

Interim Sexual Misconduct Policy FAQs

Frequently Asked Questions regarding the revised Interim Sexual Misconduct Policy

Last updated August 14, 2020

Under the revised policy, will conduct that previously constituted a violation of College policy continue to constitute a violation of college policy?

Yes. Conduct that previously constituted a violation of College policy will continue to constitute a violation of College policy. However, such conduct may be adjudicated under different grievance processes (the Title IX Sexual Harassment process or the Sexual Misconduct process).

What kinds of conduct fall under the Title IX Sexual Harassment process versus the Sexual Misconduct process?

The *Title IX Sexual Harassment* process is based on definitions set forth in regulations from the U.S. Department of Education under Title IX, and the scope of the policy is limited under the regulations to the following:

1. conduct that occurs within the United States; and
2. conduct that occurs within the College's education program or activity.

When those two parameters have been met, the policy applies to allegations of Quid Pro Quo Sexual Harassment, Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. For example, depending on the circumstances, the following types of allegations would likely fall under the Title IX Sexual Harassment process:

- Student A alleges that Student B sexually assaulted them in Student A's on-campus dorm room.
- Student A alleges that Student B engaged in dating violence at the Marketplace.
- Student A alleges that Faculty Member B engaged in severe and pervasive sexual harassment of them in an on-campus laboratory.
- Student A alleges that Faculty Member B engaged in quid pro quo sexual harassment of them during field work in Nevada.

The *Sexual Misconduct process* applies to allegations of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation that do not fall under the parameters of the Title IX Sexual Harassment process. Therefore, the Sexual Misconduct process may apply to:

1. conduct that occurs in the off campus, but outside of a College program or activity; or
2. conduct that occurs outside of the United States when the conduct is associated with a College-sponsored program or activity, such as travel, research, or internship programs; or
3. conduct that involves the use of the College's computing and network resources from a remote location, including but not limited to accessing email accounts.

For example, depending on the circumstances, the following types of allegations would likely fall under the Sexual Misconduct process:

- Student A alleges that Student B sexually assaulted them in an off-campus apartment.
- Student A alleges that Student B sexually assaulted them while attending a study abroad program in Japan.
- Student A alleges that Student B engaged in dating violence at a restaurant on York.
- Student A alleges that Faculty Member B engaged in quid pro quo sexual harassment of them at an academic conference in France.
- Student A alleges that Student B engaged in sexual exploitation of them (in any setting).

What are some of the main differences between the Title IX Sexual Harassment process and the Sexual Misconduct process?

Many aspects of the two processes are very similar, including the initial assessment, the investigation, sanction determination, and appeal. There are some key differences, however, including:

- During a Title IX Sexual Harassment hearing, parties' advisors can cross-examine (directly question) the other party and witnesses, provided that the questions are deemed relevant. In contrast, during a Sexual Misconduct hearing, parties may only submit written cross examination questions for the other party and witnesses.
- In the Title IX Sexual Harassment process, if parties or witnesses do not attend the hearing or they decline to be cross-examined, any information/evidence that they have provided cannot be used/considered in the adjudication. The Sexual Misconduct process does not include this evidentiary limitation.

How will I know which process applies to the alleged conduct?

If you are a complainant who is interested in learning more about potential disciplinary options, we encourage you to contact the Title IX Coordinator (afulcher@oxy.edu). If you were interested in pursuing further options, you would be asked to file a formal complaint, at which point an initial assessment would be conducted by the Title IX Coordinator in order to determine which policy most appropriately applies to the alleged conduct.