance of the evidence that either the alleged error, or the proposed new evidence, would significantly and materially impact the outcome of the proceeding.

The Appeal Officer will determine whether any grounds for the appeal are substantiated. If the Appeal Officer determines that the Request for Appeal does not meet the standards for an Appeal under this Grievance Process, the Appeal Officer will notify both Parties of that outcome within ten (10) business days after receipt of both the Appellant’s appeal, and any response by Appellee. If the Appeal Officer determines that the Request for Appeal does meet the standards for an Appeal under this Grievance Process, the Appeal Officer will take appropriate action as indicated below.

**Procedural Error:** If it is determined that a procedural error occurred that was substantially prejudicial to the outcome of the investigation, the Appeal Officer may return the complaint to the Investigator with instructions to correct the error, and to reconsider the findings as appropriate. In rare cases where the procedural error cannot be corrected by the original Investigator (as in cases of bias), the Appeal Officer may order a new investigation with a new Investigator. The results of a reconvened investigation process cannot be appealed.

**New Information:** If the Appeal Officer determines that new information should be considered, the complaint will be returned to the Investigator to reconsider the complaint in light of the new information only, and to reconsider the original findings as appropriate. The Investigator will prepare an Addendum to the Final Report, and provide the Parties with an opportunity to respond to the Addendum consistent with the opportunity to do so in the Notice of Findings and Response stage. The findings of the Final Report upon reconsideration are not appealable.

**Notification of Appeal Outcome**

Appellant and Appellee will generally be notified in writing of the outcome of the appeal within ten (10) business days after receipt of any response by Appellee. The Appeal Officer’s decision is final and is not subject to further appeal.

**E. Additional Provisions**

1. **Students: Advisor of Choice**

Any Complainant or Respondent to this Grievance Process is permitted to bring an
Advisor of their own choosing, including a family member or an attorney, to provide support. The Advisor may accompany the student to any and all portions of the Grievance Process. However, the Advisor may not speak for the student or otherwise participate directly in, or interfere with, the proceedings. Although reasonable attempts will be made to schedule proceedings consistent with advisors’ availability, the process will not be unreasonably delayed to schedule the proceedings at the convenience of the advisor. The DHR Coordinator has the discretion to remove the Advisor from the proceedings (or the Grievance Process altogether) if the Advisor interferes with the proceedings.

2. **Timelines**

Unless otherwise expressly stated, all references in this procedure to “days” are to business days, excluding holidays when the College is closed. Any deadline that falls on a weekend or other day when the College is closed, shall be extended to the next business day.

3. **Training**

The College provides training to all individuals within the community who are involved in responding to, investigating, or resolving reports of Prohibited Conduct. If the College retains an individual outside the community to respond to, investigate, or resolve reports of Prohibited Conduct, the College requires that the retained individual have received adequate training consistent with the College’s standards. All advisors, including those that are not members of the College community, shall be offered resources on the College’s policy and the role of the advisor.

4. **Notifications**

The DHR Coordinator will make reasonable efforts to ensure that the Complainant and the Respondent are simultaneously notified of the status of the Grievance Process, consistent with the processes described herein. Both Parties may, at any time, request a status update from the DHR Coordinator.

5. **Modification Of Grievance Process**

The College will follow the Grievance Process in this Appendix barring exceptional circumstances. In rare instances, however, the College may be required to adapt or modify the Grievance Process (including timelines) to ensure prompt and equitable resolution of a report of Prohibited Conduct. The College reserves this right. In such instances, the College will notify both Parties of any modifications to the Grievance Process and, if appropriate, the exceptional circumstances requiring the College to adapt or modify the Grievance Process.

6. **Alcohol And Substance Use**

The purpose of this Grievance Process is to resolve reports of Prohibited Conduct. It is not the purpose of this Grievance Process to subject individuals to disciplinary action for their own personal consumption of alcohol or drugs. Consistent with the purpose of the Grievance Process, the College will not subject individuals who participate in good faith in the Grievance Process to disciplinary action for information revealed in the course of the Grievance Process,
provided that the individual’s behavior did not, and does not, place the health and safety of others at risk. In all instances, the College may pursue educational initiatives or remedies related to an individual’s consumption of alcohol or drugs.

The use of alcohol or other drugs will never function as a defense for engaging in Prohibited Conduct.

7. **Respondent’s Prior Conduct History**

Where there is evidence of a pattern of similar misconduct by the Respondent, either prior, or subsequent, to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the Investigator’s determination of responsibility, and/or the Review Panel’s determination of sanction. The DHR Coordinator will make a determination of relevance based on an assessment of whether the previous incident was substantially similar to the reported misconduct and whether the incidents reflect a pattern of misconduct.

The College, through the DHR Coordinator, may choose to provide this information to the Investigator, with appropriate notice to the Parties. Alternatively, a Party may request in writing that such information be admitted. A request to admit such information must be submitted to the DHR Coordinator. The DHR Coordinator will assess the relevance of this information and determine if it is appropriate for inclusion in the investigation report.

8. **Consolidation of Investigations**

Subject to applicable law, the DHR Coordinator has the discretion to consolidate into one Formal Resolution multiple reports against a Respondent and/or cross-complaints between a Complainant and a Respondent, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct that would regularly have been heard under the Code of Student Conduct.

9. **Failure to Comply with Investigation and Disciplinary Process**

If an Advisor fails to comply with the procedures set forth herein, including through a material breach of confidentiality, the College reserves the right to exclude the advisor from further participation in the process. If a participant fails to comply with the procedures set forth herein, including through a material breach of confidentiality, the College reserves the right to bring charges of misconduct against the participant.

The DHR Coordinator is responsible for interpreting and applying this provision, and will not terminate a process or exclude a participant from further participation without providing advance written notice and an opportunity for that participant to respond in writing.

10. **Integrity of Proceeding**

These procedures are entirely administrative in nature designed to address policy violations and are not considered legal proceedings. No Party or other participant may audio,
video or otherwise record the proceedings, nor is legal representation allowed. Advisors may not speak for, or on behalf of, Parties.

11. **Records**

The DHR Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Initial Assessment, Informal Resolution or Formal Resolution. Complaints resolved by means of an Initial Assessment or Informal Resolution are not part of a student’s conduct file or academic record unless they are introduced into another complaint that is resolved through Formal Resolution.

Affirmative findings of responsibility in matters resolved through Formal Resolution are part of a student’s conduct record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student’s conduct record.

Generally, expulsion, and withdrawal pending disciplinary action are permanently noted on a student’s transcript. In addition to records kept by the DHR Coordinator, the conduct files of students who have been suspended or expelled from the College are maintained in the Office of Student Conduct indefinitely. Conduct files of students who have not been suspended or expelled are maintained in the Dean of Students Office for no fewer than seven years from the date of the incident. Further questions about record retention should be directed to the Dean of Students Office.

**Issued by:**
Jonathan Veitch, President

**Date:**
August 15, 2016