October 22, 2014

President Jonathan Veitch
Occidental College
1600 Campus Road
Los Angeles, CA 90041

Re: Report of External Audit and Assessment of Title IX
Policies, Procedures and Practices

Dear President Veitch:

Thank you for the opportunity to present our Report of External Audit and Assessment of Title IX Policies, Procedures and Practices, and for your commitment to share this report directly with the Occidental community. While we have worked closely with the College in gathering information and enhancing current policies, procedures and practices, our findings and observations are our own. Our independence, and the ability to bring unbiased eyes to campus, was essential in understanding the dynamics, identifying challenges and providing meaningful recommendations and guidance to assist the College moving forward.

The enclosed report provides a detailed accounting of our engagement, an overview of the evolution of the College’s policies, procedures and practices, our observations from our review of past cases, a summary of the College’s efforts to date and recommendations for next steps. The report also provides an overview of the national context, the regulatory framework, the dynamics of sexual and gender-based harassment and violence in the college setting, and our observations about the context at Occidental.

When we were engaged in March 2013, the College was in a period of turmoil, due in part to interactions between the administration, faculty, students, and the Oxy Sexual
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Assault Coalition (OSAC) regarding the College’s response to sexual and gender-based harassment and violence. Occidental was not alone. Across the country, higher education institutions were facing similar scrutiny from student activists, as well as increased Title IX enforcement efforts by OCR. Indeed, shortly after our first campus visit, OSAC informed the Occidental community that it had filed two federal complaints against the College. In May 2013, OCR accepted OSAC’s complaint of Title IX violations for investigation, and in September 2013, the Department of Education (DOE) accepted OSAC’s complaint of Clery Act violations for investigation. While the College has cooperated with these reviews, more than a year later, both investigations are ongoing.

In April 2013, we provided initial recommendations to the College, all of which have been implemented in full or in part. During the course of our engagement, Occidental has taken significant steps that substantially enhance the College’s response to sexual and gender-based harassment and violence. In our view, these steps evidence a strong commitment by the College and its students, faculty, and administration to increase the resources available to students, expand education and training programs, improve responsiveness to and investigation of reported misconduct, and implement the infrastructure necessary for effective resolution of such reports.

We recognize that this report has taken more time than originally anticipated, but we are optimistic that allowing the time for a careful and thorough assessment will best serve the Occidental community given the complexity, importance and sensitivity of the issues. A number of factors impacted the timing of the report. During the course of our review, the regulatory framework continued to evolve. Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA), enacted in March 2013, became effective in March 2014, and the implementing regulations were finalized as recently as October 20, 2014. In addition, on April 29, 2014, OCR released a significant guidance document, Questions and Answers on Title IX and Sexual Violence, and the White House Task Force released its report, Not Alone: The First Report of the White House Task Force to Protect Students From Sexual Assault.

As shared in earlier communications, we were reluctant to conclude our review without assuring we had been thorough in our efforts to seek the input of all interested community members. Given the challenges in meeting with some members of the community, we were optimistic that OCR, having had access to all community members, would complete its review prior to the release of our report. In reconciling the tension between expediency and thoroughness, and in light of the fact that the OCR review remains open with no end date in sight, we have determined that we had a sufficient foundation to support our recommendations and that this report could no longer wait.

The College’s successful implementation of our further recommendations, contained in the attached report, will depend on the good faith participation and cooperation of all members of the Occidental family, including students, faculty, administration, and the activist
community. In our continued work with the College, we remain committed to reaching out, listening, and seeking the input of all interested community members, including students, faculty and staff. Based on our work to date, we are convinced that the College and its community members are strongly committed to continuing to enhance both Occidental’s prevention-based efforts and its response to reports of sexual and gender-based harassment and violence.

We remain available to assist the College in the implementation of these recommendations.

Sincerely,

Gina Maisto Smith

Leslie M. Gomez