

**Occidental College**  
**Discrimination, Harassment, and Retaliation Policy**

**Effective: January 1, 2024**

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## **Institutional Values, Community Expectations, and Notice of Non-Discrimination**

It is the policy of Occidental College (“Occidental” or the “College”) to maintain an environment for students, faculty, administrators, staff, and visitors that is free of all forms of discrimination and harassment. The College has enacted this Discrimination, Harassment, and Retaliation Policy (“Policy”) to reflect and maintain its institutional values and community expectations; to provide for fair and equitable procedures for determining when this Policy has been violated; and to provide recourse for all members of the College community (including visitors) who allege violations of this Policy.

This Policy prohibits discrimination and harassment on the basis of the following protected characteristics: race (including hairstyle and other traits historically associated with race), color, religion (including religious dress and grooming), shared ancestry or ethnic characteristics, national origin (which includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), citizenship, age (age 40 and over), physical disability, mental disability, medical condition (including genetic characteristics and genetic information), marital status, domestic partner status, family care status, military caregiver status, military status, veteran status, enrollment in public assistance program, change of personal information (based on lawful change of name, social security number or federal employment authorization document), 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. The foregoing conduct will be referred to as “Prohibited Conduct.”

Occidental College does not discriminate on the basis of any protected characteristic in its educational, extracurricular, athletic, or other programs, or in the context of employment. The College complies with all federal, state, and local laws addressing discriminatory behavior.

Sexual and gender-based discrimination and harassment are exclusively addressed by the [Sexual and Interpersonal Misconduct Policy](#). The Sexual and Interpersonal Misconduct Policy specifically prohibits all forms of sexual or gender-based discrimination and harassment (including pregnancy, perceived pregnancy, childbirth, breastfeeding, and related medical conditions), reproductive health decision-making (including the use of any particular drug, device, product, or medical service for reproductive health), sex, gender, gender identity, gender expression, sexual orientation, sexual assault, non-consensual sexual contact, dating and domestic violence, sexual exploitation, stalking, and complicity, as well as retaliation for raising such concerns or participating in any related process.

The College expects all members of our community (including visitors) 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 Civil Rights & Title IX Coordinator**

The Civil Rights & Title IX Coordinator coordinates the College's compliance with federal, state, and local laws addressing discriminatory behavior. The Civil Rights & Title IX Coordinator oversees the College's centralized response to all reports of Prohibited Conduct to ensure consistent implementation of this Policy and compliance with federal, state, and local law. The Civil Rights & Title IX Coordinator and designated staff will, among other things:

- Communicate with members of the College community regarding applicable law and policy and provide information about reporting and support options.
- Review applicable College policies to ensure institutional compliance with applicable federal and state law.
- Monitor the College's administration of its own applicable policies, including record keeping, adherence to timeframes, and other procedural requirements.
- Conduct training regarding federal, state, and local law, and Prohibited Conduct as defined in this Policy.
- Respond to any report regarding conduct that may violate this Policy. In this capacity, the Civil Rights & Title IX Coordinator will oversee the response to, and resolution of, such alleged misconduct, direct the provision of any remedial and protective measures (including oversight of the failure to abide by an interim protective measure), and monitor the administration of any request for review of the finding.

The Civil Rights & Title IX Coordinator may delegate responsibilities under this Policy to internal or external professionals, who will have appropriate training and/or experience. When used in this Policy, the term Civil Rights & Title IX Coordinator may include an appropriate designee. The Civil Rights & Title IX Coordinator's contact information is:

Alexandra Fulcher  
AGC Room 111  
(323) 259-1338  
[afulcher@oxy.edu](mailto:afulcher@oxy.edu)

### **Annual Review**

This Policy is maintained by the Civil Rights and Title IX Office. The College will review this Policy on at least an annual basis. The review will capture evolving legal requirements, evaluate the supports and resources available to parties, and assess the effectiveness of the resolution process. The review may incorporate feedback from parties and an aggregate view of reports, resolution, and climate.

### **Scope of Policy**

This Policy applies to all reports of Prohibited Conduct received 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 conduct will be used to the extent that they conflict with definitions of terms in this Policy. The Grievance

Processes under this Policy will be used to investigate and resolve all reports made or that are pending on or after the effective date of this Policy, regardless of when the incident(s) occurred.

This Policy uses the terms complainant, respondent, third party, and witness as follows:

- *Complainant*: An individual who is reported to have experienced conduct that could constitute Prohibited Conduct, even if they do not participate in any related process.
- *Respondent*: An individual who has been reported to have engaged in conduct that could constitute Prohibited Conduct.
- *Party/Parties*: A complainant or respondent participating in a resolution process.
- *Witness*: An individual who may have information relevant to a report of Prohibited Conduct. A witness may be a student, an employee, or a third party.

For every report, the Civil Rights & Title IX Coordinator will review the circumstances of the reported conduct to determine whether the College has jurisdiction or disciplinary authority over the respondent or the conduct. In exercising jurisdiction over an Occidental-affiliated respondent for reported conduct that occurs off campus and that has no nexus to the College or a College-related or sponsored education program or activity, the College's ability to investigate and impose disciplinary action may be limited. In instances where the College does not have disciplinary authority over the respondent, the College will still take reasonably available steps to support a party through interim or supportive measures and will assist them in identifying external reporting mechanisms.

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 its property. The College strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct.

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

- *On-Campus Conduct*: Conduct that occurs on campus, including conduct which occurs on property owned or controlled by the College.
- *College Programs*: 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*: Conduct that occurs off-campus and has continuing adverse effects on, or creates a hostile environment for, any member of the Occidental community on-campus or in any College employment or education program or activity.

## **Academic Freedom and Freedom of Speech**

This Policy is consistent with the College's commitment to academic freedom and free speech, including but not limited to those set forth in the 1940 Statement of Principles on Academic Freedom and Tenure. This commitment requires that the College protect community members' expression of ideas in their teaching, learning, and research, including advocacy that may be controversial, provocative, or unpopular. Though not unlimited, this protection extends to the expression of ideas, however controversial, in the classroom, residential life, and other campus-related activities. Allegations of discrimination or harassment involving speech must be carefully considered in light of students' free speech rights under California law and the College's commitment to academic freedom and free speech. As a protected right under California law, a currently enrolled student may not be subject to discipline on the basis of speech, unless that speech rises to a legal standard of being *unprotected*.

### **Prohibited Conduct and Definitions**

In determining whether reported conduct violates this Policy, the College will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. This Policy prohibits the following forms of conduct, including attempts to commit the Prohibited Conduct defined below.

#### **Discrimination**

“Discrimination” can take two primary forms:

##### *Disparate Treatment Discrimination*

Disparate treatment discrimination is any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's protected characteristic(s) and that: 1) excludes an individual from participation in; 2) denies the individual benefits of; 3) treats the individual differently in; or 4) otherwise adversely affects a term, condition, or benefit of an individual's employment, education, living environment, or participation in a College program or activity.

##### *Disparate Impact Discrimination*

Disparate impact discrimination occurs when there is sufficient evidence that policies or practices that are neutral on their face disproportionately exclude or adversely impact persons within a protected class, where the policies or practices are not: (1) job-related and consistent with business necessity (for employees) or (2) necessary to meet an important educational goal (for students). In determining whether a facially-neutral policy or practice has a disparate impact on a protected class, the College will consider whether there are alternative policies or practices that would meet the job requirements, business necessities, and/or education goals without resulting in disparate impact.

## **Harassment**

“Harassment” can take two primary forms:

### *Hostile Environment Harassment*

Harassment occurs when verbal, physical, written, electronic, or other conduct based on an individual’s protected characteristic(s) is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or denies that individual’s ability to participate in or benefit from the College’s educational program or activity, employment access, benefits, or opportunities, or other College programs and activities (e.g., campus housing, official College list-servs, College-sponsored platforms), when viewed from both a subjective and objective perspective.

In evaluating whether a hostile environment exists, the College will evaluate the totality of known circumstances, including, but not limited to: the nature, frequency, intensity, location, context, and duration of the conduct; whether the conduct was physically threatening; the effect of the conduct on the Complainant’s mental or emotional state; whether the conduct was directed at more than one individual; whether the conduct arose in the context of other discriminatory conduct; whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or College’s programs or activities; whether the conduct implicates academic freedom or protected speech; and other relevant factors that may arise from consideration of the reported facts and circumstances. Hostile environment harassment does not need to be directed at a specific person to be a violation of this Policy.

This Policy is written and interpreted broadly to include unwelcome conduct that occurs online or through other technology or electronic forms of communication (e.g., email, instant messages, direct messages, iMessages, text messages, blogs, pictures, videos, postings on social media), provided that it occurs within the scope and jurisdiction articulated in this Policy. For example, online conduct occurring completely outside of the College’s education program or activity may only be addressed where the College otherwise regulates the conduct, the conduct has or could have a continuing impact within the College’s education program or activity, or the conduct may have the effect of posing a serious threat to the College community.

### *Quid Pro Quo Harassment*

*Quid pro quo* harassment occurs when submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual’s education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a College program or activity (e.g., campus housing).

## **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 Complainant or Respondent. 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”).

## **Confidentiality, Privacy, and Related Reporting Responsibilities**

### **Privacy and Confidentiality: Understanding the Differences**

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

#### *Privacy*

“Privacy” generally means that information related in a report of Prohibited Conduct will only be shared with individuals who “need to know” in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the College’s FERPA Policy. The privacy of an individual’s medical and related records may be protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA and by the California Confidentiality of Medical Information Act (“CMIA”), Cal. Civ. Code § 56.05 et seq. Access to an employee’s personnel records may be restricted by applicable California and federal law.

While there are certain limitations on privacy, the College generally will not release the names of the Complainant or Respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including FERPA and the Clery Act. In addition, no information will be released from an action or proceeding to enforce this Policy except as required or permitted by law and College policy.

### 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, rape 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 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.

### Requests for Confidentiality

A person may desire to report Prohibited Conduct to the College but to maintain confidentiality; if so, the Civil Rights & Title IX Coordinator will evaluate such requests. Where a complainant requests that the complainant’s name or other identifiable information not be shared with the respondent or that no formal action be taken, the Civil Rights & Title IX Coordinator will balance the complainant’s request with its obligation to provide a safe and non-discriminatory environment for all College community members. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the complainant and respondent, whether there were additional complainants or potential respondents involved, whether a weapon was used, evidence of predation, and whether there have been other complaints or reports of harassment or misconduct against the respondent, among other factors.

The College will take all reasonable steps to investigate and respond to a complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. Where the College is unable to honor the request of the complainant, the Civil Rights & Title IX Coordinator will inform the complainant about the chosen course of action, which may include the College seeking disciplinary action against a respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a respondent or revealing the identity of the complainant.

### Responsible Employees

A “Responsible Employee” includes any employee who: (1) has the authority to take action to redress the harassment or (2) has the duty to report to appropriate school officials discrimination, harassment, retaliation, or any other misconduct. **All College employees who do not have legally protected confidentiality are considered Responsible Employees.** This includes all employees with supervisory or leadership responsibilities on-campus, including, but not limited to, faculty, coaches, administrators, staff members and Resident Advisors. The College requires that all Responsible Employees share a report of Prohibited Conduct with the Civil Rights & Title IX Coordinator.

## **Disclosures Required by The Clery Act**

### *Timely Warnings*

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

### *Annual Reporting Responsibilities*

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

### *Crime Log*

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

## **Reporting Options**

The College strongly encourages all individuals to make a report to the College and to local law enforcement (in the case of alleged criminal misconduct), although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously. The College has a strong interest in supporting those who have experienced discrimination, harassment, and retaliation, and strongly encourages all individuals or third-party witnesses to report any incident to the College.

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

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

Reports of violations of this Policy may be made to the Civil Rights & Title IX Coordinator.

## **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 to property or that may also constitute a crime under California law. This is the best option to ensure preservation of evidence and to begin a timely criminal 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 assist a complainant in making a criminal report and cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law.

### *LAPD (Los Angeles Police Department)*

Available to respond to any reports of crime or violence, including Prohibited Conduct.  
For Emergencies: 911  
For concerning situations, call dispatch at (877) ASK-LAPD [(877)-275-5273].

### *LAPD Northeast Division*

Available to respond to any reports of crime or violence, including Prohibited Conduct.  
3353 North San Fernando Road Los Angeles, CA 90065  
Front desk phone number: (323) 344-5701

## **Campus Reporting Options**

The College strongly encourages all individuals to report Prohibited Conduct to the Civil Rights and Title IX Office.

### *Civil Rights and Title IX Office*

Available on weekdays during regular office hours to respond to complaints of Prohibited Conduct against any individual covered under this Policy; works with other offices on-campus as appropriate to provide supportive interim measures, which may include changes in housing, academic flexibility, and No Contact Letters, among other measures.  
AGC Room 111  
[www.oxy.edu/civil-rights-title-ix](http://www.oxy.edu/civil-rights-title-ix)  
(323) 259-1338

Individuals may also report to the following offices, which will forward any reports involving potential Prohibited Conduct to the Civil Rights and Title IX Office.

### *Campus Safety*

Available as a first 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. Available 24 hours a day, 7 days a week. Campus Safety will forward any reports involving potential Prohibited Conduct to the Civil Rights and Title IX Office.  
Facilities Management Building  
[www.oxy.edu/offices-services/campus-safety](http://www.oxy.edu/offices-services/campus-safety)

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

### Human Resources

Available on weekdays during regular office hours to receive complaints related to employees of the College, including faculty. Human Resources will forward any reports involving potential Prohibited Conduct to the Civil Rights and Title IX Office.

AGC First Floor

[www.oxy.edu/offices-services/human-resources](http://www.oxy.edu/offices-services/human-resources)

(323) 259-2613

### Dean of Students Office/Dean on Duty

Available on weekdays during regular office hours. Access to Dean on Duty 24 hours a day by calling Campus Safety at (323) 259-2599. Can assist with reasonable accommodations for housing, academic flexibility, and No Contact Letters. The Dean of Students will forward any reports involving potential Prohibited Conduct to the Civil Rights and Title IX Office.

Berkus Hall

[www.oxy.edu/student-life/student-affairs/dean-students](http://www.oxy.edu/student-life/student-affairs/dean-students)

(323) 259-2661

### **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 at:

[www.oxy.edu/civil-rights-title-ix](http://www.oxy.edu/civil-rights-title-ix).

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

### **Reporting to External Agencies**

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

#### Policy Application and Compliance with Federal Law

Inquiries or complaints concerning the College's application of this Policy and/or compliance with certain federal laws (e.g., Title IX, Title VI, Section 504, the ADA, and the Age Act) may be referred to the U.S. Department of Education's Office for Civil Rights.

U.S. Department of Education Office for Civil Rights, San Francisco

United Nations Plaza, Suite 50

San Francisco, California 94102

(415) 486-5555

[www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

### *Employment Discrimination or Harassment*

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

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

California Department of Fair Employment and Housing

320 West 4th Street

Los Angeles, California 90013

(213) 439-6799

[www.dfeh.ca.gov](http://www.dfeh.ca.gov)

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

Equal Opportunity Employment Commission

255 East Temple Street,

Los Angeles, California 90012

(213) 894-1000

[www.eeoc.gov](http://www.eeoc.gov)

The Bureau for Private Postsecondary Education accepts all types of complaints related to the College and may refer any complaint it receives including complaints related to institutional policies or procedures, or both, to the College, an accrediting agency, or another appropriate entity for resolution.

Bureau for Private Postsecondary Education

2535 Capitol Oaks Drive, Suite 400

Sacramento, CA 95833

(916) 431-6924

[www.bppe.ca.gov](http://www.bppe.ca.gov)

## **Other Reporting Considerations**

### *Timeliness and Location of Incident*

Complainants and third-party witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College’s ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the respondent is not a member of the Occidental community, the College will still take steps to provide for the safety and well-being of the complainant and the broader campus community and to address the effects of the

reported conduct. But the College's ability to take disciplinary action against the respondent may, of course, be limited. An incident does not have to occur on campus to be reported to the College.

#### *Amnesty for Alcohol or Other Drug Use or Other Conduct Violations*

The College strongly encourages the reporting of Prohibited Conduct under this Policy. It is in the best interest of this community that as many complainants as possible choose to report to college officials and that participants in the grievance process are forthright in sharing information. When a student who participates in the procedures described in this Policy (as a complainant, respondent, or third-party witness) would otherwise be subject to disciplinary action by the College for personal consumption of alcohol or drugs or other violations of the conduct policy (not including this Policy or the Academic Integrity Commitment) at or near the time of the incident, the College will consider their participation in this Policy as a substantial mitigating factor, 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.

#### *Coordination with Law Enforcement*

The College strongly encourages complainants to pursue criminal action for incidents of discrimination that may also be crimes under California law. The College will assist a complainant in making a criminal report and cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. The College's Policy, definitions, and burden of proof may differ from California criminal law. A complainant may seek recourse under this 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 may not delay conducting its own investigation unless specifically requested by the law enforcement (e.g., LAPD). In the event of such a specific request, the College will defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten days absent extenuating circumstances. The College will nevertheless communicate with the complainant and respondent (if appropriate) regarding rights, procedural options, and the implementation of supportive measures to assure safety and well-being. The College will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

#### *False Reports*

The College takes the accuracy of information very seriously, as a report of Prohibited Conduct may have severe consequences. A good-faith complaint that results in a finding of no responsibility is not considered a false or fabricated report of Prohibited Conduct. Each party and every witness is expected to provide truthful information. Should any party, or a witness, provide knowingly false information as part of this process, this may be considered a violation of College policies and will be referred to the appropriate office for further handling. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

## **Supportive Measures and Remedies**

Upon receipt of a report, the College will provide reasonable and appropriate supportive measures designed to preserve equal access to the College's programs and activities, and to protect the parties involved. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Supportive measures may be implemented 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.

A complainant or respondent may request a no-contact directive or other protection, or the College may choose to implement supportive measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the process. The College will maintain the privacy of any remedial and supportive measures provided under this Policy to the extent practicable and except to the extent that doing so impairs the ability of the institution to provide the supportive measures. For example, to effectuate a housing change, staff at Residential Education and Housing Services will be informed of the need to assist with a housing change as directed by the Civil Rights & Title IX Coordinator but will not be provided with any of the details of any complaint. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a supportive measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

### **Range of Measures**

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

- Access to counseling services and assistance in scheduling, both on and off campus;
- Imposition of mutual campus "no-contact directive;"
- Rescheduling of exams and assignments;
- Providing alternative course completion options, change in class schedule, including the ability to take an "incomplete," drop a course without penalty or transfer sections;
- Change in work schedule or job assignment;
- Change in on-campus housing, when feasible, or arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies;
- Limiting an individual or organization's access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing academic support services, such as tutoring;
- Interim suspension or College-imposed leave;



- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this Policy.

### **Interim Suspension or Separation**

If the College determines that the conduct, as alleged, poses a physical safety risk to one or more individuals, or to the College's educational environment, the College may suspend the respondent, on an interim basis, from the College, from residence halls, or from specific programs or activities. Any such assessment will be made on a case-by-case basis, based on an individualized safety and risk analysis. If the College determines that an immediate physical threat to the health or safety of students or others justifies removal, then the respondent may be suspended on an interim basis. The decision to do so will be provided to the respondent in writing.

A student respondent will have an opportunity to challenge the decision immediately following the interim suspension, and will be notified of the opportunity in writing. To challenge the suspension, the respondent should contact the Dean of Students Office within three (3) business days to meet with the Dean of Students (or designee) who will review the appeal to determine whether the decision to put the respondent on interim suspension was arbitrary or capricious. A decision is arbitrary and capricious where there is no rational connection between the facts presented and the decision made. The respondent will remain on interim suspension while the appeal is pending. The respondent will be notified in writing of the outcome of the appeal. The decision to place any respondent on an interim suspension will not be considered as evidence that any determination has been made regarding potential responsibility.

Provisions for suspension of faculty members are contained in the Faculty Handbook and NTT Faculty Collective Bargaining Agreement (where applicable). Staff may be placed on leave at the discretion of the College, and in keeping with applicable collective bargaining agreements.

### **Care and Support Resources for Complainants and Respondents**

The College is committed to treating all members of the community with dignity, care, and respect. Any student 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 support and counseling services through the College.

The College strongly encourages individuals to report Prohibited Conduct. The College recognizes, however, that the decision to report Prohibited Conduct (to the College and/or law enforcement) can be difficult. The College strongly encourages individuals who are considering whether to report Prohibited Conduct to 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 detailed below, there are Confidential Resources, which by law cannot share information without the consent of the individual seeking assistance (in most circumstances). 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 involved in the resolution of a complaint under this Policy.

### **Confidential Resources**

The College strongly encourages all community members to make a prompt report of any incident of Prohibited Conduct. 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 designated below.

#### *On-Campus Confidential Resources:*

##### *Project SAFE Senior Manager and Survivor Advocate*

Provides highly confidential crisis support and resource options to students who experience sexual assault of any kind. Support includes, but is not limited to, advising, case management, and accompanying survivors to rape treatment centers or medical services. As the Project SAFE Manager, conducts comprehensive outreach and educational programming.

Steward-Cleland Hall Lower Lounge

[survivoradvocate@oxy.edu](mailto:survivoradvocate@oxy.edu)

(323) 259-4750

##### *Office for Religious & Spiritual Life*

Provides spiritual guidance to students, faculty, and staff in the context of ordained clergy, confidential support.

Herrick Interfaith Center

[www.oxy.edu/student-life/resources-support/orsl](http://www.oxy.edu/student-life/resources-support/orsl)

(323) 259-2621

##### *Employee Assistance Program*

Occidental College's Employee Assistance Program (EAP) is designed to help maximize employees' health and effectiveness at home and at work. Administered by The Standard the EAP offers employees confidential, personal support for a wide range of issues, from everyday concerns to serious problems. The Employee Assistance Program is available to employees and their family members at no cost.

[www.healthadvocate.com/standard3](http://www.healthadvocate.com/standard3)

(888) 293-6948

##### *Emmons Student Wellness Center\**

Provides medical services and counseling to students. \*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.

[www.oxy.edu/student-life/resources-support/emmons-wellness-center](http://www.oxy.edu/student-life/resources-support/emmons-wellness-center)

(323) 259-2657

## **Overview of Resolution Options**

The College is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this Policy. The College uses two processes to resolve reports of Prohibited Conduct under this Policy: Disciplinary Resolution, which involves an investigation, and if appropriate, the imposition of sanctions, and Adaptable Resolution, which includes restorative options for resolving reports. The Civil Rights & Title IX Coordinator will determine the appropriate resolution process after making an initial assessment of the reported information, considering the stated interests of the parties, campus safety, and the College's obligation to maintain an environment free from harassment and discrimination.

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

### **Initial Assessment**

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

- assess the nature and circumstances of the report;
- address immediate physical safety and emotional well-being;
- notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- notify the complainant of the right to seek medical treatment;
- notify the complainant of the importance of preservation of evidence;
- communicate necessary details of the report to Campus Safety to enter the report into the College's daily crime log if required by the Clery Act;
- provide the complainant with written information about on- and off-campus resources;
- notify the complainant of the range of interim or supportive measures available, including the right to reasonable interim remedial measures regardless of whether they choose to participate in a College or law enforcement investigation;
- provide the complainant with an explanation of the procedural options, including Disciplinary Resolution and Adaptable Resolution;
- discuss the complainant's preference for manner of resolution and any barriers to proceeding;
- discuss the process for filing a formal complaint;

- notify the complainant and respondent that they may be accompanied by an advisor of their choice;
- assess any pattern of conduct by the respondent; and
- explain the College’s policy prohibiting retaliation, and that the College will take prompt action when retaliation is reported, and how to report acts of retaliation.

At the conclusion of the initial assessment, the Civil Rights & Title IX Coordinator will determine the appropriate manner of resolution and proceed with one of the following options:

- Proceed with an investigation and resolution under the Disciplinary Resolution process as outlined in [Appendix A](#). This will occur when a complainant requests an investigation and the Civil Rights & Title IX Coordinator determines it is appropriate; when the Civil Rights & Title IX Coordinator determines that an investigation must be pursued even when a complainant requests that no investigation be pursued; or when Adaptable Resolution is not appropriate or available.
- Proceed with the Adaptable Resolution process as outlined in [Appendix B](#). This will always require the consent of the complainant. The consent of the respondent is also required when the form of resolution involves the respondent.
- If outside the scope of this Policy, refer the matter to another appropriate office, committee, or department for resolution under the relevant policy.
- Close the report with the option to re-open it at another time if the complainant requests resolution or if the College subsequently determines there is a need to further investigate the alleged misconduct.

**Requests for Confidentiality, Not to Investigate, or Not to Discipline**

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

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the complainant and respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there were additional complainants or respondents involved;

- whether there have been other reports of other Prohibited Conduct or other misconduct by the respondent;
- whether the report reveals a pattern of misconduct related to Prohibited Conduct at a given location or by a particular group;
- the complainant's interest in the College not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
- the College's obligation to provide a safe and non-discriminatory environment;
- whether the College possesses other means to obtain relevant evidence;
- fairness considerations for both the complainant and the respondent;
- the College's obligations under federal, state, and local law; and
- any other available and relevant information.

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

The College's ability to investigate and respond fully to a report may be limited if the complainant requests anonymity or declines to participate in an investigation. The College will, however, pursue other steps to limit the effects of the potential Prohibited Conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent the College will conduct an investigation and whether other interim remedial or protective measures will be taken in connection with a report of Prohibited Conduct will be made in a manner consistent with this Policy.

Where the Civil Rights & Title IX Coordinator determines that a complainant's request(s) can be honored, the College may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the complainant and the College community. Those steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys. The College will also take immediate steps to provide for the safety of the complainant while keeping the complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. The complainant will be notified that the steps the College will take to respond to the complaint will be limited by the request for confidentiality. The Civil Rights & Title IX Coordinator may also request that a report be reopened and pursued under this Policy if any new or additional information becomes available, and/or if the complainant decides that they would like Disciplinary Resolution to occur.

In those instances when the Civil Rights & Title IX Coordinator determines that the College must proceed with an investigation despite the complainant's request that it not occur, the Civil Rights & Title IX Coordinator will notify the complainant that the College intends to initiate an investigation prior to disclosing the complainant's identity and/or initiating the investigation. The College will take immediate steps to provide for the safety of the complainant where appropriate. In the event the complainant requests that the College inform the respondent that the complainant asked the College not to investigate or seek discipline, the College will honor this request.

### **Additional Provisions**

#### *Consolidation of Investigation*

The Civil Rights and Title IX Office has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident might be relevant to the others. Consolidation might involve multiple complainants and a single respondent, multiple respondents, or conduct that is temporally or logically connected. In the event that the allegations under this Policy involve allegations of a violation of a separate policy, whether Student Code of Conduct, Faculty Handbook, or Staff Handbook, the College will have the right, within its sole discretion, to consolidate those other allegations within one investigation and/or hearing.

#### *Interaction with Grievance Procedures Under Collective Bargaining Agreements*

If a union represented employee elects to pursue a grievance regarding Prohibited Conduct through the procedures set forth in a Collective Bargaining Agreement, the College may, within its discretion, suspend an investigation procedure under this Policy for the duration of such grievance procedure, to avoid the possibility of concurrent investigations and conflicting findings with respect to the employee's complaint. If a represented employee's complaint is resolved through the applicable grievance procedure, the Civil Rights and Title IX Office may request that the union representative transfer all information gathered and related findings to the Civil Rights and Title IX Office to determine whether further investigation is necessary under this Policy.

#### *Standard of Evidence*

The standard for determining whether the respondent is responsible for a policy violation is the preponderance of the evidence standard, i.e., whether it is more likely than not that a violation of College policy occurred.

#### *No Conflict of Interest or Bias*

Any individual carrying out these procedures must be free from any actual conflict of interest or bias that would impact the handling of this matter. Should the Civil Rights & Title IX Coordinator have a conflict of interest, the Civil Rights & Title IX Coordinator is to immediately notify the President of the College, who will appoint a College administrator to serve as Acting Civil Rights & Title IX Coordinator for the matter at issue. Should any Investigator have a conflict of interest, the Investigator is to notify the Civil Rights & Title IX Coordinator immediately upon discovery of the conflict. Each party may object to the designated Investigator on the grounds of an actual bias or conflict of interest. If either of the parties objects, they must notify the Civil Rights & Title IX Coordinator, in which case the Civil Rights & Title IX Coordinator will evaluate whether the objection is substantiated. The party raising the objection will be notified in writing of the

determination within three (3) business days. If it is determined that an actual bias or conflict of interest exists, the person who was the subject of the objection will be removed and replaced.

#### Modification of Processes

The College will follow the Processes described herein barring exceptional circumstances. In rare instances, however, the College may be required to adapt or modify the Processes (including 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 the parties of the modification of the Processes and, if appropriate, the exceptional circumstances requiring the College to adapt or modify the Processes.

#### Requests for Delays and Extensions of Time

The Civil Rights & Title IX Coordinator may extend any deadlines within this Policy, for good cause shown and documented. “Good Cause” will be determined by the Civil Rights & Title IX Coordinator in their sole discretion and may include: (1) the unavailability of a witness because of death, illness, or other excusable circumstances; (2) the unavailability of a party because of death, illness, or other excusable circumstances; (3) the unavailability of an advisor because of death, illness, or other excusable circumstances; (4) concurrent law enforcement activity; and (5) the need for language assistance or accommodation of disabilities. Although reasonable attempts will be made to schedule proceedings consistent with an advisor’s availability, the process will not be delayed to schedule the proceedings at the convenience of the advisor. The complainant and respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

#### Presumption of Non-Responsibility

The decision to proceed with an investigation is not a determination that the respondent has engaged in the conduct as alleged. The respondent is presumed not responsible for the conduct that is the subject of the investigation, unless and until a decision of responsibility has been made upon the completion of the investigation process.

#### Respondent’s Prior Conduct History

Where there is evidence of a pattern of conduct similar in nature by the respondent, either prior, or subsequent, to the conduct in question, this information may be deemed relevant and probative to the decision-maker’s determination of responsibility, and/or the determination of sanction. The Civil Rights & Title IX Coordinator will make a determination of relevance based on an assessment of whether the previous incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and the College, through the Civil Rights & Title IX Coordinator, may choose to provide this information to the Investigator or Decision-Maker, with appropriate notice to the parties. The Civil Rights & Title IX Coordinator will assess the relevance of this information and determine if it is appropriate for inclusion in the investigation report.

#### Advisor

Throughout any investigation or resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney or union representative (where applicable). The parties may be accompanied by their respective advisor at any meeting or

proceeding related to the investigation or resolution of a report under this Policy. While the advisor may provide support and advice to the parties at any meeting and/or proceeding, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings. Advisors may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings. Generally, the Civil Rights and Title IX Office and Investigator will communicate directly with the complainant or respondent. An advisor should plan to make themselves reasonably available, and the College will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability.

#### *Failure to Comply with Investigation and Disciplinary Process*

If an advisor fails to comply with the procedures set forth herein, 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, the College reserves the right to bring charges of misconduct against the participant. The Civil Rights & Title IX Coordinator is responsible for interpreting and applying this provision.

#### *Integrity of Proceeding*

These procedures are entirely administrative in nature and are not considered legal proceedings, but rather procedures designed to address policy violations. No party may audio or video record the proceedings.

#### *Record Retention*

The Civil Rights & Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Initial Assessment, Adaptable Resolution or Disciplinary Resolution. Complaints resolved by means of an Initial Assessment or Adaptable Resolution are not part of a student's conduct file or academic record. Affirmative findings of responsibility in matters resolved through Disciplinary Resolution are part of a student's conduct record. Such records will be used in reviewing any further conduct, or developing sanctions, and will remain a part of a student's conduct record. In addition to records kept by the Civil Rights & Title IX Coordinator, the conduct files of students who have been suspended or expelled from the College are maintained in the Dean of Students Office 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. For faculty or staff respondents, certain records from a proceeding (e.g. records of disciplinary action, agreements signed by the employee) may be placed in the employee's personnel file, consistent with state and federal law, the College's Record Retention Policy, the applicable employment handbook, and any applicable collective bargaining agreement. Further questions should be directed to the Civil Rights and Title IX Office.

#### *Use of Privileged Records*

The College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.



*Transcript Actions*

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

## **Appendix A: Disciplinary Resolution Procedures**

Appendix A outlines the disciplinary resolution procedures the College follows in resolving a grievance that a person has been subjected to Prohibited Conduct by a student, administrator, staff member, or faculty member in violation of the College's Discrimination, Harassment, and Retaliation Policy.

### **Notice of Investigation**

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

- The complainant's name;
- Nature of the complaint;
- Specific policy violations alleged (e.g., discrimination on the basis of race, harassment on the basis of religion, retaliation);
- Date(s) of alleged policy violation(s);
- Location(s) of alleged policy violation(s);
- Brief description of the allegation(s);
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the Disciplinary Resolution process;
- A statement that the parties have the right to review and inspect all evidence being considered during the Disciplinary Resolution process, consistent with this Policy; and
- A statement regarding the College's policy related to false reports and making knowingly false statements during the Disciplinary Resolution process.

In the notice to the respondent, the Civil Rights & Title IX Coordinator will request a meeting within four (4) business days of transmittal of the notice. At the meeting, or if the respondent does not respond to the meeting request or is unable to meet within four (4) business days, the Civil Rights & Title IX Coordinator will provide additional information in writing about:

- On- and off-campus resources, including counseling, health, mental health, legal assistance (including connecting respondent with visa and immigration advisory resources), student financial aid, and other available services.
- The range of supportive measures and remedies available, including changes to academic, living, transportation, and/or working situations, or other supportive measures as may be appropriate.

- An overview of the procedural options and process, including Adaptable Resolution and Disciplinary 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.
- The College’s [alcohol and drug amnesty policy](#).
- The College’s policy prohibiting retaliation.

Concurrently, the Civil Rights & Title IX Coordinator will select a trained internal or external Investigator (“Investigator”) to conduct a reasonable, impartial, and prompt investigation of the complaint (“Investigation”). The Civil Rights & Title IX 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 Civil Rights & Title IX Coordinator will notify the parties, in writing, of the name of the designated Investigator at the time the Civil Rights & Title IX Coordinator issues the notice of investigation. The 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 Civil Rights & Title IX Coordinator will evaluate whether the objection is substantiated. The Civil Rights & Title IX Coordinator will remove and replace any Investigator the Civil Rights & Title IX Coordinator finds to have an actual 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 any objections have been resolved.

### **Investigation**

Reasonable effort will be made to complete the investigation within sixty (60) business days of the date the formal complaint is made or as soon thereafter as practical under the circumstances. The Civil Rights & Title IX Coordinator will provide the complainant and the respondent with notice of any delays and give them a new timetable for completion of the investigation.

The investigation will include an interview(s) with the complainant, the respondent and/or any other person who may have information regarding the incident, each of whom is encouraged to cooperate with any investigation. The Investigator will prepare a summary of each interview, share the summary with the interviewee, and provide the interviewee with an opportunity to correct or comment on any statements made in the summary. If no response is received from the interviewee within three (3) business days reflecting any additions or changes which the interviewee believes are necessary, the interview summary shall be deemed to be undisputed. In all instances where the Investigator includes an interview summary as an exhibit to a report, the Investigator will also include any response. The Investigator may also gather any relevant documents and conduct follow-up or rebuttal interviews, as necessary.

The Investigator will review the evidence submitted by the parties and conduct any additional fact-gathering as may be necessary.

## **Preliminary Report**

The Investigator will prepare a Preliminary Report summarizing all the evidence gathered that is directly related to the allegation(s). This will include both inculpatory and exculpatory evidence. Where applicable, the report will have attached as appendices the testimonial and documentary evidence from the investigation. The Investigator will provide each party the opportunity to review the Preliminary Report and will make it available to them in a secure manner (e.g. by providing view-only access to hard copy materials or through a view-only web portal). Neither the complainant nor the respondent nor any of their advisors or third parties may copy, remove, photograph, print, image, record, or otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties may provide a written response to the Preliminary Report within ten (10) business days of being notified of their opportunity to review the Preliminary Report. The parties' written response(s) may include, without limitation, requests for follow-up interview(s) to clarify or provide additional information, requests to consider new evidence, and written, relevant questions that a party would like the Investigator to ask of any party or witness (at the discretion of the Investigator). Any request for additional investigation shall explain the reason for the request. The Investigator will consider any written response(s) provided in preparing the Final Report and may conduct additional investigation consistent with the procedures outlined above, as the Investigator deems necessary based on the parties' response(s), if any. If the Investigator conducts additional investigation based on the parties' written responses, any new, relevant evidence (including answers to clarifying questions) will be made available for review by each party. Each party will have five (5) business days in which to respond to the new evidence. Each may provide a response in writing, or verbally, to the Investigator. The Investigator will include any written response(s) provided by the parties to the Preliminary Report in the Final Report.

## **Final Report**

The Investigator will prepare a Final Report, which shall include (1) a determination regarding responsibility (e.g., whether the respondent did, or did not, violate College Policy); (2) the specific factual findings in support of the Investigator's determination regarding responsibility; and (3) the specific evidence upon which the Investigator relied in making each factual finding. The standard for determining whether the policy has been violated is the preponderance of the evidence standard, i.e., whether it is more likely than not that a violation of College policy occurred. The Final Report will have attached as exhibits the testimonial and documentary evidence, Preliminary Report, and all of the parties' responses.

The Investigator will submit the Final Report to the Civil Rights & Title IX Coordinator. The Civil Rights & Title IX Coordinator will review the Final Report and assess 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 determination regarding responsibility or non-responsibility.

The Civil Rights & Title IX Coordinator may require that the Investigator conduct additional investigation, consistent with the procedures outlined above. Once the Civil Rights & Title IX

Coordinator has confirmed that the Final Report is complete, the Civil Rights & Title IX Coordinator will provide a copy of the Final Report to the parties in a secure manner.

### **Appeals**

Appeals of a determination regarding responsibility may be filed by either party and must be sent to the Civil Rights & Title IX Coordinator within five (5) business days of receipt of the Final Report. Appeals may only be made on the following grounds: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the Final Report was issued, and that could affect the outcome of the matter; or (3) conflict of interest or bias on the part of the Investigator.

When an appeal is filed, the other party will be notified, in writing, and will then have five (5) business days to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. The appeals process is documentary only, and no hearing is held. The Civil Rights & Title IX Coordinator will appoint the Appeal Officer from a member of the trained Appeal Panel and will notify the parties of that appointment in writing. The Appeal Officer will not have any actual conflict of interest or bias and cannot be the Investigator or the Civil Rights & Title IX Coordinator. The parties will have five (5) business days to object to the Appeal Officer's selection on the basis of bias or conflict of interest. Any objection is to be in writing and sent to the Civil Rights & Title IX Coordinator. Should the Civil Rights & Title IX Coordinator determine that there is a bias or conflict of interest, the Civil Rights & Title IX Coordinator will remove the appeals officer and appoint another. The Appeal Officer will determine whether any grounds for the appeal are substantiated. The Appeal Officer may deny the appeal, stating the grounds for denial in writing; or if one or more of the appeal grounds have been met, may return the case to the Investigator or Civil Rights & Title IX Coordinator for reconsideration. The parties will generally be notified in writing of the outcome of the appeal within ten (10) business days of receipt of the non-appealing party's response statement. The Appeal Officer's decision is final and is not subject to appeal.

### **Sanctions**

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

## **Appendix B: Adaptable Resolution Procedures**

Adaptable resolution is a voluntary, remedies-based, structured interaction between or among affected parties that balances support and accountability without taking formal disciplinary action against the respondent. This process is available to students, faculty, and staff upon mutual agreement. Adaptable resolution is generally designed to allow the respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the complainant and/or the College community. Adaptable resolution is designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant while maintaining the safety of the campus community.

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

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

## **Adaptable Resolution Options**

The Civil Rights & Title IX Coordinator may appoint a trained internal or external mediator or other professional (“facilitator”) to facilitate resolution, or may facilitate resolution directly with the parties, where appropriate. The facilitator must be impartial and free from bias or conflict of interest. If the facilitator has concerns that they cannot facilitate a fair or unbiased process, the facilitator must report those concerns to the Civil Rights & Title IX Coordinator and a different facilitator will be assigned. Similarly, a party who has concerns that the assigned facilitator cannot enable a fair and unbiased process, may report those concerns to the Civil Rights & Title IX Coordinator who will assess the circumstances and determine whether a different facilitator should be assigned to the adaptable resolution process.

If a party requests the initiation of an adaptable resolution process and the Civil Rights & Title IX Coordinator agrees that the matter is appropriate for adaptable resolution, each party will receive a written notice that discloses:

- The allegations;
- The requirements of the adaptable resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- The parties’ right to withdraw from adaptable resolution and resume or initiate disciplinary resolution with respect to the formal complaint; and
- Information about maintenance of records or how records could be shared.

With approval from the Civil Rights & Title IX Coordinator, after consultation and intake with the facilitator, the complainant and the respondent may voluntarily agree on the process that best meets the interests and needs of the parties. Adaptable resolution may include one or more of the following restorative approaches:

*Facilitated Dialogue:* A structured and facilitated conversation between two or more individuals, most often the complainant, the respondent, and/or other community members. The focus is often on providing a space for voices to be heard and perspectives to be shared. Depending on stated interests, the participants may sometimes work towards the development of a shared agreement, although working towards an agreement is not always the intended outcome.

*Restorative Circle or Conference Process:* A facilitated interaction where the individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing the harm (to the extent possible). A circle or conference may include multiple members of the community to explore individual and community impact, harm, obligations, and opportunity for repairing them. Parties must agree on all those who will be present.

*Shuttle Negotiation:* An indirect, facilitated conversation individually with the complainant, the respondent, and/or other participants to discuss experience and perspective and explore interests while working towards meeting expressed needs. This negotiated process does not require direct interaction between the parties or the parties and other participants, but rather, independently, with a coordinator.

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

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

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

Individuals who wish to participate in an adaptable resolution process must have successfully completed preparatory meetings with the facilitator. Individuals may be accompanied by an advisor at any meetings related to the adaptable resolution process.

### **Adaptable Resolution Agreements**

Any agreements reached in an adaptable resolution must be documented by the facilitator and approved by the Civil Rights & Title IX Coordinator to ensure consistency with the College's Policy. An agreement will not be considered valid if the Civil Rights & Title IX Coordinator does not approve it. If the Civil Rights & Title IX Coordinator or designee approves an agreement after the parties have voluntarily reached consensus as to its terms, the parties will be required to comply with the agreement. If no agreement is reached, the matter may be referred to the Civil Rights & Title IX Coordinator for further action. Once the Civil Rights & Title IX Coordinator approves an agreement, the parties are bound by its terms and cannot return to Disciplinary Resolution.

To fairly assess pattern or systemic behavior, the Civil Rights & Title IX Coordinator will maintain records of all reports and conduct referred for adaptable resolution. The time frame for completion of adaptable resolution may vary, but the College will seek to initiate action within fifteen (15) business days of the initial assessment. While the College will seek to honor confidentiality of the parties' communications with the facilitator during the adaptable resolution process to the extent necessary to facilitate the resolution, the College may be required to produce records created during this process in response to a judicial subpoena or a FERPA educational record request. If adaptable resolution is stopped prior to completion, statements made by a party in adaptable resolution may not be used in a disciplinary resolution process related to that matter.



### **Adaptable Remedies or Interventions for the College Community**

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

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

## **Appendix C: Student Sanctioning Procedures**

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

The Civil Rights & Title IX Coordinator will also notify the parties that they have the opportunity to submit an Impact Statement to the Review Panel at least five (5) business days prior to the hearing. The Review Panel will review the parties' Impact Statements, the Final Report, and all attached materials, in assessing the appropriate sanction. The Review Panel does not have the power or ability to alter the findings (factual or ultimate).

This Policy prohibits a broad range of conduct, all of which is serious in nature. In keeping with the College's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Review Panel has great latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the complainant and surrounding community, and accountability for the respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct, prevent its recurrence, remedy its effects and restore or preserve the complainant's equal access to College education programs or activities, while supporting the College's educational mission. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, and/or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion.

In determining the appropriate sanction, the Review Panel may consider factors including but not limited to the following:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the complainant;
- the impact or implications of the conduct on the community or the College;
- prior misconduct by the respondent, including the respondent's relevant prior discipline or criminal history (if available);
- maintenance of a safe and respectful environment conducive to learning;
- protection of the College community; and
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

The Civil Rights & Title IX Coordinator also has the discretion to review any interim protective or remedial measures to determine whether they should be changed or are no longer applicable. The Review Panel will issue a determination on sanctions and the parties will receive notice of the determination within five (5) business days of the Review Panel's receipt of all materials in the case.

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

### **List of Possible Sanctions**

Any one or more of the sanctions listed below may be imposed on a respondent who is found responsible for a violation of the College's Discrimination, Harassment, and Retaliation Policy. Sanctions not listed here may be imposed in consultation with and approval by the Civil Rights & Title IX Coordinator.

*Campus Community:* In all instances where a student is found responsible for engaging in Prohibited Conduct, the Civil Rights & Title IX Coordinator will consider and determine whether non-disciplinary, administrative measures for the larger campus community are appropriate. Such remedial, community-based responses may include educational initiatives and/or trainings, climate surveys, or other appropriate measures.

*Educational Initiatives:* Any student found responsible for engaging in Prohibited Conduct, who is not permanently separated from the College, will be required to complete non-disciplinary, educational initiatives at the discretion of the Review Panel.

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

*Censure:* A written reprimand for violating the Discrimination, Harassment, and Retaliation Policy. This conduct status specifies a period of time during which the student's good standing with the College may be in jeopardy. The student is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, or expulsion from the College.

*Disciplinary Probation:* Exclusion from participation in privileged activities for a specified period of time (privileged activities may 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.

*Restitution:* Repayment to the College or to an affected party for damages resulting from a violation of this Code. To enforce this sanction, the College reserves the right to withhold

its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.

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

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

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

Revocation of Admission and/or Degree: Admission to, or a degree awarded by, the College may be revoked for fraud, misrepresentation in obtaining the degree or violation of College policies, the Student Code of Conduct or for other serious violations committed by a student prior to enrollment or graduation.

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

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

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

## **Appendix D: Faculty or Staff Member Sanctioning Procedures**

If the respondent is found responsible for a violation of the College's Discrimination, Harassment, and Retaliation Policy, the Disciplinary Resolution process concludes with the imposition of discipline. If the respondent is found not to have violated any policy, the Disciplinary Resolution has concluded. If, however, the respondent is found not to have violated the Discrimination, Harassment, and Retaliation Policy, but is found to have engaged in inappropriate or unprofessional conduct which violates the College's Standards of Conduct and Performance policy, the appropriate College officers will take prompt and appropriate remedial action, including disciplinary action, limited to the actions set forth below.

### Remedies

Remedies may include but are not limited to offering to remove the complainant or the respondent from a hostile environment; changes in classes; changes in residence arrangements; changes in schedules or work hours; changes in work assignment/location; a "no contact" order.

### Discipline

Persons who violate one or more of the College's antidiscrimination policies will be disciplined. The particular form of discipline will depend on the nature of the offense. Such discipline will be imposed consistently with any and all applicable College rules, policies and procedures. A person against whom such discipline is imposed will have any rights to contest the imposition of discipline as may otherwise exist under applicable College rules, policies, or procedures.

If there is a violation of this Policy, discipline against a staff member or administrator will be imposed by the Operative Vice President in consultation with the Director of Human Resources or the Civil Rights & Title IX Coordinator. In the event that the Operative Vice President is the respondent in the case, the President of the College will consult with the Director of Human Resources or the Civil Rights & Title IX Coordinator if there is a violation of this Policy. The Operative Vice President has the discretion to implement a variety of disciplinary actions. The Civil Rights & Title IX Coordinator will notify the parties of the disciplinary actions within five (5) business days of receipt of the Operative Vice President's Decision. Discipline against a faculty member will be imposed in accordance with the disciplinary procedures in the Faculty Handbook as set forth below (for Tenured and Tenure-Track Faculty) or applicable collective bargaining agreement (for Non-Tenure Track Faculty).

Any one or more of the disciplinary actions listed here may be imposed on a respondent who is found responsible for a violation of the College's antidiscrimination policies. Disciplinary action against a union represented employee shall be undertaken consistent with any applicable collective bargaining agreement. Disciplinary actions not listed here may be imposed in consultation with the Civil Rights & Title IX Coordinator. Disciplinary actions are assessed in response to the specific violation(s) and any prior discipline of the respondent.

Possible disciplinary actions for Non-Tenure Track Faculty and staff include, but are not limited to the following actions, which will be imposed in a manner that is consistent with the discipline and discharge provisions of any applicable collective bargaining agreement:

**Warning:** Verbal Notice, with documentation in the personnel file, that continuation or repetition of Prohibited Conduct may be cause for additional disciplinary action.

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

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

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

**Suspension Without Pay:** Separation of employment for a defined period of time without pay for the time of separation. During the suspension period, the employee is not permitted on campus and is not permitted to participate in, or supervise, any College sponsored or affiliated program or activity. The terms of the suspension may include the designation of special conditions affecting eligibility to continue employment upon completion of the suspension period. The Director of Human Resources will determine, consistent with law and College policy, whether and to what extent the employee will be eligible for benefits during this suspension and notify the employee, in writing, of that determination.

**Termination of Employment:** Permanent separation of the employee from the College.

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

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

Any disciplinary action against a Tenured or Tenure-Track Faculty Member will be imposed as follows:

**Referral to Faculty Hearing Committee:** Referral by the Dean of the College to the elected members of the Advisory Council ("Hearing Committee") for the imposition of disciplinary action against a Tenured or Tenure-Track Faculty Member. The Dean of the College will notify the Faculty Council President to convene a Hearing Committee. The Hearing Committee excludes the Dean of the College and the appointed members of the Advisory Council. The Hearing Committee will elect their own chair from among their members and will establish a reasonable timetable for the imposition of disciplinary action. The Hearing Committee will accept as true the finding as to whether the alleged conduct

violated the Policy. The parties will have the opportunity to submit an Impact Statement to the Hearing Committee, and the Hearing Committee will review the parties' Impact Statements, and all other materials in the case (redacted as necessary and appropriate), including the Final Report and attached appendices, in assessing the appropriate sanction.

The Hearing Committee's review is documentary only and no hearing is held. Following standard practice, the Civil Rights & Title IX Coordinator will be available throughout deliberations to address questions about the Policy and related procedures. Any decision to warn, reprimand, or dismiss a faculty member requires a two-thirds majority of the members conducting the hearing, the vote in each instance to be taken by secret ballot.

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

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

#### *Accommodations and Non-Disciplinary, Administrative Measures*

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