

3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
215.981.4000
Fax 215.981.4750

Gina Maisto Smith
direct dial: 215.981.4490
smithgm@pepperlaw.com

April 30, 2013

President Jonathan Veitch
Occidental College
Arthur G. Coons Administrative Center,
3rd Floor
1600 Campus Road
Los Angeles, CA 90041

Re: Initial Recommendations

Dear President Veitch:

Thank you for the opportunity to communicate directly with the members of the Occidental College community about our work to date. As professionals who have spent decades witnessing firsthand the impacts of sexual assault on individuals and communities, we are privileged to have the opportunity to assist the College in providing informed and sensitive responses to sexual misconduct issues that affect the Occidental community.

In late March 2013, we began an external audit of policies and procedures regarding sexual harassment and misconduct. This is a task that we perform at many campuses across the nation. It includes community engagement to gather feedback and evidence-based information, a review of past cases, and a detailed understanding of the College's structure, personnel and implementation of its Title IX response.

Our Work to Date

We have had the opportunity to review the following documents:

- Sexual Misconduct Policy (for Students)
- Code of Student Conduct, Student Handbook
- Sexual Harassment Policy, Student Handbook
- Sexual Harassment Policy, Employee Handbook

President Jonathan Veitch

Page 2

April 30, 2013

- Sexual Harassment Policy, Faculty Handbook
- 2012 Annual Security Report
- 2009 Faculty Hearing Board Report
- Letters to the Campus Community from the President's Office
- Materials from the Oxy Sexual Assault Coalition ("OSAC")
 - OSAC Dozen, or the 12 Demands
 - Timeline
 - Survivor Stories
 - Occidental College Sexual Assault Policy Evaluation May 15, 2012
 - Sexual Assault on Campus: Overview and Best Practices by Caroline Heldman, PhD and Lisa Wade, PhD
 - OSAC Informational Session
 - Reworked Policy and Procedures 9/25/2012
 - Communications to the Community from OSAC
- Relevant articles from the *Occidental Weekly*
- Minutes from the Sexual Assault Task Force
- Information from the March 21 Town Hall Meeting

We have also had the opportunity to spend five days on campus: April 2, 3, 21, 22, and 23, 2013. During that time, we have met, individually and in groups, with a broad cross-section of students, staff and faculty. In our five days on campus, we met with the following individuals or groups: former Title IX Coordinator and History Professor Maryanne Horowitz; current Title IX Coordinator and Associate Dean Erica O'Neal Howard; Deputy Title IX Coordinator and Music Professor Irene Girton; Deputy Title IX Coordinator and Athletic Director Jamie Hoffman; Faculty Council; ASOC President, Senate and other members; members of the College's communications team; Director of Campus Safety Holly Nieto; Associate Dean of Students Tim Chang; members of OSAC, including professors Caroline Heldman, Danielle Dirks, Lisa Wade, Richard Mora, and student members; a group of male athletes; Occidental Men Against Rape (OMAR); Dean of Students Barbara Avery; the Sexual Assault Task Force; President Jonathan Veitch; College counsel Carl Botterud; representatives from Greek Life; Senior Staff; current and past investigators and adjudicators; a special faculty meeting; Naddia Palacios; the Student Life and Audit Committees of the Board of Trustees; the Alumni Board of Governors, and a number of individual survivors, students, staff and faculty members who have attended open sessions or contacted us directly. These have been primarily introductory conversations designed to orient us to the structure, practice and personnel at Occidental, and to begin to understand how policies and procedures are implemented, and significantly, how that implementation impacts individuals and the broader campus climate.

While our time on campus has been instructive, we recognize that we have not had the opportunity to hear from all concerned individuals or to complete a systemic review of the

President Jonathan Veitch
Page 3
April 30, 2013

College's response to allegations of sexual assault. As a caveat to this initial communication, we recognize that there is much more to be learned before we are in a position to offer final recommendations.

Initial Recommendations

In the interim, we are able to offer some initial observations and recommendations, and urge the College to implement these recommendations as soon as possible and to commit the necessary resources and personnel to accomplish these goals.

We entered this conversation with an open mind and an earnest intent to understand the many perspectives and voices on campus. What has emerged in our listening is a range of responses encompassing strongly held convictions; emotions of anger, disappointment and frustration; concerns about the administration's response to issues of sexual misconduct; and in some cases, an erosion of trust and faith in specific members of the administration. Despite these challenges, we have also seen a community committed to dialogue and conversation about how to effect change, to foster a culture free from sexual violence, to develop sensitive, trusted, and equitable responses to incidents that occur within our community, and to be a leader in education, prevention, policies and practices.

We note that we are latecomers to this conversation – a conversation that has existed in various forms and voices since 2007 – and that our initial impressions may be limited at this early stage in our relationship with Occidental. As we continue our engagement, and in particular, delve into past cases, we expect that our understanding of the challenges facing Occidental will be informed by an evidence-based understanding of the experiences of survivors, respondents, implementers, and adjudicators on campus.

As a starting point, however, based on the scope of our knowledge to date, we are confident in the following recommendations:

1) Title IX Coordinator

We recommend creating an independent Title IX Office, with a direct report to a member of Senior Staff and/or the President. This office should be staffed by a full-time Title IX Coordinator and receive appropriate administrative support.

We recommend that the position be filled immediately with an interim coordinator, and that a national search be conducted to fill this position prior to the fall semester. The national search should involve a search committee composed of students, staff, faculty and members of the Board of Trustees.

President Jonathan Veitch
Page 4
April 30, 2013

The Title IX Coordinator will be charged with oversight of the College's centralized review, investigation and resolution of reports of sexual harassment and misconduct under the College's complaint processes to ensure compliance with Title IX.

Over the course of the summer, we recommend that the Interim Title IX Coordinator work closely with campus administrators, members of OSAC and representative community members to revise policy and procedures, implement structural changes, sequence the institutional response, map out the roles and responsibilities of all implementers, develop template forms and communications, and design a training and education calendar for the upcoming academic year.

2) Deputy Title IX Coordinators

We recommend that the College review the current structure for Deputy Title IX Coordinators and consider expanding the use of Deputy Title IX Coordinators to ensure adequate representation of diverse constituencies on campus: students, staff, faculty, LGBTQ, Athletics, and Greek Life. We recommend identifying these individuals by mid-summer, and providing appropriate training over the course of the summer to ensure that they are an effective part of implementation and training efforts beginning in the fall semester.

3) Advocacy

We recommend that the College provide a dedicated advocate for survivors of sexual assault and other forms of sexual misconduct. The advocate's role will not only be limited to individual cases, but will also play an integral part in ongoing prevention and education efforts.

4) Policy

We recommend the College review current policies with the goal of creating holistic responses that best serve the well-being of the Oxy Community. The policy review should consider the policy recommendations by OSAC (Sexual Assault Policy Evaluation, May 15, 2012) as they reflect careful attention to detail and an understanding of promising practices. Additionally, we recommend changes to the policy to address structure, tone, content, organization and clarity. Our goal is to achieve ease of use and remove barriers to reporting.

As an initial step, we recommend the development of policy that unites the now disparate policies on sexual harassment for faculty, sexual harassment for staff, sexual harassment for students, and sexual misconduct policy for students. Although the College may

President Jonathan Veitch

Page 5

April 30, 2013

retain separate procedures for each constituency, the overriding principles and definitions are common to all and should be reflected as such.

We further recommend that the Interim Title IX Coordinator work with designated individuals to revise policy and seek the input of relevant campus constituents over the course of the summer with the goal of launching a revised policy for the fall semester.

Finally, we agree with OSAC that the revised policy should be widely distributed. The launch of the new policy should be accompanied by educational programming to ensure that all members of our community are familiar with our Title IX grievance procedures.

5) Education and Training

We recommend that the Title IX Coordinator work closely with the Dean of Students Office, Project SAFE, OSAC and OMAR to plan coordinated and structured educational programming for the 2013-14 school year. This plan should include, at a minimum:

- A summer communication, not only to all incoming first-year students and their parents/guardians, but to all returning sophomores, juniors, and seniors;
- A relevant and meaningful mandatory educational program to be held during Orientation;
- Additional prevention programming during the first six weeks of school for every residential student; and,
- Continued education on a monthly basis to address sexual misconduct and related topics.

We also recommend training for all staff, faculty and student volunteers and employees charged with the welfare of students. This training should include clear delineation of employee responsibilities under our policy in accordance with the role of the responsible employee per Title IX, the campus security authority per the Clery Act, and of a mandatory reporter per California child protective services laws.

6) Continued Community Engagement

Recognizing that the semester is drawing to a close, we would like to offer ongoing opportunities for community members to be heard over the course of the summer. We recommend that the College create a suggestion box on the Sexual Assault Resources & Support website to allow all individuals who wish to do so to voice their concerns and ideas directly to us as we continue our review process.

President Jonathan Veitch
Page 6
April 30, 2013

Next Steps

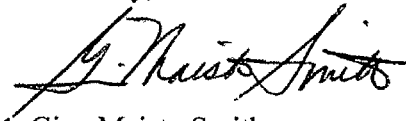
Our engagement over the next several months will encompass the following tasks: policy development, assistance in the implementation of policy and procedure and a review of past cases.

Over the course of the next two months, we will be reviewing Occidental's response to sexual harassment and assault allegations through the lens of previously adjudicated cases. We have been provided with all of the cases for the past two years. As part of that review, we will seek to speak with Complainants, Respondents, third-party witnesses and the implementers and adjudicators for a selected sample of cases.

Our goal is to understand how the College's policies, procedures and the role of implementers have served – or failed to serve – Occidental's students in the past, and to identify areas where policies and procedures can be improved. We will deliver our final report on this matter directly to the community by end of summer. Because of FERPA and individual privacy considerations, we will not be commenting on specific cases or factual allegations. Instead, we will share aggregate information, and importantly, our recommendations based on that assessment.

We thank you for the opportunity to serve Occidental.

Sincerely,



Gina Maisto Smith



Leslie Gomez

GMS/lmg