

# **HARVEY MUDD COLLEGE**

## **ANNUAL FIRE SAFETY AND SECURITY REPORT**

### **2020**

**January 1, 2019 – December 31, 2019**

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## **I. INTRODUCTION**

### **From President Klawe**

It is up to each one of us to help foster a secure and supportive environment at Harvey Mudd College—an environment where individuals can feel safe to visit, learn, work and live. Primary to this goal are the principles of responsibility and respect. These values are essential to any community and serve as the foundation for the success and productivity of our students, faculty and staff. Safety on campus is one of the highest concerns. A truly safe campus can only be achieved through everyone's cooperation. This publication contains information about campus safety measures and reports statistics about crime in our College community. It also describes our efforts to combat alcohol and drug abuse. Please take the time to read it and to help foster a more caring and safer environment.

*Maria Klawe*  
*President, Harvey Mudd College*

### **From The Assistant Vice President For Campus Safety**

On behalf of the members of the Campus Safety Department, I want to personally thank you for your interest in our Annual Fire Safety and Security Report. The men and women of The Claremont Colleges Services (TCCS) Campus Safety Department are dedicated security professionals who are committed to making the Harvey Mudd College and all of The Claremont Colleges safe places in which to live, work and study.

Harvey Mudd College and TCCS Campus Safety Department publish this report because it contains valuable information for our campus community. This report also complies with important provisions of the Jeanne Clery Act. Campus safety and security, and compliance with the Clery Act, continues to be a part of everyone's responsibility at The Claremont Colleges. We encourage you to review the information made available to you in this report, where you will find information about our organization, including descriptions of services that we provide.

As you read this report, you will also become more familiar with our strong commitment to victims of crimes and the specific extensive services we make available to crime victims. Lastly, very important information about security policies and procedures on our campus, crime data, and crime prevention information is included.

As a significant part of our campus-oriented public safety programming, we join Harvey Mudd College in the commitment to foster a secure and supportive environment at The Claremont Colleges. Campus safety and security indeed requires a collaborative effort at The Claremont Colleges, and so we proudly partner with the many departments at Harvey Mudd College that have a critical role in fostering campus safety, including: the Dean of Students Office, the senior administrators, Campus and Residential Life, Facilities and Maintenance, and other departments.

It will always remain our goal to provide the highest quality of public safety services to The Claremont Colleges community, and we are honored to collaborate with each of our campuses.

Stan Skipworth



Assistant Vice President, TCCS Campus Safety

## **Accessibility to Information and Non-Discrimination Statement**

Harvey Mudd College seeks to maintain an environment of mutual respect among all members of its community. All forms of harassment and discrimination on the basis of sex, gender identity and expression, pregnancy, religion, creed, color, race, national or ethnic origin, ancestry, sexual orientation, medical condition, physical or mental disability, age, marital status, veteran status, family care leave status or any other basis described in Harvey Mudd College's Nondiscrimination Policy or otherwise prohibited by state or federal law destroy the foundation for such respect and violate the sense of community vital to the College's educational enterprise. Sexual misconduct offenses are a form of sexual harassment and are strictly prohibited by the College. Retaliation against a person who reports, complains about, or participates in the investigation of a complaint of discrimination, harassment, and/or sexual misconduct is likewise prohibited.

This policy strictly prohibits discrimination against, or the harassment of, any individual at the College or at College activities occurring away from campus, including but not limited to all individuals regularly or temporarily employed, studying or with an official capacity at Harvey Mudd College (such as trustees, guest lecturers, volunteers and contractors). Persons violating this policy will be subject to disciplinary action up to and including discharge from employment or expulsion from the College. It is the responsibility of all faculty, staff and students at the College to ensure compliance with this policy. Accordingly, faculty, staff or students who believe they are being harassed or discriminated against, have observed harassment of, or discrimination against, another person at the College in violation of this policy, or who believe such conduct has occurred, should immediately report the incident following the complaint reporting procedures below.

Because harassment and discrimination can also constitute violations of federal and state law (Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and/or Section 12940 of the State of California Government Code), individuals who feel that they have been subjected to harassment or discrimination may, in addition to notifying the College by using the complaint reporting procedures below, file a complaint with the appropriate state or federal agencies. Such complaints may be filed with the California Department of Fair Employment and Housing (DFEH) or the comparable federal agency, the Equal Employment Opportunity Commission (EEOC). Complaints may also be filed with the federal government's Office of Civil Rights (OCR).

As an educational institution, Harvey Mudd College is committed to the principle of free expression and the exploration of ideas in an atmosphere of civility and mutual respect. Thus, in keeping with the principles of academic freedom, there can be no forbidden ideas. Harvey Mudd College also recognizes that the educational process can often be disturbing and unsettling, particularly when one's current ideas or values

are being challenged. This means that the learning, working, and living environments might not always be comfortable for all members of the College community. The College does not proscribe speech simply because it is offensive, even gravely so. In determining whether an act constitutes discrimination or harassment, the context must be carefully reviewed, and full consideration must be given to protection of individual rights, freedom of speech and academic freedom. In addition, consistent with California Education Code Section 94367, the definition of harassment contained in this policy and its application to student speech shall be subject to the limitations of the First Amendment to the United States Constitution and Article 1, Section 2 of the California Constitution.

## **Preparation of the Annual Security Report and Disclosure of Crime Statistics**

Campus Safety and Dr. Leslie Hughes, Assistant Vice President for Student Affairs at Harvey Mudd College, prepare this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by Campus Safety, information provided by other offices such as the Harvey Mudd Division of Student Affairs, the Title IX Coordinator, other campus security authorities, online reporting, as well as information provided by local law enforcement agencies surrounding the main campus. Each of these offices provides updated policy information and crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by Harvey Mudd College. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol and other drugs.

The College distributes a notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to every member of the College community. Due to COVID-19, the Department of Education extended the publishing deadline of the 2020 Annual Fire Safety and Security Report to December 31, 2020. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting Dr. Leslie Hughes at [lhughes@hmc.edu](mailto:lhughes@hmc.edu) at Harvey Mudd College or download a copy by visiting the Campus Safety website: <https://services.claremont.edu/campus-safety/>. From the webpage, scroll down to Clery Reporting and expand the section to view the reports.

## **II. ANNUAL SECURITY REPORT**

### **Reporting Crimes and Other Emergencies**

Harvey Mudd College has a number of ways for campus community members and visitors to report crimes, serious incidents and other emergencies to appropriate Harvey Mudd College and Campus Safety officials. Regardless of how and where you

decide to report these incidents, it is critical for the safety of the entire Harvey Mudd College community that you immediately report all crimes/emergencies to 911 and Campus Safety at 909.607.2000. When crimes, serious incidents and other emergencies are reported, Campus Safety and Harvey Mudd College will conduct investigations and initiate appropriate follow-up actions, including issuing a Crime Alert or emergency notification.

### **Voluntary, Confidential Reporting**

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage College community members to report crimes promptly and to participate in and support crime prevention efforts. The College community will be much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the College or criminal justice system, we ask that you consider filing a voluntary, confidential report. We also highly recommend this method for the accurate and prompt reporting of crimes to campus police and appropriate police agencies when the victim of a crime elects to or is unable to make such a report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential reports allow the College to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security and Fire Safety Report. In limited circumstances, the College may not be able to assure confidentiality, and you will be informed in those cases.

Anyone may call Campus Safety at 909.621.8170 or 909.607.2000 to report concerning information. A caller's information may remain confidential.

Another step the College has made toward making reporting crimes easy and accessible is the "LiveSafe" app for smartphones. The LiveSafe app allows Harvey Mudd students to submit tips and reports quickly and discreetly, access essential safety resources and information, and to use the "SafeWalk" feature that includes a location sharing option so friends can track your travel between points to ensure your safe arrival. LiveSafe is available for download on Android and iPhone for free at the app store.

### **Reporting to Campus Safety**

We encourage all members of the College community to report all crimes and other emergencies to Campus Safety in a timely manner. Campus Safety has a dispatch

center that is available by phone at 909.621.8170 or 909.607.2000 or in person twenty-four hours a day at the Pendleton Business Building, 150 East 8th St., Claremont, CA 91711. Though there are many resources available, Campus Safety should be notified of any crime, whether or not an investigation continues, to assure the College can assess any and all security concerns and inform the community if there is a significant threat to the College community.

All crimes can be called in to the Claremont Colleges Services Office of Campus Safety at 909.607.2000 or 909.621.8170. Callers who wish to remain confidential should share with the Dispatcher who answered the call that they wish to keep their name private. Campus Safety Dispatch will honor that request and not press the caller for their information. However, please note that the Cisco IP Phones often times still records a phone number that Dispatch may call back if additional information is necessary. Should a Campus Safety Incident Report result from the phone call, the caller information will be written as “Jane Doe” or “John Doe”.

The College has installed emergency phones throughout the campus. Phones are located in numerous outdoor locations. Emergency phones provide direct voice communications to the Campus Safety Dispatch Center.

### **Anonymous Reporting**

Anyone may share information anonymously through Campus Safety’s Silent Witness Form available on the Campus Safety website at [https://cuc.formstack.com/forms/silent\\_witness\\_incident\\_report](https://cuc.formstack.com/forms/silent_witness_incident_report). The form provides a user the opportunity to communicate directly with the Assistant Vice President of Campus Safety. It is not intended for reporting emergencies or crimes-in-progress. The user will submit a description of the event, date, time and location of the event. Contact information is optional. Once all pertinent information has been disclosed, the user will click the ‘submit’ button which in turn sends it directly to the Assistant Vice President of Campus Safety. By policy, we do not attempt to trace the origin of the person who submits this form, unless such is deemed necessary for public safety.

Students, faculty and staff can download the LiveSafe app from their mobile device for free. The app is available in the Apple app store <https://itunes.apple.com/us/app/livesafe/id653666211> and in Google Play <https://play.google.com/store/apps/details?id=com.livesafe.activities>. Once downloaded, the user will find their institution by clicking on ‘Manage Organizations’ in Settings. LiveSafe provides users the opportunity to do something when they see something. Users can send an email, make a phone call, and send pictures to Campus Safety in real time from the convenience of their mobile device. It also provides the user with updated information regarding: Emergency Procedures, Sexual Assault Assistance, Health and Wellness Assistance, Student Life Resources, and Local Resources. All messages sent to Campus Safety through the LiveSafe

app give the user the option to send the transmission anonymously by simply clicking the box that asks the user if they wish to remain anonymous.

## **Reporting to Other Campus Security Authorities**

Harvey Mudd College is very concerned about the safety and welfare of all students, employees and guests, and is committed to providing a safe and secure environment. Harvey Mudd College works with Campus Safety, the Claremont Police Department, an Emergency Preparedness Consultant and private security groups to maintain the safety of the College community. All members of the Harvey Mudd College community are encouraged to report crime to one or more of the following offices: The Division of Student Affairs, Human Resources, Campus Safety and the Claremont Police Department.

While Harvey Mudd College prefers that community members promptly report all crimes and other emergencies directly to Campus Safety at 909.607.2000 or 911, we also recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes certain College officials and offices as “Campus Security Authorities (CSA).” The Act defines these individuals as an “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

While the College has identified over 100 CSAs (including all staff in the Division of Student Affairs, all faculty, some academic affairs staff, coaches and proctors), we officially designate the following offices as places where campus community members should report crimes:

<b>Official</b>	<b>Campus</b>	<b>Phone</b>
Campus Safety	150 E. 8 <sup>th</sup> St.	909.607.2000
Assistant VP for Student Affairs	301 Platt Blvd.	909.621.8125
Assistant VP for Human	301 Platt Blvd.	909.607.9700
Title IX Coordinator	301 Platt Blvd.	909.607.3470

## **Pastoral and Professional Counselors**

According the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by The Claremont Colleges Services (TCCS) to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, Harvey Mudd College and TCCS encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them. The Claremont Colleges Chaplains work out of McAlister Center. McAlister Center is located at 919 N. Columbia Ave., and the Chaplains can be reached at



909.621.8685. As a matter of policy, the College encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them. Monsour Counseling and Psychological Services counselors work out of Tranquada Center at 757 College Way and can be reached by calling 909.621.8000.

### **It's Up to Each of Us**

Harvey Mudd College takes great pride in its community and offers students, faculty and staff many advantages. This community is a great place to live, learn, work and study; however, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in other communities. With that in mind, Harvey Mudd College has taken progressive measures to create and maintain a reasonably safe environment on campus. In addition to the services provided by Campus Safety, Harvey Mudd College has precautionary measures in place that are intended to enhance the quality of life and to assure the safety and security of the students, staff and faculty (for more information, see below in the section on Security of and Access to College Facilities).

Harvey Mudd College is a residential college; nearly all students live on campus. The Vice President for Student Affairs/Dean of Students is the college officer responsible for residential and campus life issues.

### **About The Claremont Colleges Services Department Of Campus Safety**

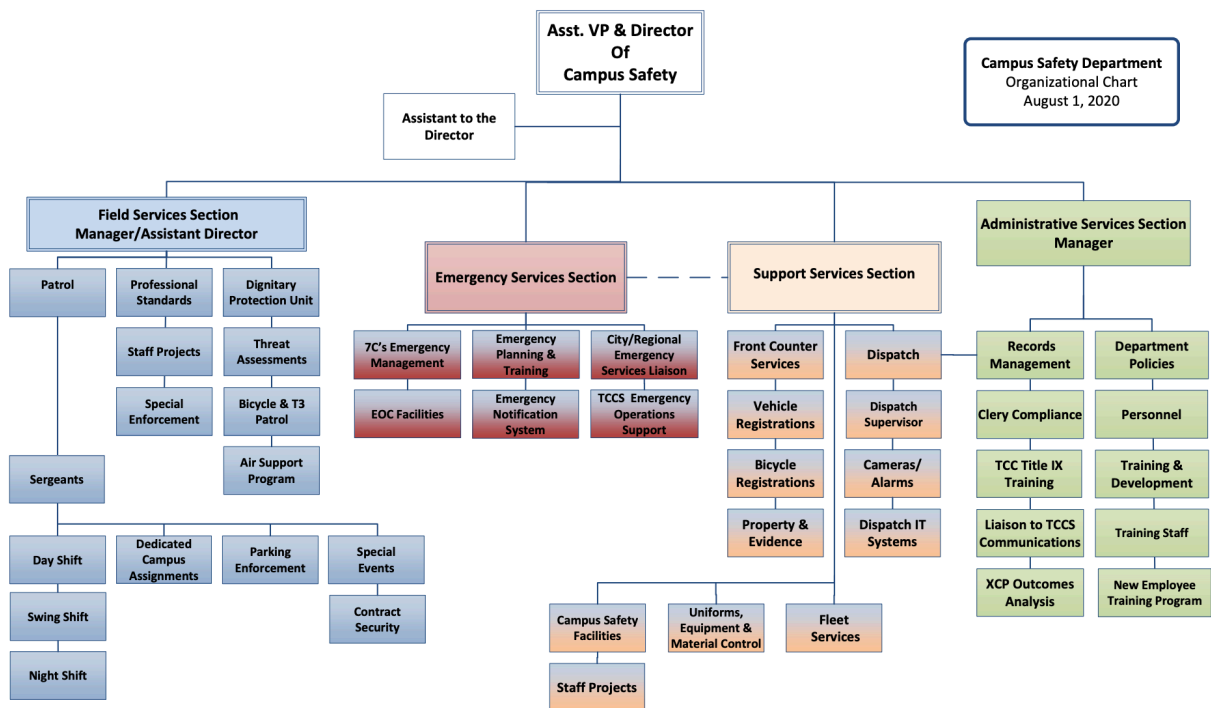
#### **Role, Authority, Training and Jurisdiction**

TCCS Campus Safety protects and serves The Claremont Colleges community 24 hours a day, 365 days a year. The department is responsible for a number of campus safety and security programs that includes Emergency Management, Community Safety and Security Education, Physical Security, including security technology, Behavioral Threat Assessment and Special Event Management. Other specific tasks include but are not limited to the following:

- First responders to emergencies of any kind.
- Protect the persons and property of students, faculty, staff and visitors to The Claremont Colleges.
- Patrol by vehicle, electric carts and on foot all campus streets, byways and interior areas.
- Apprehend criminals.
- Provide first aid until the arrival of paramedics.
- Provide security and traffic control at parties, special events and performances.
- Monitor fire alarms, intrusion alarms, theft alarms, panic alarm systems and a variety of temperature alarms campus-wide.
- Enforce traffic and parking regulations.

- Take reports of crimes and incidents and forward them to the Claremont Police Dept. for investigation.
- Provide incident reports to student deans and maintain records of crimes, incidents and reported activities for analysis purposes.
- Assist law enforcement and other emergency service providers as needed.
- Offer security survey/audit services to campus administrators.
- Provide security/crime prevention presentations to students and staff.

The Campus Safety Department is led by the Assistant Vice President, and staffed by a Captain, Sergeants, a Dispatch Supervisor, Dispatchers, full-time uniformed Campus Safety Officers, an Assistant to the Director/Assistant Vice President, and Clergy Compliance Coordinator.



Campus Safety officers are unarmed and have no police powers. Their arrest powers are identical to those of a private person, as provided in the California Penal Code section 837. Current certification requirements for the officers include: Guard Registration, Basic Life Support for Health Care Providers, which includes CPR, First-Aid and AED. Officers are also trained in Blood Borne Pathogens, Baton usage, the administration of Oleoresin Capsicum (Pepper Spray), Auto Epinephrine Pen, Narcan (Naloxone), and receive various FEMA training. Select officers and supervisors receive Rape Aggression Defense (RAD) training and Dignity Protection. Employees undergo continuous education and training to upgrade their skills. Campus Safety is not a police department but is responsible for law enforcement, security and emergency response protocols at The Claremont Colleges. Campus Safety also provides support services tailored to

meet the needs of the Colleges including, high visibility patrols to prevent and detect crime, responding to suspicious activity and crime reports, as well as respond to: medical emergencies, fire and intrusion alarms, traffic accidents, parking enforcement, and enforcement of college rules and regulations as outlined by each of the seven Claremont Colleges.

There are seven separate and distinct colleges, with six of the colleges sharing contiguous space. The streets that establish the perimeter of Campus Safety's patrol jurisdiction for the following colleges: Claremont Graduate University, Claremont McKenna College, Harvey Mudd College, Pitzer College, Pomona College and Scripps College are Foothill Boulevard to the north, Claremont Boulevard to the east, First Street to the south and Harvard Avenue to the west. Additional details of the patrol jurisdiction for each campus are described below.

The exception to this is Keck Graduate Institute, which does not reside on the same parcel of land. KGI's borders and Campus Safety's patrol jurisdiction include: First Street to the north, Indian Hill Boulevard to the east, Arrow Highway to the south, and South Cambridge Avenue to the west.

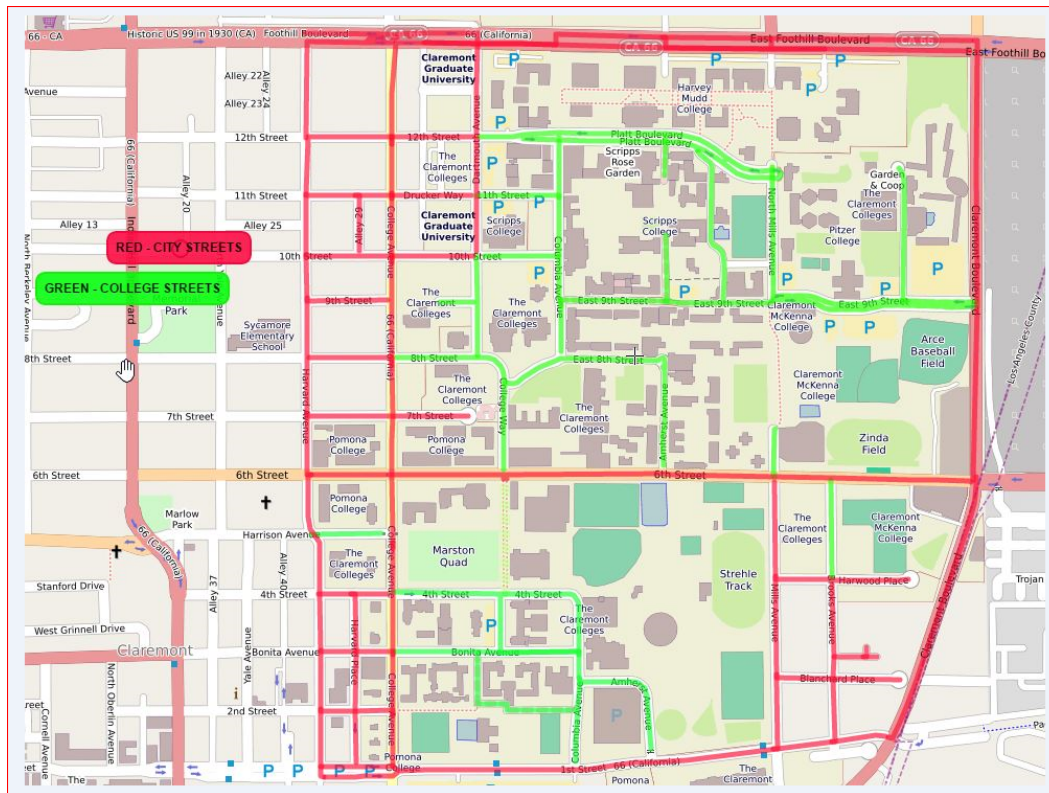
The Claremont Colleges Services (TCCS), Claremont McKenna College (CMC) and Pitzer College own The Pit, also known as the East Campus property, which is currently undeveloped land. This parcel of land borders Foothill Boulevard to the north, Monte Vista Avenue to the east, Arrow Route to the south and Claremont Boulevard to the west.

Set back off of Foothill Boulevard: Claremont Graduate University, Harvey Mudd College, Pomona College, Scripps College and TCCS own parcels of undeveloped land known as the North Campus Property. One specific parcel of North Campus Property is Pitzer College's Robert Redford Conservancy. All this land is bordered by the backyards of residential housing not affiliated with the Colleges to the north, Mills Avenue to the east, Foothill Boulevard to the south, and the Rancho Santa Ana Botanical Gardens to the west.

Set back off the main street and north of Foothill Boulevard resides the Claremont Collegiate Apartments (CCA), which is Claremont Graduate University housing. CCA is bordered by TCCS undeveloped land that was formerly a golf course to the north, the Rancho Santa Ana Botanical Gardens to the east, the School of Theology, which is affiliated with The Claremont Colleges, but not owned or controlled by TCCS, to the southeast, Via Los Altos to the southwest, and Via Zurita Street to the west.

Further west on Foothill Boulevard in an office building controlled by Claremont Graduate University is the School of Community and Global Health. This building is bordered by Colby Circle which curves, so this is the north and west border, to the east is bordered by a parking lot with restaurants and retail shopping and Foothill Boulevard to the south.

The Claremont Colleges contain both city streets and streets owned by the colleges. However, all streets are considered public access. The map below reflects the streets that are owned by the City of Claremont and those owned and controlled by The Claremont Colleges.



## Working Relationship with Local, State, and Federal Law Enforcement Agencies

The Claremont Colleges' Campus Safety enjoys a highly effective and close working relationship with the City of Claremont Police Department, as well as the Upland Police Department. Set by our formal Memorandums of Understanding (MOUs) with both agencies, our local law enforcement partners ensure effective operational roles and responsibilities that directly support the mission of the Campus Safety Department and the safety and security of The Claremont Colleges. The police are notified immediately and respond to: crimes against persons, including violent crimes, major felonies, crimes involving a known or identified suspect, all private persons arrests on campus, and are called when police presence and/or assistance is deemed appropriate for the situation. As appropriate, and in accordance with Uniform Crime Reporting (UCR) standards, crime reports initiated by Campus Safety may be forwarded to the police agencies for investigation and mandated reporting. An MOU with these law enforcement agencies is maintained and available at all times, pursuant to the Kristen Smart Act of 1988 (State of California). More expansively, Campus Safety and the

Claremont Police Department, with colleagues across The Claremont Colleges as is appropriate, convene regularly through in-person meetings, phone and electronic communication to discuss safety issues and work collaboratively and proactively.

In addition, Campus Safety staff assists local fire/paramedic personnel as well as other local and county, state and federal law enforcement agencies when they respond to campus. The Campus Safety Department typically plays a supportive role in these instances.

### **Timely Warning Notification**

**Purpose:** The purpose of this policy is to outline procedures The Claremont Colleges will use to issue Timely Warning Notices in compliance with the Clery Act. TCCS are comprised of Claremont Graduate University, Claremont McKenna College, Harvey Mudd College, Keck Graduate Institute, Pitzer College, Pomona College, Scripps College and The Claremont Colleges Services (TCCS).

**Procedures:** A Timely Warning Notice will be issued in the event any of TCCS receives notice of an alleged Clery Act reportable crime (identified below) occurring on campus, on public property within or immediately adjacent to one of the campuses of TCCS, or in or on non-campus buildings or property controlled by any of TCCSs, where the College determines, in its judgment, that the allegations present a serious or continuing threat to the TCCS community. For purposes of this policy, “timely” means as soon as reasonably practicable after an incident has been reported to: Campus Safety, one of the Campus Security Authorities (CSAs) identified by each college, or a local police agency. Determining which designated official from Campus Safety makes the decision is based on availability during a 24-hour cycle. Campus Safety maintains designated individuals throughout each 24-hour cycle who are trained in determining the need for issuing a Timely Warning Notification. These designated officials are: Assistant Vice President of Campus Safety, and the on-duty Captain or Watch Commanders.

Whether to issue a Timely Warning Notice is determined on a case-by-case basis for Clery Act reportable crimes: arson, criminal homicide, burglary, robbery, sex offenses, aggravated assault, motor vehicle theft, domestic violence, dating violence, stalking and hate crimes, as defined by the Clery Act.<sup>1</sup> Timely Warning Notices also may be issued for other crimes as determined necessary by the Assistant Vice President of Campus Safety, dean on-call or senior administrator.

Timely Warning Notices aid in the prevention of similar occurrences and will be issued even if insufficient information is available if it is likely that there is an ongoing threat to the community.

The above individuals determine if an alert should be sent and are the senders of the notices. In determining whether to issue a Timely Warning Notice, the responsible

individuals described above will consider any factors reflecting on whether the reported crime represents a serious or continuing threat to the TCC community, including, but not limited to, (a) the nature of the incident; (b) when and where the incident occurred; (c) when it was reported; (d) the continuing danger to the TCC community; and (f) the amount of information known by TCC and Campus Safety. TCCS Campus Safety will follow its Emergency Notification procedures upon the confirmation of a significant emergency or dangerous situation (including a Clery reportable crime), involving an immediate threat to the health or safety of students or employees occurring on TCCS. A Timely Warning Notice Decision Matrix/Timely Warning Notice Determination Form will be used in the decision-making process to document the decision to alert or not to alert the community. Once completed, the form and any and all information related to the decision will be maintained by TCCS Campus Safety for a seven-year period. Timely Warning Notices will be distributed via email to all TCC students and employees.

The Timely Warning Notice will typically include, to the extent known, the date, time and nature of the offense, a brief overview of its particular circumstances, a physical description of the actor(s), law enforcement's immediate actions, a request and method for witnesses to contact local law enforcement and where applicable and appropriate, cautionary advice that would promote safety. In no instance will a Timely Warning Notice include the name of the victim or other identifying information about the victim. In developing the content of the Timely Warning Notice, Campus Safety will take all reasonable efforts not to compromise on-going law enforcement efforts. Campus Safety will document and retain the justification for determining whether to issue a Timely Warning Notice for a seven-year period.

Anyone with information about a serious crime or incident is encouraged to report the circumstances to Campus Safety by phone at 909.607.2000 or from campus phones at ext. 72000 and in person at the Campus Safety Office, Pendleton Business Building, 150 East 8th St., Claremont, CA 91711. If a report is made to other TCC official, those officials will immediately notify TCCS Campus Safety.

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<sup>1</sup> A hate crime is a criminal offense of murder and non-negligent murder, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, domestic violence, dating violence, or stalking incidents, where the criminal offense was committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation or ethnicity/national origin.

## **Emergency Response and Evacuation Procedures**

The Harvey Mudd College—Campus Emergency Response Team, HMC-CERT, was developed out of a need to have a well-trained volunteer emergency work force to assist the college during a disaster or other emergency on campus. HMC-CERT is modeled after the Federal Emergency Management Agency (FEMA) Community Emergency Response Team (CERT).

When emergencies happen, HMC-CERT members may be counted on to provide critical support to the HMC community and first responders such as the Incident Management Team and Campus Safety. In the immediate aftermath of a disaster, needs may be greater than professional emergency services personnel can provide. In these instances, HMC-CERT become a vital link in the emergency service chain.

After completing training, team members may assist with HMC Damage Assessment, Light Search and Rescue, First Aid, Communications, including functioning as the HMC Incident Management Team. Members meet regularly to practice their skills and refresh their knowledge.

### **Emergency Management**

#### Incident Management Team

The Incident Management Team is the lead emergency response team for Harvey Mudd College. This team uses the Incident Command System and assigns Command and Section Leaders to lead the campus emergency response effort. These members work to gather incident information, create emergency actions plans and respond to events. HMC-CERT groups and members work under the direction of the IMT. Training for these members may include: Incident Command System (ICS) and the California Standardized Emergency Management System and National Incident Management System (SEMS/NIMS) courses, periodic drills and other training as appropriate. Duties during an emergency may include:

- Activation of the Emergency Operations Center
- Notification and activation of response team members
- Deployment of response efforts on campus
- Verification and release of incident information
- Update HMC community regarding emergency or incident
- Activation of Emergency Plans (e.g. Shelter-in-Place, Evacuate)
- Coordination of additional resources needed for incident

#### Damage Assessment

Members assigned to damage assessment may be comprised of facilities and maintenance staff. Routine training for members may include damage assessment, HAZMAT spill response, advanced PPE, safety and other training specific to the needs of the campus. Members meet regularly to discuss emergency procedures and

review action plans with additional training conducted throughout the year. Duties during an emergency may include:

- Damage assessment of facilities and buildings
- Turning on/off utilities
- Repair and recovery of building heating and cooling systems
- Spill response
- Moving, lifting of heavy objects
- Debris clean up

#### Light Search and Rescue

Members assigned to the Light Search and Rescue may be activated after an emergency when there is a possibility that someone is trapped or stuck in a building or under debris. Members would include trained volunteers and where appropriate based on their skill level search buildings and assist victims who are unable to evacuate on their own.

Additional training for the members may include First Aid, CPR and use of an AED. Members meet regularly to practice their skills. Duties during an emergency may include:

- Damage assessment
- Building search
- Victim assistance
- First aid treatment

#### First Aid Team

First Aid Team members may assist those in need of minor medical treatment during an emergency in the event local emergency personnel are delayed. Members would include volunteers trained in First Aid, CPR and the use of an AED. Duties of First Aid Team members during an emergency may include:

- Conduct and record initial medical assessments
- Administer first aid
- Conduct rapid assessment (triage)
- Set up and manage First aid treatment area(s)
- Maintain records of treatment

### **Emergency Response Plans, Drills, Exercises and Training**

Each member of TCC is responsible for the overall direction and planning for emergency situations on their campus or those that occur in the local or regional area affecting TCC. Coordinating with Campus Safety, each of TCC develop comprehensive, all-hazards Emergency Response Plans which outline the steps the institution will take to prevent and mitigate, prepare for, respond to, and recover from a full range of likely hazards TCC community may face.

Information pertaining to HMC Emergency Response Information can be found at the following link: <https://www.hmc.edu/emergency-preparedness/>



Included on the Harvey Mudd College emergency web page is detailed information regarding Harvey Mudd College's Emergency Notification Policy, including how to enroll in Harvey Mudd College's mass notification system, to ensure you receive emergency notices pertaining to TCC's via your personal mobile or electronic devices. Registering your mobile or electronic device to receive a text or voice message is optional and highly recommended. Every Harvey Mudd College community member is encouraged to add her/his cell phone to the system and to participate in regular Harvey Mudd emergency preparedness exercises.

To ensure these plans remain current and actionable, each of TCC conducts emergency management exercises. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises. After-action reviews of all emergency management exercises can be used to document the exercise.

In conjunction with emergency management exercises, each of TCC will notify their community of the exercise(s) and remind the community of the information included in each colleges' publicly available information regarding Emergency Response Procedures.

Preparedness and emergency response exercises help reinforce skills and knowledge needed during an actual emergency. Harvey Mudd College conducts the following exercises:

- Fire, Life Safety Evacuation Exercise
  - Residence halls – twice annually
  - Academic and administrative buildings – annually
- Mass Notification System Test and Exercise – campus wide, twice annually
- Tabletop Emergency Response Exercises – In addition to their routine training the HMC Incident Management Team and HMC-CERT routinely conduct and participate in the campus exercises.
- Earthquake Exercise – campus wide annually

## **Emergency Notification**

This policy statement summarizes Harvey Mudd College's emergency response and evacuation procedures, including protocols for sending Emergency Notifications.

An Emergency Notification will be issued in the event that Harvey Mudd College or Campus Safety receives notice of a situation that presents a significant emergency or dangerous situation at Harvey Mudd College or in the local area affecting the health and/or safety of Harvey Mudd College community, in whole or in part. Harvey Mudd College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system after an incident has been reported to: Campus Safety, one of the *Campus Security Authorities*

(CSAs) identified, or a local police agency. Determining which designated official from Campus Safety makes the decision is based on availability during a 24-hour cycle. Campus Safety maintains designated individuals throughout each 24-hour cycle who are trained in determining the need for issuing an Emergency Notification. These designated officials are: Assistant Vice President of Campus Safety, Captain, or the on-duty Watch Commanders.

The Claremont Colleges are committed to ensuring TCC community receives timely, accurate, and useful information in the event of an Emergency. To support this commitment, TCC has invested in several multi-modal forms of communications that allow administrators to distribute notices in the event of a critical incident or dangerous situation. The system used by TCC to integrate the mass notification process consisting of email, and text messaging is Everbridge.

### **Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System**

TCCS Campus Safety protocol for disseminating Emergency Notifications specific to COVID-19 is in alignment with the Clery Act legislation and Department of Education (ED) Guidance. A highly contagious virus *does* meet the criteria for being immediately threatening to the health and safety of our community members. Per ED Guidance, a COVID-19 specific ribbon can be found at the top of the home page on the TCCS web page at <https://services.claremont.edu/>. The links include information regarding COVID-19 specific to the Colleges as well as a link to the Center for Disease Control's COVID-19 website <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

Campus Safety and/or other Harvey Mudd College staff may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of TCCS campus community. Generally, TCC become aware of these situations when they are reported to Campus Safety Dispatch or upon discovery during patrol or other assignments.

The Department of Campus Safety is responsible for responding to all significant incidents that may involve an immediate or ongoing threat to the health and/or safety of the greater college community. It is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents. Either on its own or with the input from these external agencies, (Claremont Police Department, Los Angeles Fire Department, and/or Los Angeles County Emergency Management), the Department of Campus Safety will determine if the situation does in fact pose a threat to the community. Should that be the case, federal law requires that the College immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. The College communicates and works closely with local police, regularly requesting their cooperation in informing the College about reported situations that may warrant an emergency response.

In determining whether to issue an Emergency Notification, individuals may use a variety of notification methods to alert Campus Safety to an emergency, such as personal/office phones, emergency ring down phones, email, or in person. The Department of Campus Safety will consider all known factors reflecting on whether the situation represents an immediate threat to the health or safety of the College community, including, but not limited to, (a) the nature of the significant emergency or dangerous situation; (b) when and where the incident occurred; (c) when it was reported; (d) the continuing danger to the campus community; and (e) the amount of information known by the Department of Campus Safety.

### **Determining the Contents of the Emergency Notification**

The Department of Campus Safety's Dispatch will choose the appropriate template in Everbridge, populate the template with the pertinent information necessary for the current emergency situation and send it out to students, faculty and staff at Harvey Mudd College, and the other Claremont Colleges. Additional Emergency Notification messages will follow as information regarding the unfolding situation is known. Campus Safety is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents, which may include the input of the Claremont Police Department and or Los Angeles County Fire Department.

The Assistant Vice President of Campus Safety, Captain, or the on-duty Watch Commanders, in collaboration with the Dean on-call from the affected community (if applicable) take the initial lead in implementing the appropriate response plan, assessing the severity of the crisis, reviewing all available information, delegating responsibility where appropriate, and ensuring that the information needs of various constituencies are met.

### **Determining the Appropriate Segment or Segments of TCC Community to Receive an Emergency Notification**

The Claremont Colleges are a consortium of seven separate and distinct colleges that share a multitude of social, residential, dining, and academic programs, to name a few. Due to the nature of our configuration, once a significant emergency or dangerous situation occurring on one of the campuses has been established, and an emergency notification is deemed necessary, it is disseminated via text message to all seven-college students and employees enrolled in the Everbridge emergency management system. Depending on the nature of the emergency situation, Campus Safety may work with TCCS Communications and the Claremont Police Department to issue subsequent notifications to a wider group of local community members. Harvey Mudd College will also post applicable messages about the dangerous condition on the College website to ensure the campus is aware of the situation and the steps they should take to maintain personal and campus safety.

## Determining the Contents of the Emergency Notification

The Department of Campus Safety's Dispatch will choose the appropriate template in Everbridge, populate the template with the pertinent information necessary for the current emergency situation and send it out to students, faculty and staff at Harvey Mudd College and the other Claremont Colleges. Additional Emergency Notification messages will follow as information regarding the unfolding situation is known. Campus Safety is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents, which may include the input of the Claremont Police Department and or Los Angeles County Fire Department. Those issuing the notification will use the following guidelines when determining the contents of the emergency message.

1. The first message is intended to **Alert** the appropriate segment of TCC community of the emergency and the actions they should take to safeguard their and their neighbor's safety.
2. The second message is intended to **Inform** the appropriate segment of TCC community about additional details of the situation. This message is generally distributed once first responders and the Emergency Operations Center has additional information about the dangerous situation.
3. Finally, the third message is the **Reassure** notice that is generally distributed once the situation is nearly or completely resolved. The purpose of this message is to reassure TCC community that TCC or the College is working diligently to resolve or has resolved the dangerous situation. It can also be used to provide additional information about the situation and where resources will be available.

## Procedures Used to Notify TCC Community and Larger Community

In the event of an emergency, TCC have various systems in place for communicating information quickly. Some or all of these communication methods may be activated in the event an Emergency Notification needs to be sent to all or a segment of TCC community. These methods of communication at Harvey Mudd College include the mass notification system, Everbridge (Mudd Alert), Harvey Mudd College email system, campus PA system and/or emergency messages that scroll across computer screens. Harvey Mudd College will post updates during a critical incident on our emergency page: <http://www.hmc.edu/emergency/>.

HMC is also committed to providing a safe environment for everyone in the larger campus community. In the event of an emergency or significant safety concern that would impact members of the larger community outside the college campuses, updated and ongoing emergency information is provided to the Claremont Police Department for dissemination as they feel appropriate. The Claremont Police Department is included on the Everbridge distribution list and receives all emergency

notifications and alerts issued by Campus Safety. The TCCS Communication Office would liaison with local media to further distribute the details of an incident as appropriate.

Individuals may also call the TCCS Campus Safety emergency line 909.607.2000 for information about the emergency situation. If the situation warrants, TCC may establish a telephone call-in center to communicate with the campus community during the emergency.

### **Security of and Access to Harvey Mudd College Facilities**

At HMC administrative buildings are open from 8 a.m. until 5 p.m., Monday through Friday. Some academic and administrative spaces are open longer for student, faculty and staff use. Access to individual classrooms and laboratories is limited to those who have an educational purpose to use those spaces after normal business hours. Similarly, access to most programs is limited to those enrolled in the program or otherwise authorized access. Only those who have a demonstrated need and approved by the Vice President for Student Affairs and Dean of Students or Dean of Faculty are issued keys or door access cards to a building.

Many events held in HMC facilities are open to the public. Other facilities such as Huntley Bookstore and Honnold-Mudd Library are also open to the public.

### **Special Considerations for Residence Hall Access**

Facilities and Maintenance (F&M) issues each resident a key to their room at the beginning of the year. Residents of rooms that open directly to the exterior of the residence halls and are not equipped with card swipes are required to return keys to F&M at the beginning of winter break. Campus offices and academic areas are completely closed to students living on campus during winter break (except authorized intercollegiate athletes, approved off-campus winter housing petitioners and students approved to return early). Since these rooms have direct access to the outdoors, the return of keys is necessary to ensure the security of everyone's possessions during break. All residents are required to return keys to F&M at the end of the academic year. For the safety of each resident, no exceptions will be made. Students should carry their keys with them at all times and report lost or stolen keys immediately to F&M. These keys may not be copied or transferred. Proctors have master keys to all residence hall rooms in case of accidental lockouts or for emergencies. Summer residents are subject to the same regulations as during the regular academic year.

Card readers have been installed on all doors in East; suite entrances in Linde, Sontag, Drinkward and South; and the interior entries in Case. These provide greater security for student living areas, along with 24-hour access to residence hall common areas, the Linde Activities Center computer room, the Platt Campus Center and the academic complex (via Parsons and Keck doors). Swipe and proximity authorization are coded

on student ID cards, along with dining plan and library access. Only assigned residents of rooms/suites will be coded to have access.

Students are expected to carry their ID cards at all times. If a student loses her or his ID card, she or he must notify F&M as soon as possible. The lost ID card will be deactivated. The student will need to get a new ID card from the Claremont Card Center as soon as possible. If an ID card is broken or damaged, a student may take the damaged card to the Card Center to replace the ID card at no cost.

### **Campus Security Policies, Crime Prevention & Safety Awareness Programs**

In addition to the information and programs offered by Campus Safety and other College offices during new student and employee orientation, HMC has established a number of policies and programs related to ensuring a reasonably safe campus. These policies and programs include:

#### **Behavioral Intervention by the On-Call Deans**

In order to extend our efforts on emergency preparedness and prevention, HMC evaluates behavioral threats through the on-call deans, which consists of staff members who have been trained in emergency response. The objective of the on-call deans is to evaluate and mitigate potentially threatening situations that may occur at HMC. Depending on the nature of the concern, the on-call deans may include other stakeholders from different offices at the Colleges who have more direct knowledge of a situation. For more information about the on-call deans and behavioral interventions, please contact the Assistant Vice President for Student Affairs at [lhughes@hmc.edu](mailto:lhughes@hmc.edu).

#### **Live Safe App**

Live Safe is a free personal safety mobile application for students, staff, and faculty to engage in a two-way conversation with Campus Safety. It allows users to directly access Campus Safety and 911 emergency services. This service can create greater situational awareness and safety preparedness by educating the user

#### **Teal Dot Interpersonal Violence Bystander Intervention Program**

In 2013 The Claremont Colleges partnered to implement a bystander intervention training program that demonstrates a way for all campus constituents to contribute to a safer environment, regardless of campus, affiliation, commitments, interests. Teal Dot was created specifically for the Claremont College community and adapted from Green Dot, a national model out of the University of Kentucky. The mission of Teal Dot is to engage a critical mass of community members and empower them to take action when

they see potentially dangerous behavior. Teal Dot is about culture change – harnessing the power of individual choices to shift our current norms. Teal Dot is offered to faculty, staff, and students every semester, including summers, on every campus. Trainees also have the opportunity to learn how to lead future sessions for peers.

## **Weapons and All Forms of Explosives Policy**

Harvey Mudd College is committed to providing a living and learning environment as free from violence or threats of violence as it possibly can, and to taking reasonable and appropriate steps to provide for the safety of the College's students, faculty, staff, and visitors. Toward this end, this policy prohibits all forms of violence or threats of violence and also generally prohibits the possession, use, or storage of any weapons or other dangerous items on the HMC campus.

- A. **Weapons** Possessing, using, or storing weapons on campus or at off-campus, College-sponsored activities, including storing or transporting weapons or dangerous items in private cars or storage containers located on College property, is prohibited. Weapons include, but are not limited to: all firearms, BB guns, pellet guns, projectile weapons, tasers and stun devices, slingshots, illegal knives (those with blades longer than 2.5 inches), switchblades, and display or collectable weapons. It is also a violation of this policy to use an item with a lawful purpose (i.e. scissors, kitchen knives, baseball bat) in a manner which could or does result in an act of violence or a threat of violence against another person.

This policy does not apply to the ROTC or P.E. departments, which may use otherwise-prohibited items as part of their courses. A student using a weapon or replica weapon will not be in violation of this policy so long as the student is doing so as instructed by and under the supervision of their instructor. Use of a prohibited item not in compliance with an instructor's directives violates this policy. Moreover, no prohibited item may be stored inside a Residence Hall regardless of whether the item is used for ROTC or P.E.

- B. **Artificial Weapons** Artificial, toy, or handmade play items resembling weapons must be decorated with bright colors so they can be identified from a distance as safe. Use of these items is limited to recreation in the residences and dorm courtyards. They are not permitted in academic or administrative areas of campus without advance approval from DSA. If one of these items is perceived as dangerous or intimidating by a member of the community, the vice president for student affairs/dean of students will ask the owner to remove it from public areas on campus.

- C. **Explosives** Fireworks and all forms of explosives shall not be used or possessed anywhere on campus, except for the approved use of potentially explosive materials in campus laboratories. These prohibited materials include combustibles in containers, such as gasoline in cans and dry ice bombs. Students are reminded that California laws, Sections 12303.2 and 12312 of the Penal Code, establish stringent restrictions on these items.

## **Personal Safety**

Theft, disorderly conduct, and alcohol related offenses are very common on College campuses. It is important to report any suspicious incidents to police and always remain alert and vigilant. One of the more serious crimes that is too often unreported is sexual assault. It is important to know what these crimes are, because in many cases, victims do not realize that have been victimized. Additionally, crimes of this nature are very difficult for victims to report for a number of very complex reasons. We provide the following information to assist those who may have been survivors of sexual assault or who have a friend who has been sexually assaulted.

These policies may be found at the Emergency Preparedness web page (<https://www.hmc.edu/emergency-preparedness/>), the Policies, Procedures and Guidelines page (<https://www.hmc.edu/human-resources/policies-procedures-and-guidelines/>), and the Student Handbook (<https://www.hmc.edu/student-life/student-handbook/>).

## **Crime Prevention and Safety Awareness Programs**

In addition to the services provided by Campus Safety, Harvey Mudd College has precautionary measures in place that are intended to enhance the quality of life and to assure the safety and security of the students, staff and faculty. Harvey Mudd College is a residential college; nearly all students live on campus. The Vice President for Student Affairs/Dean of Students is the College officer responsible for residential and campus life issues.

The following are precautionary measures in place for the safety of students, staff and faculty:

- A dean or professional staff member of the Division of Student Affairs is on-call at all times, 24 hours a day, seven days a week, throughout the academic year and summer.
- All residence halls are served by live-in proctors who are available and on-call throughout the school year to supervise and help govern residential life.
- Security alerts are distributed campus-wide in a timely manner to inform the campus community of crimes or



suspected crimes that may threaten the safety of Harvey Mudd students and employees.

- Safety escort services are available through Campus Safety.
- Exterior emergency telephones linked directly to Campus Safety are located throughout the campus.
- An electronic alarm system connected directly to Campus Safety monitors a comprehensive network of intrusion and fire alarms campus wide.
- Campus Safety and campus maintenance and facilities staff conduct regular inspections of exterior lighting, doors, windows, hardware and grounds.
- Fire extinguishers are located in every building. Fire sprinklers are in many buildings and smoke detectors are in each residence hall.
- The entire campus is secured with high security keyways not reproducible outside of the College's system. Lost keys may result in a lock re-keying and new key issue. Dorm keys are collected at the end of each semester or academic year to identify unreported lost keys. A lost building master key may result in the entire building being re-keyed.
- Administrative and academic buildings are locked and unlocked electronically and where appropriate by custodial staff on a daily schedule.
- The Office of Facilities and Maintenance controls key access. Sign-in and sign-out procedures are closely monitored and stored in a database system. Access to key lock boxes is restricted.
- All students, faculty and staff are enrolled in at least one means of instant notification through the Everbridge (Mudd Alert) emergency notification system. Emergency messages can be sent from Campus Safety and/or other College officials utilizing email, cell phones, landline phones and text messaging.
- All residential exterior doors are equipped with automatic lock mechanisms. A swipe card lock system has been installed where feasible—in campus residences. The system administrator in the Office of Facilities and Maintenance can customize access and update the system. The swipe card system prohibits residential access when students are not in residence.
- Exterior public address speakers are installed in areas of heaviest pedestrian traffic.
- A preventative maintenance program including scheduled checks for battery back-up systems, generator operations and other devices needed to preserve security is in place.
- Laundry room doors, windows and dorm room doors have peepholes.

- Campus-wide Emergency Evacuation Drills are held each semester.
- The Campus Emergency Response Plan is continually updated. Student, staff and faculty volunteers are continuously being trained for their emergency roles.
- Maps of below-grade utilities are kept updated.
- Exterior-mounted key safes (Knox Boxes) are installed for Campus Safety and Fire Department use.
- Student mailroom and music practice rooms are locked and secured facilities.
- Key staff members are trained to use AED devices, which are located in the Linde Activity Center, Galileo Auditorium Foyer, Platt Campus Center, Shanahan Center for Teaching and Learning, Olin Science Building, Kingston Hall, Hoch Shanahan Dining Commons and North Residence Hall.
- Facilities and maintenance staff members utilize hand-held radios to enhance rapid response to campus needs.
- The College uses LiveSafe, a personal safety mobile application that can be used to engage in two-way conversation with Campus Safety. It allows students, staff, and faculty direct access to Campus Safety and 911 emergency services and creates greater situational awareness and safety preparedness by educating the user on daily safety-related updates and statistics.

## **Parental Notification Policy**

The College reserves the right to report student discipline information to the parents or legal guardians of students. Federal legislation authorizes Harvey Mudd College to disclose disciplinary records concerning violations of the College's rules and regulations governing the use or possession of alcohol or controlled substances that involve students who are under the age of 21 regardless of whether the student is a dependent. The College may also notify parents when there is grave concern for a student's health, welfare or wellbeing.

## **Student Conduct**

The Division of Student Affairs (DSA) serves as co-educators in support of the mission of Harvey Mudd College while cultivating student's life skills. Through collaboration and partnerships, DSA fosters an inclusive community while creating innovative programs that provide leadership and developmental opportunities. DSA prepares students for their futures beyond HMC as scholars and global citizens who impact their communities in significant ways.

DSA provides resources and opportunities for students to foster resilience, exercise accountability, and engage in community. DSA fosters a welcoming environment by

educating across identities and celebrating communities through awareness, allyship and action. DSA provides opportunities that support and increase awareness of diverse leadership styles through involvement, collaboration, and cultivation of strengths for transformational change. Finally, DSA engages students to learn, understand, and practice the 9 dimensions of wellness to strive for a balanced sense of self.

DSA is responsible for administering the Student Handbook that articulates the College's Honor Code and Standards of Conduct, and for overseeing the Student Conduct Process in collaboration with the student conduct chairs. The HMC Honor Code and Standards of Conduct state:

All members of ASHMC are responsible for maintaining their integrity and the integrity of the College community in all academic matters and in all affairs concerning the community. Harvey Mudd College is an inclusive community of faculty, staff and students. Students entering the community are assumed to have an earnest purpose. Diligent pursuit of this purpose is enhanced by standards of conduct agreed upon by the community. These standards are:

1. Thoughtful respect for the rights of others;
2. Honesty and integrity in both academic and personal matters;
3. Responsible behavior both on and off campus;
4. Appropriate use of campus buildings and equipment, and;
5. Compliance with College regulations and policies.

Any student with visiting guests accepts responsibility for those guests' behavior, and the guests are responsible for observing the regulations of HMC and other colleges in the Claremont community. Any person who has been invited, either explicitly or implicitly, to one of the colleges in the Claremont community by a member of ASHMC is defined to be a guest of that member.

When students visit another Claremont college, they are responsible for observing the regulations of both that college and HMC. Students are reminded that they are at all times subject to federal, state and local laws. Students believed to violate these standards of conduct shall be reported to the Judiciary Board or Disciplinary Board Chair, who will initiate the procedures stated in the Student Conduct Process. A list of sanctions can be found in the Honor Code Section of the Student Handbook.

HMC uses an anonymous reporting system called Mudders Care for Mudders those who wish to report concerns or misconduct anonymously. This is an option for our community to report issues or ask questions in a confidential, safe way.

## **Faculty and Staff Conduct**

Harvey Mudd College is committed to promoting and maintaining a working, learning and living environment that is free from discrimination, harassment and sexual

misconduct. The College's Discrimination, Harassment and Sexual Misconduct Policy states that all faculty, staff, students and other members of the Harvey Mudd College community are responsible for ensuring that their conduct does not violate the policy. The Appropriate Behavior policies address the College's stance regarding intimate relationships between faculty/staff and students and are included in the

Employees of HMC who are not students (generally "Faculty and Staff") are expected to abide by the rules of conduct presented in the Staff Handbook and Faculty Notebook.

## **Harvey Mudd College Sexual Misconduct and Complaint Resolution Policy**

### *Institutional Values and Community Expectations*

Harvey Mudd College ("College" or "HMC") is committed to providing a non-discriminatory and harassment-free educational, living, and working environment for all members of the HMC community, including students, faculty, administrators, staff, and visitors. The College will not tolerate sexual harassment or other forms of prohibited conduct. This Title IX Grievance Process ("Policy") prohibits all forms of sexual or gender-based harassment, discrimination, and other misconduct, including non-consensual sexual contact, non-consensual sexual penetration, sexual exploitation, intimate partner violence, and stalking. Misconduct of this nature is contrary to HMC's institutional values and is prohibited by state and federal law.

HMC encourages the prompt reporting of any incident of sexual or gender-based misconduct to the College and to local law enforcement or civil rights enforcement agencies. Upon receipt of a report, the College will take prompt and effective action by: supporting the individual who makes a report or seeks assistance under this Policy ("Reporting Party"); conducting a review of the reported conduct under Title IX of the Education Amendments of 1972 ("Title IX"); addressing the safety of individuals and the campus community; and as warranted, taking disciplinary action against the accused individual ("Responding Party"). The College's process for investigating and responding to reported Prohibited Conduct by students are contained in the Appendix A (Procedures for Resolving Complaints Against Students).

Retaliation (defined in Section VII.F. of this Policy) should be reported promptly to the Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

The College encourages all members of our community to participate in the process of creating a safe, welcoming, and respectful environment on campus. In particular, the College expects that all HMC community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include directly intervening when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community

members who chose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

### *I. Title IX Grievance Process Introduction*

This Policy applies to member institutions (except Keck Graduate Institute) that compose The Claremont Colleges.

The Claremont Colleges is composed of seven (7) individual Institutions<sup>[1]</sup>:

- Pomona College
- Claremont Graduate University
- Scripps College
- Claremont McKenna College
- Harvey Mudd College
- Pitzer College
- Keck Graduate Institute (This policy does not apply to Keck Graduate Institute)

Collectively, the member institutions (except for Keck Graduate Institute) are referred to as TCC throughout this policy.

Sexual harassment, as defined by this Title IX Policy (Policy), is prohibited within all of TCC. TCC will respond promptly and effectively to reports of sexual harassment.

This Policy addresses TCC's responsibilities and procedures related to sexual harassment, as defined in this Policy, to ensure an equitable and inclusive education and employment environment. The Policy defines sexual harassment and retaliation, and explains the administrative procedures TCC uses to resolve reports of such conduct.

This Policy outlines the Formal Grievance Procedures TCC will follow to ensure a prompt and equitable resolution of student and employee complaints alleging sexual harassment. The Institutions are not precluded from investigating other conduct that, if proven, would not constitute sexual harassment under this Policy but may constitute a violation of other Institution policies.

**Title IX Coordinator.** Each Institution within TCC shall designate a Title IX Coordinator to oversee and ensure compliance with this Policy. The name, title, and contact information (phone number, email address, and office address) for each Coordinator shall be made available to the TCC community, including:

- Applicants for admission and employment
- Students
- Employees
- Union and/or professional organizations holding collective bargaining or professional agreements with the campus

**Reporting Misconduct.** Any person may report sex discrimination, including sexual harassment. The reporting party need not be the purported victim of the sexual harassment and/or sex discrimination.

Anyone wishing to report sex discrimination may do so utilizing the contact information of the Title IX Coordinator for their individual Institution. These reports shall be accepted when received in-person, via mail, electronic mail, telephone, and/or by any other means clearly defined by TCC. Individuals can report potential sex discrimination and/or sexual harassment verbally or in writing.

**Publication.** This Policy shall be distributed and made available to all members of the TCC community. The Policy, and contact information for each Title IX Coordinator, shall be present on each Institution's website. Every handbook and/or catalog made available to members of the Institution's community shall contain a link to this policy and the Title IX Coordinator's contact information.

[1] Each institution has its own formal governance structure and independent board. As a consortium, the Institutions work together to resolve concerns that cross the boundaries of individual Institutions.

## *II. Relevant Terms*

**Advisor:** An Advisor is one individual who provides guidance to the student or employee throughout the complaint process, as set forth in this Policy. Parties are entitled to an Advisor through every stage of the complaint process.

The Advisor is responsible for questioning witnesses and other parties during the hearing. Other than this responsibility, the Advisor's role is limited. See Section IX.C.7 for a full overview of the Advisor's role. Outside the role of questioning during a hearing, an Advisor may never speak on behalf of a party or otherwise disrupt any meetings or hearings in any manner. TCC reserves the right to exclude an Advisor who does not abide by these procedures.

**Complainant:** An individual alleged to be the victim of conduct that could constitute sexual harassment. For purposes of this Policy, a Complainant must be participating in, or attempting to participate in, an education program or activity of TCC. An individual who is on leave from their TCC employment or TCC student status is considered to be a person attempting to participate in an education program or activity for purposes of this Policy.

**Consent:** Consent is affirmative, clear, knowing, voluntary, conscious, and revocable permission. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. It is the

responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

1. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
2. Consent can be withdrawn at any time.
3. Previous relationships or prior consent cannot imply consent to future sexual acts; this includes “blanket” consent (i.e., permission in advance for any/all actions at a later time/place).
4. It is the obligation of the person initiating the sexual activity to obtain consent.
5. An individual cannot consent who has been coerced, including being compelled by force, threat of force, or deception; who is unaware that the act is being committed; or, who is coerced by a supervisory or disciplinary authority.
  - a. Force: violence, compulsion, or constraint physically exerted by any means upon or against a person.
  - b. Coercion: the application of pressure by the Respondent that unreasonably interferes with the Complainant’s ability to exercise free will. Factors to be considered include, but are not limited to, the intensity and duration of the conduct.
6. A person who does not want to engage in sexual activity is not required to resist or to verbally object.
7. Withdrawal of consent can be manifested through conduct and need not be a verbal withdrawal of consent (i.e., crying, pulling away, not actively participating, uncomfortable or upset facial expressions).
8. Consent may not be given by an individual who has not reached the legal age of consent under applicable law.

In addition to being of legal age, an individual must have the capacity to give affirmative consent.

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if they are:

- Asleep;
- Unconscious;
- Unable to understand the fact, nature or extent of sexual activity due to the impact of drugs, alcohol or medication;
- Unable to communicate due to a mental or physical condition; or,
- Otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol or drugs. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence, stalking, or intimate partner violence, and does not diminish one's responsibility to obtain consent.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol or drugs impacts an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments; or,
- Capacity to appreciate the nature and the quality of the act.

Finally, evaluating incapacitation also requires an assessment of whether a Respondent knew, or should have known, that the Complainant was incapacitated. This assessment is conducted using an objective reasonable person standard. A Respondent's lack of awareness of the Complainant's incapacity is no excuse if an objective, reasonable person would have been aware of Complainant's incapacity.

**Education Program or Activity:** Alleged sexual harassment is only covered under this Policy if the alleged conduct occurred within TCC's "education program or activity." For purposes of this Policy, "education program or activity" means locations, events, or circumstances over which TCC exercised substantial control over both the Respondent and the context in which the alleged sexual harassment occurred.

If the alleged conduct occurs off-campus, and does not occur within TCC's education program or activity, the conduct cannot be investigated and addressed under this Policy. If a complaint is accepted under this Policy, and over the course of the investigation or hearing, it is determined that the alleged conduct did not occur within TCC's education program or activity, the complaint process under this Policy will be terminated.

Under some limited circumstances, off-campus conduct may be covered under this Policy. For off-campus conduct to be covered under this Policy, one of the three following conditions must be met:



- The incident occurred as part of TCC’s “operations”;
- TCC exercised substantial control over the Respondent and the context of the alleged sexual harassment; or,
- The incident occurred at an off-campus building owned or controlled by an officially recognized TCC student organization.

**Conduct that does not occur within TCC’s education program or activity, as defined by this Policy, may still be addressed through other policies and processes, such as those under the Institution’s Code of Conduct, Civil Rights Policy, and/or any other applicable policy adopted by an individual Institution.**

Conduct that occurs outside of the United States, including conduct taking place within a TCC-sanctioned study abroad program, cannot be investigated under this Policy. However, conduct occurring outside of the United States may still be addressed through other policies and processes, such as those under the Institution’s Code of Conduct, Civil Rights Policy, and/or any other applicable policy adopted by an individual Institution.

**Formal Complaint:** A document filed by a Complainant or Reporting Party, or a document signed by the Title IX Coordinator, alleging sexual harassment against a Respondent and requesting an investigation into the allegation. If the formal complaint is signed by the Title IX Coordinator, the Title IX Coordinator is not treated as a Complainant, nor is the Title IX Coordinator treated as a party to the complaint. At the time of filing the formal complaint, the Complainant must be participating in, or attempting to participate in, an education program or activity of TCC.

*“A document filed by a Complainant or Reporting Party”* means a document or electronic submission (such as by electronic mail or through an online reporting system) that contains the Complainant’s or Reporting Party’s physical or digital signature, or otherwise indicates who is the person filing the complaint. These reports shall be accepted when received in-person, via mail, electronic mail, telephone, and/or by any other means clearly defined by TCC. Individuals can report potential sex discrimination and/or sexual harassment verbally or in writing.

**Reporting Party:** An individual who makes a report of alleged/potential sexual harassment. This person does not need to be a Complainant and can be any person, including an individual unassociated with TCC. A Reporting Party is not considered a Complainant for purposes of this process.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. An individual does not have to be enrolled or employed by TCC to qualify as a Respondent under this Policy. TCC may dismiss a formal complaint if the Respondent is no longer enrolled or employed by TCC; however, the decision to dismiss will be made on an individual basis, with consultation between each involved Institution’s Title IX Coordinators.

**Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge, to the Complainant and/or the Respondent. The range of supportive measures available is listed in Section V of this Policy.

**Support Person:** A Support Person is one individual who provides emotional support to a party throughout the complaint process, as set forth in this Policy. Parties are entitled to a Support Person through every stage of the complaint process.

The Support Person may never speak on behalf of a party or otherwise disrupt any meetings or hearings in any manner. TCC reserves the right to exclude a Support Person who does not abide by these procedures.

### *III. Sexual Harassment*

Only allegations of Sexual Harassment, alleged to have occurred within TCC's education program or activity, are addressed under this Policy.<sup>[1]</sup> This section provides the definition of Sexual Harassment, for purposes of this Policy.

**Sexual Harassment** is conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service of the Institution on an individual's participation in unwelcome sexual conduct (also known as *quid pro quo sexual harassment*).
  - Note: Complainant's statement that they found the conduct to be unwelcome is sufficient to constitute "unwelcome conduct."
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to TCC's education program or activity.
  - Note: "Unwelcome conduct" depends on a variety of factors and must be evaluated in light of the known circumstances.
  - Note: "Severe, pervasive, and objective" must be evaluated in light of the known circumstances, and is dependent on the facts in each situation. However, this element must be determined from the perspective of a reasonable person standing in the shoes of the Complainant.
3. Sexual assault (as defined in the Clery Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).
  - Note: A single instance of any conduct as defined below is sufficient to constitute sexual harassment. Any instance of any of the conduct defined below does not need to demonstrate severity, pervasiveness, objective offensiveness, or denial of equal access to education or employment, because denial of equal access is assumed.

**Sexual Assault.** As defined in the Clery Act (20 USC 1092(f)(6)(A)(v)), Sexual Assault is: an offense that meets the definition of rape, fondling, incest, or statutory rape, as used

in the FBI's Uniform Crime Reporting (UCR) Program. The relevant FBI UCR definitions are as follows:

*Rape.* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.

*Fondling.* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of age or permanent mental incapacity.

*Incest.* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*Statutory Rape.* Sexual intercourse with a person who is under the statutory age of consent. In California, the statutory age of consent is 18.

*Dating Violence.* As defined in VAWA (34 USC 12291(a)(10), Dating Violence is: violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and,
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and,
  - The frequency of interactions between the persons involved in the relationship.

*Domestic Violence.* As defined in VAWA (34 USC 12291(a)(8), Domestic Violence is: acts that include felony or misdemeanor crimes of violence committed by one of the following:

- a current or former spouse or intimate partner of the Complainant;
- a person with whom the Complainant shares a child in common;
- a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner;
- A person similarly situated to a spouse of the Complainant under the domestic or family violence laws of California; or,
- Any other person whose acts an adult or youth Complainant is protected from under the domestic or family violence laws of the state of California.

*Stalking.* As defined in VAWA 34 USC 12291(a)(30), Stalking is: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others; or,

Suffer substantial emotional distress.

[1] Behavior which does not fall under the definition of Sexual Harassment may be addressed through other policies and processes, such as those under the Institution's Code of Conduct, Civil Rights Policy, and/or any other applicable policy

#### *IV. Behavior That Does Not Constitute "Sexual Harassment" Under This Policy*

Behavior which does not fall under this Policy's definition of Sexual Harassment may be addressed through other policies and processes, such as those under the Institution's Code of Conduct, Civil Rights Policy, and/or any other applicable policy adopted by an individual Institution.

Each Institution maintains individual policies addressing sexual misconduct. These policies might address conduct constituting sexual misconduct and/or sexual harassment, as defined by those individual policies. Any conduct that constitutes Sexual Harassment, as defined by this Policy, is addressed using the process established in this Policy. Other conduct, as defined under other Institution policies, is addressed using the processes established in those individual policies.

#### *V. Supportive Measures*

Supportive measures, as defined in Section II, shall be made available to the Complainant and/or the Respondent before or after the filing of a formal complaint. Additionally, supportive measures shall be made available to a Complainant and/or a Respondent even if a formal complaint is not filed.

The Complainant's Home Institution Title IX Coordinator shall implement appropriate supportive measures for the Complainant. If the supportive measures require involvement of the Respondent's Home Institution, such measures will be coordinated through the TCC Title IX Administrator.

Supportive measures are designed to restore or preserve equal access to the TCC's education program or activity without unreasonably burdening the other party. This includes measures designed to protect the safety of all parties or the Institution's educational environment, or deter sexual harassment.

These measures may include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments, in coordination with the relevant Faculty member;
- Modifications of work or class schedules, in coordination with the relevant Faculty member and/or supervisor;
- Campus escort services;

- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;
- Leaves of absence;
- Increased security and monitoring of certain areas of campus; and,
- Other similar measures.

These supportive measures, provided to a Complainant or Respondent, shall remain confidential to the extent that maintaining such confidentiality will not impair the Institution's ability to provide the supportive measures.

The Complainant's Home Institution Title IX Coordinator shall, upon becoming aware of alleged sexual harassment and the identity of the alleged Complainant, promptly contact the Complainant to discuss the availability of supportive measures. In implementing any supportive measures, the Title IX Coordinator shall consider the Complainant's wishes.

#### *VI. Emergency Removal*

In certain circumstances, a Respondent's Home Institution may remove a Respondent from an education program or activity. Such removal will only occur on an emergency basis. An emergency removal is not equivalent to a determination of responsibility, nor is it a sanction for alleged behavior. The Institution can pursue an emergency removal of a student and/or employee Respondent before or after the filing of a formal complaint.

Emergency removals will occur only after the Institution determines there is an emergency situation. This determination occurs only after the Institution has completed the following steps:

- **Completion of an individualized safety and risk analysis.** This analysis will focus on the specific Respondent and the specific circumstances arising from the allegations of sexual harassment.<sup>[1]</sup>
- **Determination that the following three components are present:**
  - *An "immediate threat" justifying emergency removal.* This analysis should focus on the Respondent's propensity, opportunity, and/or ability to effectuate a stated or potential threat. This determination will be fact-specific.
  - *The threat is "to the physical health or safety of any student or other individual."* This may be the Complainant, the Respondent, or any other individual.
  - *And the threat "arises from the allegations of sexual harassment."* The emergency situation must specifically arise from the allegations of sexual harassment.
- **Evaluation of the applicability of disability laws to the removal decision.** TCC will fully and appropriately consider applicable disability laws before subjecting a Respondent to emergency removal.

- **Consideration of the appropriateness of supportive measures in lieu of an emergency removal.** Emergency removals should only occur when there are genuine and demonstrated emergency situations.

**Providing the Respondent with notice and an immediate opportunity to challenge the emergency removal.** TCC will provide the Respondent with a sufficiently detailed notice, notifying the Respondent of the identified emergency threat of physical safety or harm. The Respondent is not entitled to a full evidentiary hearing (as set forth in Section IX.C.) to challenge an Emergency Removal

[1] If a Respondent's behavior does not arise from the allegations of sexual harassment, the Institution may still address the behavior under other policies and processes, such as those under the Institution's Code of Conduct, Civil Rights Policy, and/or any other applicable policy adopted by an individual Institution.

#### *VII. Administrative Leave (Employees Only)*

An Institution's designated office may place a non-student, employee Respondent on administrative leave during the pendency of the formal grievance process.

An employee can be placed on administrative leave only after a formal complaint has been filed against a Respondent and the grievance process has begun. Administrative leave is intended for non-emergency situations.

#### *VIII. Alternative Resolution Process*

TCC recognizes some parties may desire resolution of their matter through an Alternative Resolution Process, instead of through the Formal Grievance Process. Accordingly, parties can mutually agree to resolve a complaint through an Alternative Resolution process, instead of undergoing the Formal Grievance Process.

The decision to initiate an Alternative Resolution process must be consented to in writing by both parties. The Alternative Resolution process can be terminated at any time by either party, and a Formal Grievance Process initiated instead.

Alternative Resolution is not available for employee Respondents. Any allegation of sexual harassment against an employee must proceed under the Formal Grievance Process.

In the Alternative Resolution Process, a Resolution Facilitator oversees the process. This Resolution Facilitator does not serve in the role of fact finder but rather helps the parties identify potential resolution(s) to the complaint. If the parties agree to an Alternative Resolution, the Resolution Facilitator will normally request the Complainant to submit a written statement describing the circumstances and the requested Alternative Resolution within five (5) business days of the decision to proceed with Alternative Resolution. The Resolution Facilitator may share the Complainant's statement with the Respondent, who will then have five (5) business

days to submit a written response to the Resolution Facilitator. The Resolution Facilitator may share the Respondent's submission with the Complainant.

If the parties can agree on a resolution, such resolution will be documented by the Resolution Facilitator with signatures by both parties accepting the terms of the Alternative Resolution.

If the parties are unable to reach an agreed-upon resolution through the Alternative Resolution Process, the Resolution Facilitator will refer the matter back to the TCC Title IX Administrator, who will then proceed with the Formal Resolution Process as described in this Policy.

The TCC Title IX Administrator will maintain records of all reports and conduct referred for Alternative Resolution. Alternative Resolution will typically be completed within thirty (30) business days of the initial report. In circumstances when it is not possible to complete the process in this time frame, both parties will be notified in writing regarding the delay and the anticipated time frame for completion.

#### *IX. Formal Grievance Process*

The Formal Grievance Process is initiated when a Complainant or Reporting Party makes a report of alleged sexual harassment to their Institution's Title IX Office. Throughout the Formal Grievance Process, the Complainant's and Respondent's Home Institution Title IX Coordinator, as well as the TCC Title IX Administrator, will work closely and cooperatively together will work closely and cooperatively together, along with the Student Affairs Offices (or HR Department for Staff and Faculty). They will maintain open communication during all phases of the Formal Grievance Process, including the investigation, hearing, and appeals stage.

TCC does not make determinations of responsibility prior to the completion of the Formal Grievance Process. All evidence gathered will be objectively evaluated. This includes both inculpatory and exculpatory evidence. Credibility determinations will not be made based solely on a person's status as a Complainant, Respondent, or witness. Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The burden of proof and the burden of gathering sufficient evidence to reach a determination regarding responsibility rests on TCC, and not on the parties.

### **A. General Information**

#### **1. Standard of Evidence**

TCC will utilize a "Preponderance of the Evidence" standard in evaluating allegations of sexual harassment. "Preponderance of the evidence" means the evidence on one side

outweighs, or is more than, the evidence on the other side. This is a qualitative, not a quantitative, standard.

## **2. Intake Process**

As noted above, the Formal Grievance Process is initiated when a Complainant or Reporting Party makes a report of alleged sexual harassment (Formal Complaint) to their Institution's Title IX Office.

Upon receipt of such a Formal Complaint, the Complainant's Home Institution's Title IX Coordinator will engage in an Intake Process, in which they meet with the Complainant, gather preliminary information about the allegation(s), and write the information gathered in an Intake Report.

The Intake Process is not intended to serve as an exhaustive interview, but rather to provide TCC with sufficient contextual information to determine the appropriate next steps to support the Complainant and to guide TCC's Response.

Below is a summary of the topics the Complainant's Home Institution's Title IX Coordinator will address in the meeting with the Complainant:

- Assistance with care and support resources, medical providers, and law enforcement;
- Supportive Measures;
- Procedures for determining next steps and appropriate resolution process; and,
- Options for participating in an Alternative Resolution or Formal Grievance Process.

The Complainant's Home Institution Title IX Coordinator will send a copy of the Formal Complaint and Intake Report to the Respondent's Home Institution's Title IX Coordinator and the TCC Title IX Administrator.

Following receipt of the Formal Complaint and Intake Report, the Respondent's Home Institution Title IX Coordinator will review and evaluate the allegations. Based on this information, the Respondent's Home Institution Title IX Coordinator will determine if the complaint will proceed under this Policy, meaning the conduct would be considered Sexual Harassment if the allegation(s) is sustained. If Respondent's Home Institution Title IX Coordinator determines the complaint is not covered by this Policy, they will notify Complainant's Home Institution Title IX Coordinator.

In the event the Complainant's Home Institution Title IX Coordinator does not agree with the initial evaluation, the Complainant's Home Institution Title IX Coordinator may file a written appeal to the TCC Title IX Administrator. Upon receipt of a written appeal, the TCC Title IX Administrator will conduct an initial assessment of the complaint to determine whether the Formal Complaint will proceed under this Policy. The TCC Title IX Administrator's appeal determination is final.



If the Respondent's Home Institution Title IX Coordinator determines the Formal Complaint will proceed under this Title IX Policy, the TCC Title IX Office will initiate the Formal Grievance Process.<sup>[1]</sup> A written complaint is not required for an allegation to constitute a report of misconduct. The TCC Title IX Administrator will determine whether an investigation is warranted based on a preliminary inquiry into the allegations set forth in the Formal Complaint.

When a Formal Complaint is filed, the TCC Title IX Administrator will notify the parties of their option to participate in the Alternative Resolution Process (see above). This option is not available for employee Respondents. Any allegation of sexual harassment against an employee must proceed under the Formal Grievance Process. If either party declines to participate in the Alternative Resolution Process, the TCC Title IX Administrator shall initiate the Formal Grievance Process, as set forth in this Section.

### **3. *Notice of Allegations***

Once an investigation has been initiated, the TCC Title IX Administrator will send a written notice to both parties which will include:

- The identities of the parties (if known);
- A summary of the alleged conduct, including the date(s), time(s), and location(s) of incident(s) (if known);
- Policy sections alleged to be violated by the conduct;
- The formal grievance process, including any available informal resolution processes;
- A statement that Respondent is presumed not responsible until a determination of responsibility is made following the investigation and hearing;
- A statement that the Institution will not make a determination of responsibility until the conclusion of the grievance process;
- A notice regarding whether interviews will be recorded, and that only the Investigator is permitted to record interviews;
- A description of the parties' opportunities to present, inspect, and review evidence;
- A statement that the parties may have an Advisor of their choice, who is permitted to be an attorney;
- A summary of the hearing process and a statement that the Hearing Decision will make factual and policy findings regarding the allegations;
- A statement that findings will be based on a Preponderance of the Evidence Standard;
- A notice admonishing the parties against retaliation; and,
- A notice informing the parties they are prohibited from making false statements or knowingly submitting false information based on the Institution's Code of Conduct.

The Notice of Allegations shall be amended any time during the investigation to include additional allegations of Policy violations identified during the investigation. An

amended Notice of Allegations should include all required information described above.

#### **4. *Timing***

Absent an extension for good cause, an Investigator will typically complete their investigation within 60 – 75 business days from the Notice of Allegations. This includes the Evidence Review process. If the Investigator determines additional time is needed to complete the investigation, the Investigator will provide written notice to the parties of the delay and the good cause reason for the delay. Some cases may take longer to investigate, depending on the number of witnesses and/or the number of allegations.

Absent an extension for good cause, the hearing process will typically be completed, including issuance of the Hearing Decision, within 30 – 45 business days from the issuance of the Investigation Report. If the Adjudicator and/or the Coordinator determines additional time is needed to complete the hearing, the Coordinator will provide written notice to the parties of the delay and the good cause reason for the delay.

Absent an extension for good cause, the appeal process will typically be completed, including issuance of the final appeal decision, within 15 – 30 business days from the issuance of the Hearing Decision. If the Appeal Officer and/or the Coordinator determines additional time is needed to complete the appeal process, the Coordinator will provide written notice to the parties of the delay and the good cause reason for the delay.

In summary, absent extensions for good cause, the entire Formal Grievance Process should be completed within 180 business days from the issuance of the Notice of Allegations. Failure to complete the Formal Grievance Process within this time period does not, in and of itself, constitute a procedural error. Any such argument of procedural error (as set forth in Section IX.E.) must also include an explanation as to how the delays materially impacted the outcome of the Formal Grievance Process.

#### **5. *Concurrent Criminal Investigations***

On occasion, a criminal investigation may be initiated by a law enforcement agency over the same allegations that are reported in a Formal Complaint submitted to TCC. A pending police investigation is a separate investigation and it does not relieve TCC of its responsibility to timely investigate complaints under this Policy. A temporary delay for the length of the fact-finding portion of a criminal investigation may constitute good cause for extending the timeline of the Institution's investigation.

#### **6. *Confidentiality***

Parties may share confidential information received through the process with their Support Person and Advisor. TCC shall not restrict the ability of the parties to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence.

Institution representatives are permitted to share confidential information among other Institution representatives who have a reasonable need to know. TCC will endeavor to respect any requests for confidentiality, but will also weigh those requests against the Institution's responsibility to maintain a safe environment for the Institutional community. Complete confidentiality cannot be guaranteed.

### **7. *Right to an Advisor***

Parties may elect to be accompanied by an Advisor during meetings and proceedings related to the investigation and hearing process outlined in this Policy. Parties are limited to one Advisor. An Advisor can be anyone, including an attorney. The Advisor may not speak on behalf of the party or otherwise disrupt any interviews or proceedings.

Specific guidelines regarding the Advisor role at the hearing are outlined below. TCC reserves the right to exclude or remove an Advisor who does not comply with this Policy.

A party does not have to have an Advisor during the investigation process. TCC will not provide any party with an Advisor during the investigation process. However, as outlined below, TCC will provide a party with an Advisor during the hearing, if the party has not already obtained an Advisor.

### **8. *Support Persons***

Parties may elect to be accompanied by a Support Person during the hearing process. Parties are limited to one Support Person. A Support Person may not be a party or a witness in the case. The Support Person's role is to provide emotional support throughout the process. The Support Person may not speak on behalf of the party or otherwise disrupt any interviews or proceedings. TCC reserves the right to exclude or remove a Support Person who does not comply with these procedures.

### **9. *Accepting Responsibility***

A Respondent may accept responsibility for the conduct alleged at any time during the investigation or hearing process, and acknowledge the identified Policy violation(s). If a Respondent accepts responsibility for the violation(s), they may proceed to sanctioning rather than completing a hearing. In doing so, the Respondent waives any right to appeal the Policy determination of responsibility.

### **10. *Closure***

Not all reports of potential sexual harassment constitute a report of prohibited conduct that may be resolved through this Policy.

TCC must close and dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- The conduct did not occur in an educational program or activity controlled by the Institute (including buildings or properties controlled by recognized student organizations; and/or
- The alleged conduct did not occur against a person in the United States; and/or
- At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in (an education program or activity of TCC.

Additionally, TCC may close and dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- A Complainant notifies their Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- It is determined that the Respondent is no longer enrolled or employed by TCC;
- Specific circumstances prevent TCC from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

A decision to close a matter based on any of the above-listed factors is made at the discretion of the TCC Title IX Administrator.

Upon termination of the process, the TCC Title IX Administrator will provide written notice to the parties describing the reason for the dismissal. TCC may continue to investigate the allegations as a potential violation of another policy. If TCC elects to continue the investigation outside of the TCC Title IX Policy, the TCC Title IX Administrator shall provide written notice to the parties describing the determination.

The dismissal determination is appealable by any party under the procedures for appeal outlined in Section IX.E., below. The decision not to dismiss is also appealable by any party claiming a dismissal is required or appropriate.

A complainant who decides to withdraw a complaint may later request to reinstate or refile the complaint.

## **11. Consolidation of Formal Complaints**

TCC may consolidate Formal Complaints under two circumstances:

- Where there is a complaint involving more than one Complainant and/or Respondent, stemming from the same facts or circumstances; or,
- Where a cross-complaint has been filed by a Respondent against a Complainant.

A decision to consolidate matters based on any of the above-listed factors is made at the discretion of the TCC Title IX Administrator. If the TCC Title IX Administrator determines consolidation is appropriate, they must send notice to all involved parties.

## **B. Investigation Process**

### **1. Designation of the Investigator**

The TCC Title IX Administrator will designate an Investigator to conduct a fair, thorough, and impartial investigation.

The Investigator will have had appropriate training in the definitions of sexual harassment, the scope of TCC's education programs and activities, the investigation and hearing processes, the informal resolution processes, and investigative report writing.

### **2. Investigation Process**

Both parties will be provided equal opportunity to meet with the Investigator, submit evidence, and identify relevant witnesses. The Investigator will meet separately with the Complainant, Respondent, and witnesses. The Investigator has discretion regarding which witnesses to interview and when to conduct follow-up interviews with parties and witnesses.

The Investigator will prepare a written summary of each interview and send same to the witness or party for a review of accuracy. Unless the individual requests additional time, the written summary will be deemed accurate if the individual does not provide feedback on the written summary within two (2) business days of the Investigator emailing it to the individual.

The Investigator will take reasonable steps to gather relevant available evidence. The Investigator may exclude evidence they determine to be irrelevant or immaterial. The Investigator will not consider evidence which requires seeking information protected by a legally recognized privilege, unless the person holding the privilege has waived the privilege.

TCC shall not restrict the ability of the parties to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence.

The Investigator may gather information related to prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake.

The Investigator will generally not gather information related to the sexual history of either the Complainant or Respondent. The Investigator will not gather sexual history as it pertains to a party's reputation or character. However, the Investigator may gather sexual history when:

- The sexual history pertains to prior sexual conduct between the parties, and is therefore relevant to an analysis of whether Respondent reasonably believed Complainant consented to the alleged conduct.
- The sexual history is relevant to explain an injury.

- The sexual history is relevant to show another person is, or may be, responsible for the alleged conduct.
- The sexual history is relevant to show a pattern of behavior by Respondent.

Prior to any meeting, including an investigative interview meeting with a party, the Investigator shall provide the party with written notice of the date, time, location, participants, and purpose of the meeting. The Investigator shall provide the written notice with sufficient time for the party to prepare for the meeting. An Advisor and a Support Person may accompany a party to every meeting.

### **3. *Recording***

TCC may elect to electronically record investigative interviews. If they choose to do so, the Investigator will inform the parties and witnesses of this intent. TCC will retain any recordings it has made as the only authorized recording of the interviews. A recorded party may request to review the transcript or audio of their interview in-person and under supervision by a TCC representative. A party may request to review the transcript of the other party in-person and under supervision by a TCC representative.

Investigation recordings will be maintained for seven (7) years after the conclusion of the Formal Grievance Process, the Respondent's graduation, separation from TCC, or separation from Institutional employment, whichever is latest.

### **4. *Evidence Review***

Before issuing the final Investigation Report, the TCC Title IX Administrator will provide a preliminary Investigation Report<sup>[2]</sup> to the parties, and provide the parties with an equal opportunity to respond to the relevant evidence, including allowing parties to present additional relevant evidence or information. This is known as the Evidence Review Process. This opportunity should be provided to each party regardless of whether the party participated in the investigation. Absent good cause, parties are provided with ten (10) business days to review and respond to the evidence.

The TCC Title IX Administrator will have discretion to determine how to provide access to the preliminary Investigation Report to the parties, based on the particular circumstances of the case and any party or witness privacy concerns. Neither Complainant, Respondent, nor anyone on either party's behalf may copy, remove, photograph, print, record, or in any other manner duplicate the information contained in the preliminary Investigation Report (unless a party is describing the material in a written response to the evidence).

As part of this Evidence Review Process, the parties may submit proposed questions for the Investigator to ask of the other party or any witness, request additional interviews and information-gathering, and/or suggest additional witnesses. The Investigator has discretion to determine if the responses warrant additional information-gathering. If the Investigator determines it is unnecessary to ask individuals

additional questions, interview new witnesses, and/or gather additional evidence, the Investigator will explain their decision in the final Investigation Report.

If additional evidence is provided, the parties submit a written response to the evidence, or new evidence is gathered, it will be included in either a revised preliminary Investigation Report or a separate addendum, as deemed appropriate by the Investigator. Both parties will be provided a reasonable opportunity to review and respond to any new evidence. The Investigator will determine when it is appropriate to conclude the evidence review process. The TCC Title IX Administrator will notify the parties when the Evidence Review Process is complete and the Investigation Report is finalized.

### **5. *Final Investigation Report***

At the conclusion of the Evidence Review Process, the Investigator will prepare a final written report that includes:

- The identities of the parties;
- The identities of the witnesses;
- The dates of conducted interviews;
- A summary of the allegations;
- The policy alleged to be violated by the conduct;
- A summary of the investigation process;
- The relevant statements of the parties and witnesses;
- A summary of the relevant evidence considered by the Investigator;
- A description of the relevant, material undisputed facts;
- A description of the relevant, material disputed facts;
- A statement describing how and when the parties were given the opportunity to review the evidence; and,
- Explanations for why evidence or witnesses submitted by the parties were not considered.

The report will not include findings of fact, findings of policy, or credibility determinations for parties or witnesses (other than to note when credibility is not disputed).[3]

The TCC Title IX Administrator will provide the parties with a final copy of the Investigation Report, including all attachments, at least 10 days prior to a hearing. The parties may submit a written response to the final Investigation Report. Written responses are incorporated into the materials that can be reviewed and considered by the Adjudicator.

### **C. *Hearing***

If the TCC Title IX Administrator determines, after the final Investigation Report is issued, that closure of the matter under this policy is not warranted, the matter shall proceed to a hearing. A hearing will be held in which an Adjudicator will make findings

of fact on disputed facts, and findings of policy on the relevant Policy the Respondent is alleged to have violated.

Individuals may choose not to participate in the hearing. If any individual – Complainant, Respondent, and/or witnesses – chooses not to participate in the hearing, the Adjudicator may not consider any statement made by the individual to the Investigator. Parties (Complainants and Respondents) may also choose to attend the hearing and not answer questions.

The hearing is a closed proceeding and will not be open to the public. The witnesses will only be present in the hearing for the duration of their testimony.

TCC expects the parties will wish TCC to share documentation related to the allegations with their Support Person and/or Advisor. TCC provides a FERPA release form that authorizes such sharing and participation. The parties must complete this form before TCC is able to share records with a Support Person and/or Advisor. Parties must also complete this form before the commencement of the hearing. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Support Persons and/or Advisors are expected to maintain the privacy of the records shared with them by TCC. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by TCC. TCC may seek to restrict the role of any Support Person and/or Advisor who does not respect the sensitive nature of the process or who fails to abide by TCC's privacy expectations.

### **1. *Hearing Coordinator***

The TCC Title IX Administrator will be responsible for designating a Hearing Coordinator who will coordinate the hearing process. The Hearing Coordinator will ensure the Adjudicator is provided with all necessary materials, including the Investigation Report and attachments, as well as any party's written responses to the final Investigation Report. The Hearing Coordinator will also arrange a location for the hearing and coordinate a date and time for the hearing.

The Hearing Coordinator will act as a liaison between the parties and the Adjudicator on all procedural matters.

### **2. *Designation of Adjudicator***

The TCC Title IX Administrator will be responsible for designating an Adjudicator, distinct from the Hearing Coordinator and any Title IX Coordinator, who will preside over the hearing and draft the Hearing Decision. The Adjudicator is a single individual, either internal or external to TCC. The Adjudicator is responsible for overseeing the hearing, making procedural determinations, managing the questioning process, and issuing the Hearing Decision.



The Adjudicator will have had appropriate training in the definitions of sexual harassment, the scope of TCC's education programs and activities, the investigation and hearing processes, the informal resolution processes, and hearing decision writing.

Additionally, the Adjudicator will be trained on the following:

- any technology to be used at the hearing;
- issues of relevance of questions and evidence; and,
- when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

The Hearing Coordinator will provide the parties with written notice of the Adjudicator's identity.

After the Hearing Notice has been sent, parties will have five (5) business days to object to the selection of the Adjudicator for an actual conflict of interest or bias. An *actual conflict of interest* exists if the Adjudicator has a close personal relationship with one of the parties or witnesses. Prior work for TCC, prior work on Title IX-related matters, and any prior decisions regarding similar matters do not constitute bias on their own. The Adjudicator's sex, gender identity, race, ethnicity, religion, sexual orientation, or other identifying characteristic do not constitute a reason for bias on their own. The TCC Title IX Administrator will consider and resolve any objections to the selection of an Adjudicator.

### **3. Witnesses**

The Adjudicator has ultimate discretion to call witnesses and may determine not to call witnesses submitted by the parties, and to call witnesses who were not submitted by the parties. The Adjudicator will communicate to the Hearing Coordinator the witnesses they have determined should be called for the hearing, what their expected relevant testimony will be, and their explanations for determining not to call witnesses submitted by the parties if they make such determinations.

The Hearing Coordinator will request the attendance of all the witnesses whose testimony the Adjudicator determined was within the hearing scope. The Hearing Coordinator will coordinate to have the Investigator present at the hearing for questions regarding the investigation and the Investigation Report.

TCC cannot compel parties or witnesses (with the exception of the Investigator) to testify in the hearing. Any witnesses' decision not to participate will not be a reason to cancel or postpone a hearing. Investigators who are current employees of TCC are expected to participate in the hearing, if requested. Non-employee investigators, including investigators who have left employment with TCC, can be requested, but cannot be compelled, to participate in the hearing.

The Complainant's and Respondent's Home Institution's Title IX Coordinators can be present in a silent role during the entirety of the hearing.

#### **4. *Hearing Notice***

At least five (5) business days prior to the scheduled hearing, the Hearing Coordinator shall send the parties written notice of the hearing. The written notice will include the following information:

- The time, date, and location of the hearing, including if the hearing will be conducted entirely via videoconference;
- The identity of all parties participating in the hearing, including witnesses approved by the Adjudicator;
- A list of all documents the Adjudicator may consider in reaching their determination;
- TCC's Live Hearing Expectations; and,
- A general overview of the hearing process.

#### **5. *Recording***

The Hearing Coordinator is responsible for ensuring the hearing is audio recorded. TCC shall retain the recording as the only authorized recording of the hearing. A recorded party may request to review the transcript or audio of the hearing in-person and under supervision by a TCC representative.

Hearing recordings will be maintained for seven (7) years after the conclusion of the Formal Grievance Process, the Respondent's graduation, separation from TCC, or separation from Institutional employment, whichever is latest.

#### **6. *Separation of Parties***

Parties will be physically separated during the hearing, unless both parties request that they occupy the same physical space during the entirety of the hearing.<sup>[4]</sup> The parties shall be able to see and hear any party providing testimony during the hearing; however, they shall not occupy the same physical space.

If the hearing is conducted in-person, each party shall provide their testimony while residing in the same physical location as the Adjudicator. When the party has finished providing their testimony, they will move to another location to observe the hearing via videoconference.

#### **7. *Hearing Questioning and Role of the Advisor***

The Adjudicator will determine the order of questioning at the hearing. The Adjudicator may change the order of questioning, with appropriate verbal notice to the parties, if the Adjudicator determines a change is necessary to accommodate a witness' schedule, or for other procedural reasons. The Adjudicator may ask questions at any time of any party providing testimony during the hearing.

The Adjudicator will permit a party's Advisor to pose questions for the other party(ies) and witnesses. Questions must be relevant to the hearing scope, not be repetitive of information already gathered, and/or not be harassing of any party. The Adjudicator will evaluate each question asked. If the Adjudicator determines the question should not be asked, the Adjudicator will direct the party/witness not to answer the question and state their reasoning on the record. All determinations made by the Adjudicator are final, including determinations on questioning.

Parties are expected to notify the Hearing Coordinator of the identity of their Advisor and Support Person. The Hearing Coordinator will share this information with the other party.

If a party does not have an Advisor at the commencement of the hearing, TCC will provide the party with an Advisor, for the purpose of assisting the party with questioning during the hearing. If parties know they will not have their own Advisor at the hearing, they are encouraged to notify the Hearing Coordinator of this fact as soon as possible. TCC will provide an Advisor trained in the hearing process and in the development and posing of relevant questions. Parties are never permitted to ask questions of the other party(ies) and witnesses. If a party attends the hearing without an Advisor, TCC will provide that party with an Advisor. The party must utilize the provided Advisor for purposes of questioning during the hearing.

If a party does not participate in, or attend, the hearing, their Advisor may still appear at the hearing and ask questions of the other party(ies) and witnesses.

Absent their role in questioning, Advisors will remain silent during the hearing. They may not answer questions on behalf of any party, nor may they make closing statements on behalf of any party.

All participants at the hearing will behave in a respectful manner. The Adjudicator has discretion to remove any participant or observer who is not conducting themselves in a manner conducive to a fair, safe, and orderly hearing.

#### **8. *Party Mitigation and Impact Statements***

Within five (5) business days after the last day of the hearing, the parties may provide to the TCC Title IX Administrator written statements related to potential sanctions. Specifically, parties may submit a written impact and/or mitigation statement.

If the Adjudicator determines there was a violation of policy, the Adjudicator will notify the TCC Title IX Administrator before issuing their Hearing Decision. The TCC Title IX Administrator will provide the Adjudicator with copies of the party statements, in accordance with Section IX.D, below. If the Adjudicator determines there was not a violation of policy, the TCC Title IX Administrator will not release the party statements to the Adjudicator.

## **9. Hearing Decision**

The Adjudicator will consider the investigation record, including the Investigation Report and attachments, and the evidence accepted at the hearing in drafting their Hearing Decision. The Adjudicator will use a preponderance of the evidence standard to determine whether a Policy violation occurred. The Adjudicator will make their own findings and credibility determinations based on a preponderance of the evidence.

If a party or witness does not submit to questioning from the Adjudicator, or the party's Advisors, the Adjudicator may not rely on any statement of that party or witness in reaching their determination. The Adjudicator will not draw an inference regarding a person's decision not to participate in the hearing, nor will they draw an inference regarding a person's decision not to answer questions posed during the hearing. However, the Adjudicator may consider a person's selective participation during the hearing in assessing credibility. Selective participation, for purposes of this Policy, means a party chooses to answer some questions and declines to answer others.

If the Adjudicator finds a violation of policy, the Adjudicator and TCC shall follow the procedures set forth in Section IX.D. – Sanctioning.

If the Adjudicator does not find a violation of policy, the Adjudicator will finalize the Hearing Decision and submit the Hearing Decision to the TCC Title IX Administrator. The Hearing Decision will include the following:

- The allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from receipt of the Formal Complaint through the determination;
- Findings of fact;
- Policy findings (including any violations of other applicable policies, provided the parties were previously provided notice of the inclusion of those other policies);
- Rationale for each finding;
- Sanctioning determination; and,
- Rationale for the sanctioning determination.

Within fifteen (15) business days of the hearing, the TCC Title IX Administrator will send written notice to both parties of the Adjudicator's Policy and sanctioning determinations. The TCC Title IX Administrator will include a copy of the Adjudicator's decision.

The TCC Title IX Administrator will explain the Appeal Process in their written notice to the parties. The Adjudicator's determination becomes final on the date on which an appeal would no longer be considered timely (see Section IX.E).

For potential enhancements to sanctions, occurring when a Respondent has instances of prior conduct, please see Section IX.F.

#### **D. Sanctioning**

This section sets forth the procedures to be followed should the Adjudicator find that a Policy violation(s) occurred. This section applies only to instances involving student Respondents. In the case of employee Respondents, the TCC Title IX Administrator will refer the matter, including the Hearing Decision, to the Institution's designated office.

In cases involving student Respondents, if the Adjudicator determines there was a Policy violation, the Adjudicator will notify the TCC Title IX Administrator. The TCC Title IX Administrator will take two steps:

- They will notify the Title IX Coordinator of each student's home Institution. The Title IX Coordinators may submit written recommendations related to sanctions. They will provide those recommendations to the TCC Title IX Administrator, who will transmit them to the Adjudicator; and,
- They will provide the Adjudicator with any written party statements, as set forth in Section IX.C.8., above. If the parties did not provide written statements in accordance with Section IX.C.8., above, they will not be provided an additional opportunity to submit a written statement to the Adjudicator.

The Adjudicator will make a sanctioning determination based on the factual and policy findings, written party statements, written Institution recommendations, and other factors relevant to sanctioning.

These factors include, but are not limited to:

**Severity of the violation:** Location of the touching, the extent of the touching, the duration of the conduct, whether the conduct was repeated, the number of Policy violations, abuse of power, use of intimidation, use of force, level of endangerment to the Complainant, level of injury to the Complainant, presence of a weapon, deliberate embarrassment, exploitation of level of intoxication, invasion of privacy via recording, photographing, viewing, and distributing.

**Aggravation:** Whether the Respondent used force, threat, violence, duress, or intentionally caused intoxication to engage in conduct without Complainant's consent.

**Intent:** Whether Respondent intended to cause harm; whether Respondent premeditated the conduct; whether Respondent pressured others to engage in the conduct or similar conduct; whether Respondent was pressured by others to engage in the conduct.

**Retaliation:** Whether Respondent complied with No Contact Orders and other interim measures in place during the investigation and hearing process; whether Respondent engaged in conduct meant to intimidate or harass participants for their participation in the investigation or hearing process; whether Respondent was forthcoming during the

investigation and hearing process; whether Respondent engaged in any other conduct which would obstruct the investigation or hearing process, or impacted the fairness of the processes.

**Impact:** The impact of Respondent's conduct and presence on the Complainant's safety and participation in TCC's programs; the impact of Respondent's conduct on TCC's community; the impact of sanctions on Respondent's access to participation in TCC's programs.

**Character:** Whether Respondent has made efforts to prevent the conduct from occurring again; Respondent's contributions to the Institutional community.

Possible sanctions include, but are not limited to:

**Warning:** Written notice that the Respondent's behavior was in violation of TCC Policy and that future violations will result in more severe sanctions.

**Restitution:** Reimbursement by the Respondent(s) to the Institution, another Claremont College, TCC, the Complainant(s), or a member of TCC's community to cover the cost of property damage or other loss.

**Fine:** A monetary penalty assessed as appropriate to the violation.

**Service Hours:** A set number of work hours the Respondent must complete. The Title IX Coordinator will determine the nature of the work to be performed. Generally, service hours are conducted on campus.

**Educational Program/Project:** Programs and activities designed to help the Respondent become more aware of Institution policies and help the Respondent understand the inappropriateness of their behavior, including, but not limited to, participation in an educational program or completion of an online program.

**Referral for Assessment:** A referral for an assessment with an appropriately trained therapist who will recommend a process for treatment. Reinstatement is conditioned upon receiving proof of completion of the recommended treatment.

**Loss of Privileges:** Denial of specific privilege(s) for a defined period of time. Privileges include, but are not limited to, participation in extra-curricular activities and events such as social events, intercollegiate athletics, intramural programs, student organizations, and student government, as well as the privilege of living on campus, living in a specific residence hall, participation in commencement ceremonies, or having a vehicle on campus.

**Restricted Access:** Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in Institution-sponsored activities. The

restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus or a No Contact Order. In cases involving parties from different Claremont Colleges, restricted access may extend to exclusion from another Institution campus.

***Removal of Offending Cause:*** Requirement to remove the item which was the subject of the complaint.

***Relocation or Removal from Residence Halls:*** Requirement that the Respondent relocate to another residence hall, or off-campus, by a specified date.

***Probation:*** Formal, written notice that the Respondent's behavior is in violation of Institution policies and an expectation that the Respondent exhibit good behavior for a defined period of time. Any violation during the probationary period will result in increased sanctioning and may result in suspension or expulsion from the Institution. Notice of Conduct Probation is sent to the Respondent's academic advisor as well as to the Respondent's parent(s)/guardian if the Respondent is a minor.

***Employment Probation:*** Formal, written notice that the employee's conduct is in violation of Institution policies and an expectation that the employee exhibit good behavior for a defined period of time. Any further violations during the probationary period will result in increased sanctioning and may result in employment suspension without pay or termination of employment.

***Suspension:*** Separation from the Institution for a defined period of time. During the suspension period the Respondent is not permitted on campus, is not permitted to participate in any Institution-sponsored or affiliated program or activity, and is not permitted to earn any credits towards the Respondent's degree. The terms of the suspension may include the designation of special conditions affecting eligibility for re-enrollment or special conditions to be in effect upon re-enrollment, including a term of Conduct Probation.

***Suspension without Pay (staff and faculty):*** Separation of employment for a defined period of time without pay for the time of separation.

***Employment Termination:*** Permanent separation of the employee from their position. If the Respondent is a student, they may be permanently separated from their student position. A staff or faculty member who is terminated from their employment is not permitted to participate in any Institution-sponsored or affiliated program or activity.

***Expulsion:*** Permanent separation from the Institution. A Respondent who has been expelled is not permitted on campus and is not permitted to participate in any Institution-sponsored or affiliated program or activity.

## **E. Appeal**

A Complainant or Respondent who is not satisfied with the policy findings and/or sanctions at the completion of the hearing process may submit an appeal to the TCC Title IX Administrator. The TCC Title IX Administrator will identify an appropriate trained Appeal Authority to review and make a determination of the appeal(s).

When the Title IX Administrator identifies an Appeal Authority, they will provide written notice of the individual's identity to the parties.

Appeals must be submitted within five (5) business days of the Notice of the Hearing Decision to the TCC Title IX Administrator. The appeal must specify which grounds the appeal is based upon and include any arguments the party wishes to make in support of their appeal. Appeals are limited to ten (10) pages, including attachments.

### **1. Appeal Grounds**

A party may appeal based on the established investigation, hearing record, and Hearing Decision under one of the following grounds:

*Procedural Error:* There was a procedural error(s) during the investigation or hearing process which materially affected the outcome of the process. The appealing party must describe in their appeal how the procedural error impacted the outcome.

*Disproportionate Sanctions:* The sanctions are disproportionate to the Adjudicator's findings.

*Conflict of Interest:* The Title IX Coordinator, Investigator(s), and/or Adjudicator had a conflict of interest or bias for or against any party that affected the outcome of the matter. The appealing party must describe in their appeal the alleged conflict of interest or bias held by the individual and how this altered or impacted the outcome.

*New Evidence:* There is new evidence which was not available or known (and could not have reasonably been known) at the time of the final Hearing Decision which materially affected the outcome of the process. The appealing party must describe in their appeal how the new evidence would have altered the outcome of the process and why the new evidence was not available or reasonably known prior to the appeal.

### **2. Appeal Authority**

As noted above, the TCC Title IX Administrator will designate an appropriate Appeal Authority to conduct a prompt, thorough, and impartial review of the appeal. The Appeal Authority will not be the same person as the Adjudicator, Investigator, or Title IX Coordinator.

The Appeal Authority will have had appropriate training in the definitions of sexual harassment and sexual misconduct, the scope of TCC's education programs and



activities, the investigation and hearing processes, the informal resolution processes, and appeal decision writing.

### **3. *Accepting an Appeal***

The Appeal Authority will determine if the party has provided sufficient support for the grounds of their appeal. If the Appeal Authority finds the appeal is insufficient or does not state any of the proper grounds for appeal, they will send written notice to the appealing party and give them the opportunity to amend their appeal to cure the defects. The Appeal Authority will provide a new deadline for submitting the appeal.

### **4. *Appeal Response***

The TCC Title IX Administrator will send a written notice of the appeal to the non-appealing party and provide them with a copy of the appeal. The non-appealing party may issue a response to the appeal. The appeal response is limited to ten (10) pages, including attachments, and may address only the issues raised in the appeal. The non-appealing party will have five (5) business days to submit their appeal response after receiving the notice of the appeal.

### **5. *Appeal Record***

The review of an appeal will not involve any additional investigation by the Appeal Authority. The review will be based upon evidence introduced during the investigation process and presented at the hearing, as well as the arguments made during the appeal process. The Appeal Authority will not consider new evidence for the purposes of upholding, overturning, or modifying the findings. Appeals submitted under the ground of new evidence will be considered only to determine whether the new evidence could likely change the findings.

### **6. *Appeal Decision***

The Appeal Authority will draft a written report which summarizes their decision regarding the appeal. The Appeal Decision will include a description of the ground(s) for the appeal, a summary of the issues raised on appeal, a statement regarding the evidence considered, a statement describing the decision was made based on the preponderance of the evidence standard, and the determination regarding the appeal.

The Appeal Authority may decide the following:

- Uphold the findings and sanctions;
- Overturn the findings and/or sanctions;
- Modify the findings and/or sanctions; or,
- Remand the case for a second hearing based on new evidence which could likely affect the outcome of the matter.

## **7. Notice of the Appeal Decision**

The TCC Title IX Administrator will send written notice of the Appeal Decision to both parties within thirty (30) business days of the issuance of the Hearing Decision. The Notice of the Appeal Decision will include a copy of the written Appeal Decision. The notice will inform the parties there is no further review of the matter, no further right to appeal, and the matter is closed.

The determination regarding responsibility and sanctioning becomes final on the date of the Appeal Decision, unless the Appeal Decision determines another hearing is necessary based on new evidence discovered.

## **F. Final Sanctioning Determination**

After the issuance of the final decision (the Hearing Decision if there is no appeal, or the Appeal Decision), the TCC Title IX Administrator will send matters involving findings of Policy violation to the Dean of Students in the Respondent's Home Institution. If it involves a faculty member it will also be sent to the Academic Dean, and if it involves a staff member it will also be sent to HR. The institutions designated office will review the issued sanctions and determine if any enhancements are warranted based on a Respondent's disciplinary history. Enhancements based on a prior disciplinary history are not shared with the other party.

[1] If the conduct alleged would not meet the definition of Sexual Harassment, even if sustained, the Title IX process will be terminated. However, the conduct may continue to be investigated under other policies and processes, such as those under the Institution's Code of Conduct, Discrimination & Harassment Policy, Civil Rights Policy, and/or any other applicable policy adopted by the Institution.

[2] Before issuing the preliminary Investigation Report, the Complainant's and Respondent's Home Institution's Title IX Coordinators, as well as the TCC Title IX Administrator, will review the draft preliminary Investigation Report for approval. The purpose of this review is to ensure the preliminary Investigation Report is impartial and reliable.

[3] As with the preliminary report, before issuing the final Investigation Report, the Complainant's and Respondent's Home Institution's Title IX Coordinators, as well as the TCC Title IX Administrator, will review the draft final Investigation Report for approval.

[4] The Adjudicator is responsible for making a final decision about location of the parties during the hearing.

## **X. Training & Recordkeeping**

TCC and the relevant Institutions (as defined in Section I., above) will retain documents related to this process for a period of seven (7) years. Documents related to this process include: Formal Complaints, remedies provided to the Complainant, the

Investigation Report and attachments, the Hearing Decision, any sanctioning determination, and all appeal-related documents, as well as any audio recording or transcript of the hearing.

TCC will also retain, for a period of seven (7) years, all materials used to train Coordinators, Investigators, decision-makers, and any person facilitating the informal resolution or appeal process. TCC shall make this training material publicly available on its website.

There are multiple individuals involved in the Formal Grievance Process – the Title IX Coordinators, the Title IX Administrator and staff, Investigator, Adjudicator, facilitator of the Alternative Resolution Process, and Appeal Officers. No individual involved in the grievance process may have a conflict of interest or bias for or against any party, nor may they have a bias for or against Complainants or Respondents in general. All individuals involved in the grievance process shall receive yearly training on the grievance process. This training shall include:

- The definition of sexual harassment, per this Policy;
- Scope of the Institution's education program or activity; and,
- How to conduct an investigation and grievance process under this Policy.

#### *XI. Retaliation*

TCC prohibits retaliation against any person exercising their rights under this Policy. Retaliation is an adverse action against a person based on their report or other disclosure of alleged sexual harassment to an Institution employee or their participation in the investigation, reporting, or disciplinary processes provided for in this Policy. An adverse action is conduct that would discourage a reasonable person from reporting Prohibited Conduct or participating in a process provided for in this Policy, such as threats, intimidation, harassment and coercion. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

#### *Appendix A: External Complaint Resolution Options*

Discrimination, harassment, sexual misconduct, and retaliation are violations of federal and state law. This Policy and the HMC Prohibited Discrimination and Harassment Policy are intended to supplement and not replace such laws. Whether or not the Internal Complaint Resolution processes described in both policies are utilized, an HMC employee who believes that he or she has experienced discrimination, harassment, sexual misconduct or retaliation may file a complaint with the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission. In addition, students and/or employees may file a complaint with the Office of Civil Rights, United States Department of Education.

A person who believes he or she has experienced discrimination, harassment, sexual misconduct, or retaliation should be aware that both state and federal law impose time deadlines for the filing of complaints, and that the use of the Internal Complaint

Resolution processes described in this Policy and the Prohibited Discrimination and Harassment Policy will not change such filing deadlines.

In addition to HMC's internal Complaint Resolution processes, an individual who is subjected to sexual misconduct may have recourse through the criminal justice system and/or civil litigation (including the right to seek a temporary restraining order and injunction prohibiting harassment pursuant to California Civil Code, section 527.6). HMC will provide full and prompt cooperation and assistance in notifying the proper law enforcement personnel if the individual chooses to pursue such legal action.

A criminal investigation into an allegation of sexual misconduct does not relieve or substitute for HMC's duty and authority to conduct its own prompt review of a complaint. Accordingly, HMC will typically not wait for the conclusion of a criminal investigation or proceeding to begin its own concurrent investigation and resolution of an alleged violation. The standards for criminal proceedings differ from those used in campus proceedings. As a result, conduct that may not be subject to criminal action may still be addressed through HMC's processes and procedures. A finding of "not guilty" in a criminal matter does not necessarily preclude a finding of an HMC policy violation in a campus proceeding.

#### *Appendix B: What to do if you experience Sexual/Gender Violence*

The first priority for a person who is sexually assaulted or subjected to another form of sexual/gender based violence is to seek safety. If there is an immediate danger or need for an emergency police or medical response, persons on campus should call **Campus Safety at 909.607.2000 and/or dial 911**. For persons off campus, dial 911.

Persons who experience any form of sexual misconduct are encouraged to seek support, as soon as possible, from someone trusted, such as a friend, family member, HMC faculty or staff member, or from one of the campus or community resources listed below.

**On-Call Student Affairs Staff** Students can reach an **on-call staff member (commonly referred to as the "AD") 24 hours a day, seven days a week, by calling Campus Safety 909.607.2000** and asking to be put in touch with the AD. Campus Safety will notify the AD who, in turn, will promptly contact the student directly.

Persons who experience sexual assault (particularly rape, forcible oral copulation or sodomy) are urged to seek medical treatment as soon as possible by going to the nearest hospital emergency room, specialized sexual assault treatment and trauma center, Student Health Services, or private physician.

The emergency room nearest HMC, which is also a County designated Sexual Assault Response Team (SART) Center, is located at **Pomona Valley Hospital Medical Center, 1798 N. Garey Avenue, Pomona, CA 91767, 909.865.9500**. SART is a trauma informed/ survivor sensitive program designed to provide a team approach to

responding to sexual assaults. Survivors may take a Support Person with them to the hospital. If assistance is needed in arranging for transportation or if a student would like a member of the HMC staff to accompany the student to the hospital, contact Campus Safety at 909.607.2000 and ask that the AD staff member be contacted. An AD is available whenever the College offices are closed to assist students in emergency situations.

Individuals who promptly seek medical attention benefit from being examined for physical injury, receiving preventative treatment for sexually transmitted diseases, a toxicology examination for date rape drugs, and emergency contraception. In addition, prompt reporting allows for the preservation of evidence, which will only be used if an individual decides (then or later) to press criminal charges or file civil suit. The preservation of evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

To preserve evidence, an individual should not bathe, douche, smoke, brush your teeth or change clothes (a change of clothes should be brought along). If clothes have been changed, the original clothes should be put in a paper bag (plastic bags damage evidence) and brought to the hospital. Do not disturb the scene of the assault. If it is not possible to leave the scene undisturbed, evidence (e.g. bedding, towels, loose fabrics, prophylactics, and clothing) should be placed in separate paper bags to be preserved.

Time is a critical factor in collecting and preserving evidence. The physical evidence of an assault is most effectively collected within the first 24-48 hours of the assault, but some evidence may be collected for up to 72 hours. If, however, a report of an incident is made days, weeks, or even months after the assault, important support systems are still available and can be arranged, but the delay may make it more difficult to collect physical evidence of the sexual assault that could impact a criminal prosecution or civil lawsuit.

Hospitals that treat any physical injury sustained during a sexual assault are required to report it to law enforcement. An individual can choose whether or not to speak to police at the hospital and does not need to make an immediate decision to press criminal charges. That decision can be made at a later time.

If an individual does not wish to go to the hospital, **Planned Parenthood, 1550 N Garey Avenue, Pomona, CA 91767, 800.576.5544** may be contacted, which has healthcare providers who can test and provide preservative treatment for sexually transmitted diseases or an individual can see a personal health care provider for tests and treatment.

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

**Monsour Counseling and Psychological Services**

Phone: 909.621.8202

Office: Tranquada Student Services Center, 1st Floor

Hours: Monday–Friday, 8 a.m.–5 p.m. (after-hours emergencies, call Campus Safety)

Website: Monsour Counseling and Psychological Services

**EmPOWER Center Sexual Assault & Intimate Partner Violence Resource Center**

Phone: 909.607.2689

Office: 1030 Dartmouth Ave.

Hours: Monday–Friday, 8 a.m.–5 p.m.

Contact: Rima Shah at [RShahEmPOWER@cuc.claremont.edu](mailto:RShahEmPOWER@cuc.claremont.edu) or Phone: 909.607.0690

**McAlister Center Office of the Chaplains**

Phone: 909.621.8685

Office: McAlister Center for Religious Activities

Hours: Monday–Friday, 8 a.m.–5 p.m.

Website: Chaplains

***Off Campus Resources*****House of Ruth**

877.988.5559 (toll free)

Website: House of Ruth.

[Provides emergency shelter, transitional housing and other services to women who are the survivors of domestic violence]

**Project Sister**

909.623.1619 (24/7 Crisis Hotline)

Website: Project Sister

[Provides crisis services to women and men who have been sexually assaulted or abused. Volunteer Advocates are also available to provide support and follow up services to sexual assault or abused survivors at the hospital, police station and court appearances.]

**National Sexual Assault 24/7 Crisis Hotline**

800.656.4673

Website: About the National Sexual Assault Telephone Hotline.

[Trained volunteers available to help survivors at affiliated crisis centers across the country.]

***HMC Employee Assistance Program***

800.234.5465

Live and Work Well (access code claremontcolleges)

[Available to benefit eligible faculty and staff] If you have been a survivor of sexual

misconduct the sooner you seek help the more options you have available to you. The following steps are important to take as soon as possible.]

### ***Other Resources***

#### **Health Education Outreach, The Claremont Colleges Services**

Phone: [909.607.3602](tel:909.607.3602)

Office: Tranquada Student Services Center, 1st Floor

Hours: Monday–Friday, 10 a.m.–5 p.m. Wednesday, 10 a.m.–7:30 p.m. (for after-hours emergencies, call Campus Safety)

Special services: free, anonymous HIV testing (Tuesdays, 11 a.m.–12:40 p.m.)

Website: [Health Education Outreach](#)

#### **Student Health Services, The Claremont Colleges Services**

Phone: [909.621.8222](tel:909.621.8222)

Office: Tranquada Student Services Center, 1st Floor

Hours: Monday, Tuesday, Friday, 8 a.m.–5 p.m.

Wednesday, 8 a.m.–7 p.m.

Thursday, 9 a.m.–5 p.m.

(for after-hours emergencies, call Campus Safety)

Special services: STI testing, confidential HIV testing, contraception and counseling, emergency contraception/Plan B, pregnancy testing and counseling

Website: [Student Health Services](#)

#### **Harvey Mudd Advocates for Survivors of Sexual Assault**

Peer Advocates

Email: [advocates@g.hmc.edu](mailto:advocates@g.hmc.edu)

(See “[Meet the Advocates](#)” for individual advocates contact info)

### ***Appendix C: Frequently Asked Questions***

Below are some questions regarding sexual misconduct that are often asked by students:

#### **1. Does information about a complaint remain confidential?**

The confidentiality of all parties to a complaint of sexual misconduct must be respected, insofar as it does not interfere with the College’s obligation to fully investigate allegations of sexual misconduct. Where confidentiality is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted.

Violations of the privacy of the complainant or the Respondent may lead to disciplinary action by the College. In all complaints of sexual misconduct, both parties will be informed of the outcome. In some instances, the College may choose to make a brief public announcement of the nature of the violation and the action taken, without using

the name or identifiable information of the alleged survivor. Certain College administrators are informed of the outcome within the bounds of student privacy (e.g., the President, Dean of Students, Director of Campus Safety, Title IX Coordinator). If there is a report of alleged sexual misconduct to the College and there is evidence that a felony has occurred, local police will be notified if the complainant consents. This does not mean charges will be automatically filed or that a complainant must speak with the police. The College also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

**2. Will I (as a survivor) have to pay for counseling/or medical care?**

Students can access the Student Health and Counseling Services, and the Counseling Services also hosts a support group for survivors of sexual assault. If you are accessing community and non-institutional services, payment for these services may be covered by your health insurance plan; please check your coverage. If you have elected coverage under the Claremont College's Student Health Insurance Plan ("SHIP"), payment for these services may also be covered under this insurance plan. SHIP documentation is available at: [Student Health Services](#).

**3. What, if anything, will my parents be told?**

The College's primary relationship is to you, the student, and not to your parent/guardian. College officials will only speak with your parents/guardians at your request or when there is a significant threat to your health or safety.

**4. Do I have to name the alleged perpetrator?**

Yes, if you want the College to pursue its Investigation and Resolution Processes as outlined in the College's Policy on Discrimination, Harassment, Sexual Misconduct and Retaliation. No, if you choose to respond informally and do not file a formal complaint. You should consult the confidentiality provisions set forth in the policy in Section 12 of the Policy. Reporting Parties should be aware that not identifying the alleged perpetrator may limit the College's ability to respond comprehensively.

**5. Will the alleged perpetrator know my identity?**

Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the Respondent has the right to know the identity of the complainant/survivor.

**6. What do I do if I am accused of sexual misconduct?**

DO NOT contact the Respondent. You may want to speak with someone in the campus community who can act as your Support Person/advisor. The Title IX Coordinator can explain the College's resolution processes for addressing sexual misconduct complaints. You may also want to seek confidential counseling through the Student Health and Counseling Services or seek support through off-campus services in the community.



## **7. What about legal advice?**

Reporting Parties do not need private legal counsel to pursue criminal prosecution because representation will be handled by the District Attorney's office. However, you may want to retain an attorney if you are considering filing a civil action. Responding Parties may want to retain legal counsel given the potential for criminal and/or civil action.

## **8. What about changing residence hall rooms or other accommodations?**

Either party may request a room change through the Title IX Coordinator who will work with the Dean of Students Office. Other accommodations available to the parties may include:

- Assistance with or rescheduling an academic assignment (paper, exams, etc.);
- Assistance in requesting an incomplete in a class;
- Assistance with transferring class sections, if available;
- Temporary withdrawal;
- Assistance with alternative course completion options; and
- Other accommodations for safety as necessary.

## **9. What should I do about obtaining medical treatment and preserving evidence of a sexual assault?**

Survivors of a sexual assault (particularly rape, forcible oral copulation or sodomy) are urged to seek medical treatment as soon as possible by going to the nearest hospital emergency room, specialized sexual assault treatment and trauma center, Student Health Services, or private physician.

The emergency room nearest HMC, which is also a County designated SART Center, is located at Pomona Valley Hospital Medical Center, 1798 N. Garey Avenue, Pomona, CA 91767, (909) 865-9500. SART is a trauma informed/ survivor sensitive program designed to provide a team approach to responding to sexual assaults. Survivors may take a Support Person with them to the hospital. If you need assistance arranging for transportation or would like a member of the HMC staff to accompany, you to the hospital. Contact Campus Safety at (909) 607-2000 and ask that the On-Call Student Affairs staff member be contacted. An On-Call Student Affairs Staff member (aka AD) is available whenever the College offices are closed to assist students in emergency situations.

Survivors who promptly seek medical attention benefit from being examined for physical injury, receiving preventative treatment for sexually transmitted diseases, a toxicology examination for date rape drugs, and emergency contraception. In addition, prompt reporting allows for the preservation of evidence, which will only be used if you decide (then or later) to press criminal charges or file civil suit.

To preserve evidence, you should NOT bathe, douche, smoke, brush your teeth or change clothes (a change of clothes should be brought along). If clothes have been changed, the original clothes should be put in a paper bag (plastic bags damage evidence) and brought to the hospital. Do not disturb the scene of the assault. If it is not possible to leave the scene undisturbed, evidence (e.g. bedding, towels, loose fabrics, prophylactics, and clothing) should be placed in separate paper bags to be preserved.

Time is a critical factor in collecting and preserving evidence. The physical evidence of an assault is most effectively collected within the first 24-48 hours of the assault, but some evidence may be collected for up to 72 hours. If, however, you choose to report the incident days, weeks, or even months after the assault, important support systems are still available and can be arranged, but you need to know that delay may make it more difficult to collect physical evidence of the sexual assault that could impact a criminal prosecution or civil lawsuit.

Hospitals that treat any physical injury sustained during a sexual assault are required to report it to law enforcement. You may choose whether or not to speak to police at the hospital and do not need to make an immediate decision to press criminal charges. That decision can be made at a later time.

If you do not wish to go to the hospital you may choose to contact Planned Parenthood, 1550 N Garey Avenue, Pomona, CA 91767, (800) 576-5544, which has healthcare providers who can test and provide preservative treatment for sexually transmitted diseases or see a personal health care provider for tests and treatment.

**10. Will the complainant be sanctioned when reporting a sexual misconduct if they have illegally used drugs or alcohol?**

No. The severity of the infraction will determine the nature of the College's response, but whenever possible the College will respond educationally rather than punitively to the illegal use of drugs and/or alcohol. The seriousness of sexual misconduct is a major concern and the College does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

**11. Will the use of drugs or alcohol affect the outcome of a sexual misconduct complaint?**

The use of alcohol and/or drugs by either party will not diminish the Respondent's responsibility. On the other hand, alcohol and/or drug use is likely to affect the Complainant's memory and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to support their complaint. If the complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the Respondent without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a Respondent.

## **12. Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?**

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

## **13. What should I do if I am uncertain about what happened?**

If you believe that you have experienced sexual misconduct but are unsure of whether it was a violation of the College Policy, you should contact the College's Title IX Coordinator who can explain the Policy and resolution options. If you would like to speak with someone in strict confidence to explore the incident, you may want to first speak with a counselor at Monsour Counseling and Psychological Services, a chaplain from the McAlister Center, the EmPOWER center or a rape crisis hotline.

### *Appendix D: Sexual Misconduct Prevention and Risk Reduction*

**Prevention:** If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner and yourself. These suggestions may help you avoid committing a nonconsensual sexual act and reduce your risk of being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give your partner a chance to clearly communicate intentions to you.
- Understand and respect personal boundaries. Do not pressure a potential partner.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether the individual is attracted to you; about how far you can go or about whether the individual is physically and/or mentally able to consent. If there are any questions or if there is any ambiguity then you DO NOT have consent and you should stop.
- If you think you are receiving unclear or conflicting messages from your partner, this is a clear indication that you should stop, defuse any sexual tension and communicate better.
- Don't take advantage of someone's drunkenness, drugged, or otherwise incapacitated state, even if the individual personally caused this.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically equal consent to any other form of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language. If you are not sure, stop.

**Risk Reduction:** Risk reduction tips can, unintentionally, take a victim-blaming tone. With no intention to victim-blame, and with recognition that only those who commit

sexual violence are responsible for such conduct, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

- If you have sexual limits, make them known as early as possible.
- If you do not want to engage in a particular activity, tell the other person “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor, if you can do so safely.
- If someone is nearby, ask for help or if it is safe to do so, text or call someone.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

*Appendix E: Harvey Mudd College’s External Reporting, Timely Warning, and FERPA Disclosure Obligations*

**I. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”)**

***A. Statistical Reporting***

Under the Clery Act, certain College officials have a duty to report certain misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs staff, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the survivors and may be done anonymously.

The Clery Act permits the College to publicly release the name, the nature of the violation and the sanction(s) for any student who is found in violation of a College policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, intimidation (which may encompass stalking and/or

bullying), hazing, destruction/ damage/vandalism of property and kidnapping/abduction. The College will release this information to the Reporting Party in any of these offenses regardless of the outcome. FERPA allows for the release of student records beyond the Clery exceptions discussed above. Harvey Mudd College reserves the right to exercise discretion in making specific outcome information available to the community at large.

### ***B. Timely Warning***

Reporting Parties should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. For purposes of the Timely Warning requirement, the College will not disclose a Reporting Party's name. However, the College will provide enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed in the paragraph above.

### ***II. Family Educational Rights and Privacy Act ("FERPA")***

A finding that a violation of HMC's sexual misconduct policy has occurred will become a part of the educational record of the Responding Party, if the Responding Party is a student. The educational records of students are protected from release under a federal law, FERPA. The College complies with FERPA regulations regarding the privacy of student records and observes the following exceptions to FERPA as mandated by the Clery Act:

1. The Responding Party(ies) in a non-consensual sexual contact/intercourse incident have the right to be informed of the finding, and sanction(s) of the investigation, in writing, without condition or limitation.
2. The Responding Party(ies) in sexual exploitation, sexual harassment, stalking, relationship violence and any other gender-based offense have the right to be informed of the finding, in writing, and to be informed of any sanction(s) that directly relate to them, and to essential facts supporting the outcome when the outcome is "responsible" (and the underlying offense is a crime of violence as defined below and in 34 C.F.R. 99.39) and/or it is equitable to share the essential findings with all parties.

Complaints of discrimination or harassment that are not governed by the [TCC Title IX Grievance Process](#) are subject to investigation and resolution under policies and procedures of the Respondent's college. Accordingly, complaints of discrimination and harassment in which a Harvey Mudd College student is named as a Respondent are governed by the policies and procedures set forth in the [Harvey Mudd College Sexual Misconduct and Complaint Resolution Policy](#) or the HMC **Prohibited Discrimination, Harassment, and Retaliation Policy**.

### ***III. Confidentiality & Privacy***

The College and TCC is committed to protecting the privacy of all individuals who are involved in a report of Prohibited Conduct. All College and TCC employees who are involved in the Title IX response, including the Title IX Coordinator, investigators, and hearing panel members, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this Policy.

*A. Privacy*

Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who “need to know” to assist in the active review, 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.

*B. Confidentiality*

Reports concerning conduct prohibited under this Policy will be addressed confidentially to the extent possible. Such reports will be disclosed only to individuals who, in the interests of fairness and resolution, have a need to know, and as otherwise required by law. Persons involved in the administration of this Policy are required to maintain confidentiality.

In certain circumstances identified in California Education Code section 67383, the College is required to forward information concerning reports of violent crimes, including reports of sexual assaults, to a local law enforcement agency. Such information is forwarded without identifying the Complainant and Respondent, unless explicit consent is provided by the Complainant allowing for the sharing of personally identifying information. If the Complainant is under the age of 18, the College is required to comply with child abuse reporting laws.

Members of the HMC community who wish to seek advice or assistance concerning, or to discuss options for dealing with, sexual misconduct on a strictly confidential basis may speak with licensed counselors, clergy, medical providers in the context of seeking medical treatment, and rape crisis counselors, who, except in very narrow circumstances specified by law, will not disclose confidential communications. Students who wish to speak to a licensed counselor on a confidential basis may contact the Claremont Colleges Services Monsour Counseling Center or EmPOWER Center. The Employee Assistance Program is a resource for faculty and staff. The Chaplains of The Claremont Colleges are also available to counsel students, faculty, and staff on a confidential basis.

All participants in a grievance process involving an alleged violation of this Policy will be informed that confidentiality helps enhance the integrity of the process, protect the

privacy interests of the parties, and protect the participants from statements that might be interpreted to be retaliatory or defamatory. At the beginning of the process, the Complainant and Respondent will be asked to keep information related to the process private during the pendency of the process. This does not preclude the Complainant or Respondent Party from sharing information with family, legal counsel, advisors/support persons, or others as necessary in connection with the marshalling and presentation of evidence in connection with the process. Witnesses and support persons will, similarly, be asked to respect the privacy of the process.

### *C. Responsible Employees*

Under Title IX, HMC is required to take immediate and corrective action if a “responsible employee” knew or, in the exercise of reasonable care, should have known about Prohibited Conduct. A “responsible employee” includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action.

Using this lens, employees with supervisory and leadership responsibilities on campus are considered “responsible employees.” This may include, for example, faculty, coaches, administrators, proctors, mentors, and student leaders with a responsibility for student welfare.

The College requires that all “responsible employees” share a report of Prohibited Conduct or suspected Prohibited Conduct with the Title IX Coordinator or a member of the Title IX team.

The College also encourages all employees, even those who are not obligated to do so by this Policy, to report information regarding any incident of Prohibited Conduct directly to the Title IX Coordinator, a member of the Title IX team, a “responsible employee,” or Campus Safety. The College cannot take appropriate action unless an incident is reported to the College.

The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant expressed preferences, if any, as to course of action, and the necessity of any interim measures to protect the safety of the complainant or the community.

### *D. Request for Confidentiality*

Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College will balance the request with HMC’s obligation to provide a safe and non-discriminatory

environment for all College community members and to remain true to principles of fundamental fairness which require notice and an opportunity to respond before action is taken against a Respondent. 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 have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought. In some cases, the Title IX Coordinator, in consultation with appropriate administrators and TCC, may determine that the College needs to proceed with an investigation based on concern for the safety or well-being of the broader HMC community (e.g., concern about the risk of future acts of sexual violence or a pattern of sexual misconduct). HMC reserves the right to take appropriate action in such circumstances, including in cases where the individual reporting the Prohibited Conduct is reluctant to proceed.

The College will take all reasonable steps to investigate and respond to a report consistent with a Complainant's request for confidentiality or request not to take any action in response to the report, but HMC's ability to do so may be limited based on the nature of the Complainant's request. Where the College is unable to act in a manner consistent with a Complainant's request, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the chosen course of action, which may include the College's seeking disciplinary action against a respondent. The chosen course of action may, alternatively, include steps to limit the effects of the alleged misconduct and prevent its recurrence without taking formal disciplinary action against or revealing the identity of the Respondent.

#### *E. Timely Warnings*

If a report of misconduct discloses a serious or continuing threat to the HMC community, the College may issue a campus-wide timely warning (which may take the form of an email to campus) to protect the health or safety of the community. The timely warning will not include any identifying information about the complainant. Even where there is no imminent threat, the College may send campus-wide email notifications on all reported sexual misconduct.

At no time will the College release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent name to the general public is guided by the Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state and federal law. No information shall be released from such proceedings except as required or permitted by law and College Policy. For more information on timely warnings and FERPA, please see "Appendix F: Harvey Mudd College's External Reporting, Timely Warning, and FERPA Disclosure Obligations."



The College is committed to treating all members of the community with dignity, care, and respect. Any individual who experiences or is affected by Prohibited Conduct, whether as a Reporting Party, a Responding Party, or a third party, will have equal access to support and counseling services through the College. Interim measures (supportive and protective) are also available to all parties (see Section VIII of this Policy).

The College recognizes that deciding whether and how to make a report to the College or law enforcement can be difficult decisions. Making a report means telling someone in authority what happened, whether in person, by telephone, in writing, or by email. All individuals are encouraged to seek the support of campus and community resources. 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. Individuals are encouraged to use all available resources on and off campus, 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 that by law cannot share information without the consent of the individual seeking assistance. There are also a variety of College resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this Policy. For more information about the difference between privacy and confidentiality, see Section IV of this Policy.

#### *F. Confidential Resources*

HMC encourages all community members to make a prompt report of any incident of Prohibited Conduct to the College and, in the case of incidents involving sexual violence, to law enforcement as well. For individuals who are not prepared to make a report, or who may be unsure what happened but are still seeking information and support, there are several legally protected, confidential resources available as designated below. These confidential resources will not share information with the College or anyone else without the individual's permission.

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

##### **Monsour Counseling and Psychological Services**

Phone: 909.621.8202

Office: Tranquada Student Services Center, 1st Floor

Hours: Monday–Friday, 8 a.m.–5 p.m. (for after-hours emergencies, call Campus Safety)

Website: [Monsour Counseling and Psychological Services](#)

**EmPOWER Center Sexual Assault & Intimate Partner Violence Resource Center**

Phone: 909.607.2689

Office: 1030 Dartmouth Ave.

Hours: Monday–Friday, 8 a.m.–5 p.m.

Contact: Rima Shah at RShahEmPOWER@cuc.claremont.edu or 909.607.0690

**McAlister Center Office of the Chaplains**

Phone: 909.621.8685

Office: McAlister Center for Religious Activities

Hours: Monday–Friday, 8 a.m.–5 p.m.

Website: [Chaplains](#)

**Off Campus Confidential Resources:****Project Sister Family Services Crisis Hotline\***

Hotline: 909.626.HELP (4357)

Hours: 24/7

Website: [Project Sister](#)

**Project Sister Family Services Walk-in Counseling\***

Phone: 909.966.4155

Email: [info@projectsister.org](mailto:info@projectsister.org)

Office: 363 S. Park Ave. #303

Hours: Monday–Thursday, 5–7 p.m.

Website: [Project Sister walk-in clinic](#)

**House of Ruth Hotline\* (Dating violence)**

Hotline: 877.988.5559

Hours: 24/7

Website: [House of Ruth](#)

**Love is Respect National Dating Abuse Hotline\***

Hotline: 866.331.9497

Text: “loveis” to 22522

Online: [Love is Respect: Chat With Us](#)

Website: [Love is Respect](#)

**National Domestic Violence Hotline\***

Hotline: 800.799.7233

Hours: 24/7

Website: [National Domestic Violence Hotline](#)

**RAINN National Sexual Assault Crisis Hotline\***

Hotline: 800.656.4673

Hours: 24/7

(This hotline will transfer you to a local crisis hotline based on your phone's area code.)

Website: [RAINN](#)

RAINN National Sexual Assault Crisis Online Chat\*

Website: [RAINN Online Chat](#)

Hours: 24/7

### **Love is Respect National Dating Abuse Hotline\***

Hotline: 866.331.9497

Text: "loveis" to 22522

Online: [Love is Respect: Chat With Us](#)

Website: [Love is Respect](#)

### *G. Medical Resources*

A medical provider can provide emergency and/or follow-up medical services. A medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence. See Appendix C (What to Do If You Experience a Sexual/Gender Violence), to this Policy for additional information.

Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence will, however, preserve the full range of options to seek resolution under this Policy or through the pursuit of criminal prosecution.

On campus, the Student Health Service can provide medical care but is not equipped for forensic examinations.

The medical facility closest to HMC which is equipped to provide emergency care and provide sexual assault sexual exams is:

### **Pomona Valley Hospital Medical Center ("PVHMC")**

1798 North Garey Avenue

Pomona, CA 91767

Phone: 909.865.9500

Emergency Room: 909.865.9600

PVHMC is also a Los Angeles County designated Sexual Assault Team Center ("SART"). A SART is a trauma informed/survivor sensitive program designed to provide a team approach to responding to sexual assaults.

### *H. Additional Campus Resources*

In addition to the Title IX team and the resources listed above, HMC community members have access to a variety of other resources provided by the College. The

staff members listed below are trained to support individuals affected by sexual violence and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment.

### **HMC On-Call Dean**

An on-call dean is available for assistance outside of normal business hours by contacting Campus Safety and asking to be connected to the HMC on-call dean at 909.607.2000.

### **Campus Safety**

Phone 909.621.8170

Office: Pendleton Business Building

Hours: 24/7

Website: [Campus Safety](#)

### **Health Education Outreach, The Claremont Colleges Services**

Phone: 909.607.3602

Office: Tranquada Student Services Center, 1st Floor

Hours: Monday–Friday, 10 a.m.–5 p.m. Wednesday, 10 a.m.–7:30 p.m. (for after-hours emergencies, call Campus Safety)

Special services: free, anonymous HIV testing (Tuesdays, 11 a.m.–12:40 p.m.)

Website: [Health Education Outreach](#)

### **Student Health Services**

Phone: 909.621.8222

Office: Tranquada Student Services Center, 1st Floor

Hours: Monday, Tuesday, Friday, 8 a.m.–5 p.m.

Wednesday, 8 a.m.–7 p.m.

Thursday, 9 a.m.–5 p.m.

(for after-hours emergencies, call Campus Safety)

Special services: STI testing, confidential HIV testing, contraception and counseling, emergency contraception/Plan B, pregnancy testing and counseling

Website: Student Health Services

### **HMC Employee Assistance Program, Optum (for eligible faculty and staff)**

800.234.5465

[Live and Work Well](#) (access code claremontcolleges)

If you are a victim or survivor of sexual harassment or misconduct, the sooner you seek help, the more options you have available to you. The following steps are important to take as soon as possible.

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the

best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The College also encourages all individuals to make a report to the College and law enforcement. The College will provide assistance in notifying law enforcement if the individual so chooses. An individual who experiences sexual violence also has the right to decline to notify law enforcement.

Making a report to the College and law enforcement are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously. The College has a strong interest in supporting individuals who have been subjected to sexual violence and other forms of Prohibited Conduct.

Making a report means telling someone in authority what happened, whether in person, by telephone, in writing, or by email. At the time a report is made, a Reporting Party does not have to decide whether or not to request any particular course of action, nor does a Reporting Party need to know how to label what happened. 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 important decisions and, to the extent legally possible, will respect an individual's autonomy in deciding how to proceed. 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.

Any individual who reports Prohibited Conduct can be assured that all reports will be investigated and resolved in a fair and impartial manner. A Reporting Party, a Responding Party, and all individuals involved can expect to be treated with dignity and respect. Upon any report under this Policy, the College will make an immediate assessment of any risk of harm to the Reporting Party or to the broader campus community and will take reasonable steps necessary to address those risks. Such steps will include interim measures to provide for the safety of the individual and the campus community.

#### IV. Emergency and External Reporting Options

HMC strongly encourages all individuals who experience any form of sexual or intimate partner violence to contact the **Claremont Police Department** immediately. The Claremont Police Department can be reached by calling Campus Safety if one is on campus (909-607-2000) or by dialing 911 if one is off campus.

An on-call dean is also available to respond to calls for assistance outside of normal business hours and can be reached by calling Campus Safety (909.607.2000) and requesting to be connected to the HMC on-call dean.

As indicated above, the medical facility nearest to HMC which is equipped to provide emergency care is Pomona Valley Hospital Medical Center.

Reporting Parties may also pursue civil remedies (including a temporary restraining order or injunctive relief) from a court of law or file an administrative complaint with a government agency. For more information concerning external complaint resolution options, see Appendix B to this Policy for more information concerning External Complaint Resolution Options.

#### *A. Campus Reporting Options*

Reports concerning conduct prohibited under this Policy should be submitted to the Title IX Coordinator, a Deputy Title IX Coordinator, or a “responsible employee” by telephone, by e-mail, or in person as soon as possible after an incident. Reports may be submitted to the Title IX Team online at: [https://cm.maxient.com/reportingform.php?HarveyMuddCollege&layout\\_id=2](https://cm.maxient.com/reportingform.php?HarveyMuddCollege&layout_id=2).

Reports may also be submitted to:

Campus Safety

Phone 909.621.8170

Office: Pendleton Business Building

Hours: 24/7

Website: Campus Safety <https://services.claremont.edu/campus-safety/>

#### *B. 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 complainant or requesting any action. The College’s ability to respond to an anonymous report may, however, be limited depending on the extent of information available about the incident or the individuals involved.

All reports go to the Title IX Coordinator or Campus Safety. The links to these reporting pages are respectively (1) [Title IX Incident Report Form – Sexual Harassment and/or Sexual Misconduct](#) and (2) [Silent Witness Incident Reporting](#). . Opens in new tab.  
Opens in new tab

Upon receiving an anonymous report, the Title IX Coordinator will determine any appropriate steps, including individual or community remedies as appropriate, in consultation with the Assistant Vice President of Campus Safety and in compliance with all Clery Act obligations.

#### *C. Reporting Considerations: Timeliness and Location of Incident*

Complainant’s and third parties are encouraged to report Prohibited Conduct as soon as possible to maximize the College’s ability to respond promptly and effectively.

There is no time limit for making a report involving Prohibited Conduct, but HMC's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondent may no longer be affiliated with HMC.

An incident need not occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities, or which poses a threat or danger to members of the HMC community, may also be addressed under other policies set in place by HMC.

If the Respondent is not a member of the HMC community, the College will still seek to take steps to end the harassment, prevent its recurrence, and address its effects, though HMC's ability to take disciplinary action against the Respondent may be limited.

#### *D. Amnesty for Alcohol or Other Drug Use*

HMC encourages the reporting of prohibited conduct under this Policy. It is in the best interest of the College community that as many complainant's as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, an individual who reports Prohibited Conduct, either as a complainant or a third-party, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and will 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 regarding alcohol or other drugs.

#### *E. Coordination with Law Enforcement*

As explained above, the College will assist a person who experiences sexual or intimate partner violence, or other forms of Prohibited Conduct which may constitute a crime, in making a criminal report and will cooperate with law enforcement agencies if an individual decides to make a criminal complaint.

The burden of proof to establish a violation of this Policy differs from California criminal law. An individual may seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Responding Party, 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 off-campus civil or criminal proceedings.

At the request of law enforcement, the College may agree to defer its complaint resolution process until after the initial stages of a criminal investigation. The College will, nevertheless, communicate with the complainant regarding Title IX rights, procedural options, and the implementation of interim measures to assure the safety and well-being of the complainant. The College will promptly resume its complaint resolution process as soon as it is informed that law enforcement has completed its initial investigation.

#### *F. False Reports*

The College will not tolerate intentional false reporting of incidents. The College takes the accuracy of information very seriously, as a charge of Prohibited Conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. When, however, a Reporting Party or third-party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the individual may be subject to disciplinary action. Intentionally making a false report of any policy violation constitutes a violation of the Code of Conduct and may also constitute a violation of state criminal statutes and civil defamation laws.

#### *G. Reports Involving Minors or Suspected Child Abuse*

Under California law, all College employees are required to promptly report suspected child abuse and/or neglect, including sexual assault, when they know or reasonably suspect that a minor under the age of 18 has been the victim of child abuse or neglect. This duty exists regardless of whether the abuse or neglect is observed at work or in our private lives.

All College employees are required to immediately report any suspected child abuse and neglect to one of the numbers set forth below. If the abuse or neglect involves a member of the College community, the employee should also promptly report the incident to the Title IX Coordinator or a member of the Title IX team. The source of abuse does not need to be known in order to file a report.

It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the Title IX Coordinator or member of the Title IX team, any individual is required to make a direct report if a child is in immediate danger, call 911.

If there is no immediate danger, contact the Los Angeles County Department of Children and Family Services' Child Protection Hotline, 800.540.4000, or website, <https://dcfs.lacounty.gov/contact/report-child-abuse>

\*Title IX Grievance Process August 2020

#### *Responsible Employees*

All faculty members, staff members, administrators, proctors, mentors, and some temporary student leaders (with the exception of those working in a confidential capacity such as counselors or chaplains) are obligated to report any disclosures related to the Harvey Mudd College community that involve allegations of sexual harassment, sexual misconduct, intimate partner violence, and stalking.

#### **Sex Offender Registration – Campus Sex Crimes Prevention Act (Megan's Law)**



Members of the general public may request community notification flyers for information concerning sexually violent predators in a particular community by visiting the chief of law enforcement officer in that community. The State of California maintains a database of convicted sex offenders who are required to register their home addresses. This database can be found at: Search for Sex Offenders: <http://meganslaw.ca.gov/disclaimer.aspx>. For general information, see State of California Department of Justice, Megan's Law in California: <http://www.meganslaw.ca.gov/>

### **Missing Student Notification Policy**

The Clery Act requires institutions that maintain on-campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092 (j) Section 488 of the Higher Education Opportunity Act of 2008). In accordance with general institutional emergency notification procedures, when a Harvey Mudd College student is thought to be missing from the campus, the On-Call Dean should be immediately notified.

This protocol applies to students who reside in campus housing. A residential student is officially "determined to be missing" when a missing person report investigation concludes that the student has been absent from the College for a period of 24 hours or longer without any known reason. Campus Safety, in conjunction with the assistant vice president for student affairs, will make the official determination of whether a student is deemed missing. All residential students have the opportunity to identify an individual or individuals to be contacted by the assistant vice president for student affairs no more than 24 hours after the time that the student is determined to be missing.

Students age 18 and above and emancipated minors are given the opportunity to designate a confidential individual or individuals to be contacted by the College no more than 24 hours after the time that the student is determined to be missing in accordance with the missing residential student procedure. A designation remains in effect until changed or revoked by the student. Should the student not formally declare a separate missing person contact, the emergency contact on record will be notified. Students may update their missing person contact and their emergency contact information at any time by notifying DSA. This information will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation or as required by law.

Students under the age of 18 (not emancipated) determined to be missing will require that the College notify a custodial parent or guardian, in addition to the student's designated contact, no more than 24 hours after the student is determined to be missing.

If any member of the Harvey Mudd College community has reason to believe that a student may be missing, they should immediately notify the Division of Student Affairs office at 909.621.8125 (Monday–Friday, 8 a.m.–5 p.m.) or Campus Safety at 909.607.2000 (24 hours a day). The College will immediately initiate an investigation into any report of a missing person. If a student is determined to have been missing for 24 hours, the College and/or Campus Safety will notify the appropriate law enforcement agency and initiate the notification of appropriate emergency contacts.

It is made clear to all students annually, that each residential student of HMC has the option to designate an individual to be contacted by the College no later than 24 hours after the time that Harvey Mudd College determines the student is missing. Students fill out the Emergency Contact Information Form through the student portal on an annual basis. This information is only accessible to College employees who are authorized campus officials and this information will not be disclosed to others with the exception to law enforcement personnel in the furtherance of a missing student investigation.

### **Daily Crime and Fire Log**

Campus Safety maintains a Daily Crime Log of all crime reported to the Department. The log includes criminal incidents reported to Campus Safety during the last 60 days and is available on the Campus Safety website at <https://services.claremont.edu/campus-safety/clery-daily-crime-logs>. Any member of the Claremont Colleges and members of the public may also view the Clery Daily Crime Log on the monitor at the front counter of Campus Safety during normal business hours at 150 E. 8<sup>th</sup> St., Claremont, CA 91711. This log identifies the type, location, date, time and disposition of each criminal incident reported to Campus Safety. Any portion of the log that is older than 60 days will be made available within two business days from date requested for public inspection.

### **Fire Log**

The Facilities and Maintenance Office maintains a Fire Log that includes the nature, date, time, and general location of every fire that occurs in on-campus residence hall facilities. The log is available for inspection by contacting the Senior Director for Facilities, Emergency Preparedness and Employee Safety in the Office of Facilities and Maintenance, Monday through Friday during normal business hours.

### **Disclosure of Results of Disciplinary Proceedings Policy Statement**

In accordance with the Higher Education Opportunity Act, Harvey Mudd College will, upon written request, disclose to alleged victims of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this policy.

Reports made to HMC officials and identifying information about the victim shall not be made public.

Reports made to medical professionals, licensed mental health counselors, and Chaplains will not be shared with third parties except in cases of imminent danger to the victim or a third party.

## **Policies Governing Alcohol and Other Drugs**

### **HMC's Program Relating to the Prevention of Illegal Possession, Use and Distribution of Drugs and Alcohol by Students**

- 1) The program is a set of standards of conduct prohibiting all students from unlawfully possessing, manufacturing, using or distributing drugs and alcohol on College property or at any activities of the College. In addition, this program is designed to address and eliminate occurrences of binge drinking (five or more drinks at a sitting for men and four or more drinks at a sitting for women) and its consequences.
- 2) The program is an imposition of disciplinary penalties on a student in the event of a violation of these standards of conduct. Whether there has been a violation will be determined in accordance with the College's procedures applicable to student discipline. When students visit another Claremont College, they are responsible for observing the regulations of both that college and HMC.
  - a) Penalties will be of varying degrees of severity and may include: warnings, attendance in a substance abuse program, substance probation, community service, loss of residential privileges (temporary or permanently), suspension, expulsion or referral to governmental authorities for prosecution.
  - b) The appropriate penalty shall be determined by taking into consideration all relevant circumstances, and particular penalties will not be associated with any particular violation.
- 3) Annually, the College will distribute to each student a written statement that will include a copy of this program and
  - a) A description of the various federal, state and local laws relating to the unlawful use, possession or distribution of illicit drugs and alcohol and the penalties imposed;
  - b) A description of the health risks associated with the use of illicit drugs and abuse of alcohol;
  - c) A description of any drug and alcohol counseling, treatment, rehabilitation or reentry programs that are available to students;
  - d) A statement of any regulations established from time to time by the College with respect to the unlawful use, possession and distribution of drugs and alcohol on College property and at College activities.
- 4) At least every two years, the College will review this program to determine its effectiveness and implement changes to the program if they are needed and ensure that the disciplinary penalties described above are consistently enforced.

HMC is committed to education and counseling as the primary focus of their substance abuse programs and will provide confidential professional assistance for any students who want it. Students are urged to seek information and help regarding substance abuse for themselves or their friends. A variety of services, including counseling, educational materials, campus Alcoholics Anonymous meetings and referrals are available at the following offices:

- Division of Student Affairs, Associate Dean, Student Health and Wellness, 909.607.4101
- Health Education Outreach Office, 909.607.3602 or 3485
- Monsour Counseling and Psychological Services, 909.621.8202
- Student Health Services, 909.621.8222

In particular, Health Education Outreach will provide ongoing, student-centered education and prevention programs, including a peer education and training program, health promotional materials and activities throughout the academic year. To protect students' privacy, information regarding a student during participation in any related program is treated as confidential.

All incoming students receive online alcohol training in addition to an in-person workshop at the beginning of each academic year. All students receive ongoing education in the form of events hosted by the Offices of Housing and Residential Life and Health and Wellness that involve education and training around safe alcohol consumption, risks, and state and federal laws. Student leaders receive training about signs and symptoms of drug overdoses and how to identify misuse.

### **Local, State and Federal Laws**

Some local, state and federal laws establish severe penalties for the unlawful possession or distribution of illicit drugs and alcohol. These sanctions, upon conviction, range from a fine and probation to lengthy imprisonment. The following are lists of topics covered by these laws and the websites where more details can be found.

#### **Claremont Municipal Code**

9.23 Drinking Alcoholic Beverages in Public

#### **California Codes**

- **California Business and Professions Code**
  - 25602 Giving Alcohol to Intoxicated People
  - 25604 Retail Establishments Serving Alcohol Must Be Licensed
  - 25607 Limits on Alcohol Approved by Retail Licenses
  - 25658 Limits on Alcohol Provision, Purchase and Consumption to Minors
  - 25662 Public Possession of Alcohol by Those Under 21
  - 25659 Confiscation of False Identification
  - 25660.5 Furnishing False Identifications
  - 25661 Use of False Identification

- **California Vehicle Code**
  - 13388 Under 21 Refusing a Blood Alcohol Test
  - 23136 Under 21 Driving Under the Influence
  - 23140 BAC Limit for a Driver Who is Under Age
  - 23152 Driving Under the Influence
  - 23220 Limits on Drinking while Driving
  - 23221 Limits on Consumption of Alcohol in a Vehicle (driver or passenger)
  - 23222 Consequences for Possession of Marijuana or Open Container While Driving
  - 23224 Limits of Under 21 Transporting Alcohol
  - 23502 Alcohol Education Programs for Underage Offenders
  - 23536 Consequences for DUI Conviction
  - 23594 Consequences for Owner of Vehicle Used in DUI
  - 23612 License Suspension for Refusal of Blood Alcohol Test
  - 23645 Further Consequences for DUI Conviction
- **California Health and Safety Code**
  - 11153.5 Manufacture of Controlled Substances
  - 11350 Possession of Narcotics
  - 11351 Possession of Narcotics for Sale
  - 11352 Transportation of Narcotics
  - 11355 Sales of Narcotics
  - 11357 Possession of Marijuana or Hashish
  - 11358 Cultivation of Marijuana
  - 11359 Sale of Marijuana
  - 11360 Transportation of Marijuana
  - 11364 Possession of Device for Consuming Narcotics
  - 11365 Aiding the Use of Narcotics
  - 11377 Consequences for Possession of a Controlled Substance
  - 11378 Possession for Sale of Controlled Substances
  - 11379 Transportation of Controlled Substances
  - 11382 Aiding the Distribution of Controlled Substances
  - 11383 Possession of Materials Intended to Manufacture Methamphetamine

### **Federal Code**

Title 21, Chapter 13 Lists Laws Pertaining to Possession of Controlled Substances and Illegal Trafficking

## **Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol**

The use of any mind- or mood-altering substance, including alcohol, can lead to psychological dependence, which is defined as a need or craving for the substance and feelings of restlessness, tension or anxiety when the substance is not used. In addition, with many substances, use can lead to physical tolerance, characterized by the need for increasing amounts of the substance to achieve the same effect and/or physical dependence, characterized by the onset of unpleasant or painful physiological symptoms when the substance is no longer being used. As tolerance

and psychological or physical dependence develop, judgment becomes impaired and people often do not realize they are losing control over the use of the substance and that they need help.

Alcohol acts as a depressant to the central nervous system and can cause serious short- and long-term damage. Short-term effects include nausea, vomiting and ulcers; more chronic abuse can lead to brain, liver, kidney and heart damage and even eventual death. Ingesting a large amount of alcohol at one time (five or more drinks at a sitting for men, and four or more drinks at a sitting for women) can lead to alcohol poisoning, coma and death. Drugs such as LSD, amphetamines, marijuana, cocaine and alcohol alter emotions, cognition, perception, physiology and behavior in a variety of ways. Health risks include, but are not limited to, depression, apathy, hallucinations, paranoia and impaired judgment. In particular, alcohol and/or drug use inhibits motor control, reaction time and judgment, impairing driving ability. Abuse of either or both alcohol or drugs during pregnancy increases the risk of birth defects, spontaneous abortion and stillbirths.

### **Assistance for Alcohol Abuse and/or Drug Use Problems**

The Claremont Colleges are committed to education and counseling as the primary focus of their substance abuse programs and will provide confidential professional assistance for any students who want it. Students are urged to seek information and help regarding substance abuse for themselves or their friends. A variety of services, including counseling, educational materials, campus Alcoholics Anonymous meetings and referrals are available at the following offices:

- Division of Student Affairs, Associate Dean, Student Health and Wellness, 909.607.4101
- Health Education Outreach Office, 909.607.3602 or 3485
- Monsour Counseling and Psychological Services, 909.621.8202
- Student Health Services, 909.621.8222

In particular, Health Education Outreach (HEO) will provide ongoing, student-centered education and prevention programs, including a peer education and training program, health promotional materials and activities throughout the academic year. HMC students participate in BASICS education with HEO when their behavior related to alcohol or other drugs is referred to student conduct. To protect students' privacy, information regarding a student during participation in any related program is treated as confidential.

Throughout the academic year the Office of Health and Wellness at Harvey Mudd College will host programs. These programs goals are to educate students on the health risk associated with alcohol and other drugs. These programs include Pop Up events, Alcohol and Drug Free Education Based Parties, trainings for student leaders, Community Forums in the Resident Halls, Fresh Check Day events, and individual interventions.

### **HMC's Drug Free Workplace Policy**

HMC is committed to providing a safe, healthy and productive work environment. Consistent with this commitment, and its obligations under applicable law, this policy establishes the College's intent to maintain a drug and alcohol-free work environment. All employees of HMC, including faculty, staff and student employees, must comply with this policy as a condition of employment. Persons who are not employees of the College but who perform work at the College for its benefit (such as contractors and their employees, temporary employees provided by agencies, visitors engaged in joint projects, volunteers, etc.) are also required to comply with this policy. Prohibitions

HMC prohibits the unlawful: manufacture, possession, distribution, dispensation, sale, transportation, offer to sell, promotion, purchase and/or use of drugs (including marijuana<sup>1</sup>) or alcohol on HMC owned or controlled property, at HMC sponsored/sanctioned activities and events; and while employees or other persons as described above conduct or perform HMC-related business, regardless of location. In addition, employees shall not report for work or work under the influence of any drug or alcohol or other substance which will impair work performance, alertness, coordination or response, or affect the safety of others.

Nothing in this policy is meant to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, to the extent that it does not impair an employee's job performance or safety or the safety of others. Employees who take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability should inform their supervisors and/or the Human Resources Office if they believe the medication will impair their job performance, safety or the safety of others or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication. [For more information on how to request a reasonable accommodation, please contact HMC's Human Resources Office.]

This policy does not prohibit the use or consumption of alcohol at HMC sponsored activities or events where alcohol is served, or at social, business or professional events attended by HMC employees while performing work for or in their capacity as HMC employees. However, employees who choose to consume alcohol at such events must do so responsibly, they must conduct themselves properly and professionally at all times, and they must abide by all state and federal laws related to alcoholic beverages, including laws which prohibit the operation of vehicles while under the influence.

Harvey Mudd College will impose sanctions on individuals and/or organizations that violate this policy. These sanctions will be consistently enforced and penalties will depend upon the severity of the offense. Penalties may include termination from employment and referral for prosecution of the most serious violations of law and this policy. For example, an employee found to be selling illegal drugs will be subject to discipline up to and including discharge from employment. Disciplinary action may be invoked entirely apart from any civil or criminal penalties that may apply to the employee or organization.

## **Standard of Conduct Governing Alcoholic Beverages and Drugs**

The State of California prohibits the use, possession and purchase of alcohol by individuals under the age of 21 and the use of alcohol in public by all people, regardless of age. The alcoholic beverage rules of Harvey Mudd College are required by law to be consistent with the California alcoholic beverage laws.

The following standards of conduct will govern the use of alcohol on the HMC campus and at HMC-sponsored events off campus.

- i) Possession or use of alcohol in public is forbidden. Public locations include all grounds and dormitory exteriors, except those areas designated for approved parties.
- ii) Events involving drinking games and/or promoting binge drinking are specifically forbidden.
- iii) Alcoholic beverages may not be served on HMC property or at any HMC event where persons under 21 years of age are present, unless written approval has been granted by the Dean of Campus Life of a plan that assures compliance with the law.
- iv) HMC events are defined as any on-campus event. In addition, those off-campus events that may be identified as being an activity of the College will also be governed by state law and HMC standards of conduct.
- v) Students are responsible for abiding by the California alcohol laws and these HMC standards of conduct. Failure to abide by the law or standards of conduct will result in disciplinary sanctions.

As to the use of drugs, federal and state laws govern actions by all members of the Harvey Mudd College community. As required by law, HMC has established the following policies regarding the possession and use of drugs that are consistent with the federal and state laws governing drug use:

- a. The use, sale, manufacture, possession or distribution (providing, sharing, jointly purchasing, purchasing for others or otherwise making available) of all forms of illegal drugs, including edibles and drinkables, is prohibited.
- b. The use, sale or distribution of legally prescribed medication for use in a manner in which the medication was not intended (including use by someone other than the person to whom the medication was prescribed) is prohibited.
- c. Medical Marijuana: Marijuana use on campus is prohibited in compliance with federal law. Documentation of medically prescribed marijuana does not exempt a student from this policy. A student who qualifies for medical use under California's Compassionate Use Act should speak with the assistant dean for residential life regarding their option to live off campus.
- d. The display of drug paraphernalia, regardless of whether the item has an alternate legal use, is not permitted.

## **Dry Week**

In order to allow new students time to acclimate to the College community, the Dry Week policy is in effect for each and every student the moment they arrive on campus



for the fall semester and ends on the first Saturday of the semester, at 6 p.m. (Other campuses may have different ending times.) During this time, students are not permitted to consume alcohol anywhere on the 5-C campuses. It is an Honor Code violation to do so. As decided by ASHMC, Dry Week begins for Summer Institute students when they arrive on campus.

Being “dry” means alcohol may not be consumed on campus. If alcohol is consumed elsewhere (in strict moderation, by people over age 21) and behavior upon return to campus is not disorderly, disruptive or does not involve associating with first-year students, it is considered acceptable for Dry Week. A modified form of Dry Week applies to the Admitted Student Program in spring.

### **Policies on College Parties**

Parties cannot be registered during Dry Week, the first week of the school year and during Admitted Students Weekends or other campus events where minors will be present during or after the event. Additionally, parties are not allowed during summer break. In accordance with state liquor laws, no admission may be charged for any party serving alcohol.

Properly secured fences with guarded gates must enclose any party at which alcohol is not contained indoors; no alcohol may enter or leave the party.

At any 5-College party, alcohol must be distributed by 21-year-old or older servers who have extensive experience at 5-C events. Servers will be paid for their services and may not drink alcohol during the party. For all other parties, hosts must have previously attended a party-planning seminar which is administered by Social Committee chairs. It is the responsibility of the servers to check IDs and monitor sobriety. Only those 21 or older will be served. Campus Safety reserves the right to terminate any party. Note that these guidelines may be amended or abbreviated by the Social Committee and members of the Division of Student Affairs staff in special circumstances.

## **III. ANNUAL DISCLOSURE OF CRIME STATISTICS**

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. Campus Safety maintains a close relationship with the Claremont police department to ensure that crimes reported directly to the police department that involve HMC are brought to the attention of Campus Safety.

Campus Safety collects the crime statistics disclosed in the charts through a number of methods. Dispatchers and officers enter all reports of crime incidents made directly to the department through an integrated computer aided-dispatch systems/records management system. After an officer enters the report in the

system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that Campus Safety maintains, the statistics below also include crimes that are reported to various campus security authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub categories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

## **Definitions of Reportable Crimes**

### **Primary Crimes**

- Murder and Non-Negligent Manslaughter – defined as the willful (non-negligent) killing of one human being by another.
- Manslaughter by Negligence – defined as the killing of another person through gross negligence.

**Sexual Assault (Sex Offenses)** – Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest –Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape –Sexual intercourse with a person who is under the statutory age of consent.

**Robbery** – is defined as taking or attempting to take anything of value from the car, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** – is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** – is the unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** – is the theft or attempted theft of a motor vehicle.

**Arson** – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### **Hate Crimes**

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, Hate Crimes include any of the categories listed above and includes the four additional categories below:

**Larceny/Theft** –is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. It includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories and all other larceny.

**Simple Assault** –an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation**—to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property (except Arson)**—to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **Categories of Bias**

**Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

**Gender** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Gender Identity** – A preformed negative opinion or attitude toward a person or group

of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

**Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being e.g., Catholics, Jews, Protestants, atheists.

**Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

**Ethnicity** – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### **Dating Violence, Domestic Violence Sexual Assault and Stalking**

**Dating Violence** Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** is defined as a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or

family violence laws of the jurisdiction in which the crime of violence occurred,  
or

- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Sexual Assault** is defined as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (i) Fear for the person's safety or the safety of others; or
- (ii) Suffer substantial emotional distress.

## 2020 Harvey Mudd College Crime Statistics Chart

Offense		On-Campus	*Residential Facility	Non-campus Building or Property	Public Property
<b>Criminal Homicide</b>					
<i>Murder and Non-negligent Manslaughter</i>	<b>2017</b>	0	0	0	0
	<b>2018</b>	0	0	0	0
	<b>2019</b>	0	0	0	0
<i>Manslaughter by Negligence</i>	<b>2017</b>	0	0	0	0
	<b>2018</b>	0	0	0	0
	<b>2019</b>	0	0	0	0
<b>Sex Offenses</b>					
<i>Rape</i>	<b>2017</b>	6	6	0	0
	<b>2018</b>	4	2	0	0
	<b>2019</b>	2	1	0	0
<i>Fondling</i>	<b>2017</b>	1	1	1	0
	<b>2018</b>	2	0	0	0
	<b>2019</b>	1	0	0	0
<i>Incest</i>	<b>2017</b>	0	0	0	0
	<b>2018</b>	0	0	0	0
	<b>2019</b>	0	0	0	0
<i>Statutory Rape</i>	<b>2017</b>	0	0	0	0
	<b>2018</b>	0	0	0	0
	<b>2019</b>	0	0	0	0
<b>Robbery</b>	<b>2017</b>	0	0	0	0
	<b>2018</b>	0	0	0	0
	<b>2019</b>	0	0	0	0
<b>Aggravated Assault</b>	<b>2017</b>	0	0	0	0
	<b>2018</b>	0	0	0	0
	<b>2019</b>	0	0	0	0
<b>Burglary</b>	<b>2017</b>	2	1	0	0
	<b>2018</b>	3	0	0	0
	<b>2019</b>	2	2	0	0
<b>Motor Vehicle Theft</b>	<b>2017</b>	0	0	1	0
	<b>2018</b>	0	0	0	0
	<b>2019</b>	0	0	0	0
<b>Arson</b>	<b>2017</b>	0	0	0	0
	<b>2018</b>	1	0	0	0
	<b>2019</b>	0	0	0	0

Other Offenses		Arrest				Judicial Referral			
		On-Campus	Residential Facility	Non-campus Building or Property	Public Property	On-Campus	Residential Facility	Non-campus Building or Property	Public Property
Liquor Law Violations	2017	0	0	0	0	6	6	8	0
	2018	0	0	0	0	7	7	0	0
	2019	0	0	0	0	13	12	0	1
Drug Abuse Violations	2017	0	0	0	0	13	13	1	1
	2018	0	0	0	0	7	7	0	0
	2019	0	0	0	0	0	0	0	0
Illegal Weapons Possession	2017	0	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0

**VAWA Amendment Offenses**

<i>Dating violence</i>	2017	1	1	0	0
	2018	1	1	0	0
	2019	0	0	0	0
<i>Domestic Violence</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Stalking</i>	2017	0	0	2	0
	2018	0	0	0	0
	2019	0	0	0	0

**Hate Crimes:**

2017 There were no reportable hate crimes

2018 There were no reportable hate crimes

2019 There were no reportable hate crimes

\* Residential statistics are a subsection of the On-Campus totals

\*\* Statistics were received from the Claremont Police Department, and are included in this report.

Claremont Police Department has not 'unfounded' any crimes for Harvey Mudd College in 2016, 2017, or 2018.



## 2020 Fire Safety Report

CONTAINS STATISTICS FOR 2017 - 2019

### Introduction

The Higher Education Opportunity Act (HEOA) requires all institutions of higher education that maintain on-campus housing to publish an annual Fire Safety Report. This report contains the information required by the HEOA for Harvey Mudd College. The annual report is posted and available on October 1 to all students, prospective students, faculty and staff on the HMC website at: <https://www.hmc.edu/institutional-research/higher-education-opportunity-act-heoa/>

### Housing and Residential Life Fire Safety Information/Policies

Any fires on campus should be reported to Campus Safety immediately by calling 909-621-2000. Any reports of fires that have occurred after the fact should be directed to the Assistant Vice President of Student Affairs at [lhughes@hmc.edu](mailto:lhughes@hmc.edu) and the Senior Director for Facilities, Emergency Preparedness and Safety at [tlauer@hmc.edu](mailto:tlauer@hmc.edu).

### Evacuation Procedures

#### *Evacuate a Building When:*

1. A building alarm is activated.
2. An emergency email text message, or voice message is dispatched requiring a building evacuation.
3. An emergency order to evacuate is given by the police, fire department, or campus administration.

#### *General Procedures:*

1. Become familiar with the various exits in your building, residence hall and work area.
2. **Do not ignore a fire alarm.** However, during a shelter-in-place event, verify the alarm (by email, text message or phone) before evacuating.
3. When the fire alarm sounds, prepare to evacuate immediately.
4. Stay calm and walk quickly to the closest exit (or alternative, if nearest exit is blocked). **Do not use elevators.**
5. Walk in a single-file line, and stay to the right through corridors and stairwells.
6. If smoke is encountered, drop to the floor and crawl along the wall to nearest exit.
7. When approaching a closed door, feel the door with the back of your hand. If the door is cool, carefully open the door and (if you determine it is safe) proceed with the evacuation.



8. Once outside, move to the nearest evacuation assembly site or other area away from the affected building. Keep streets and walkways clear to provide access for emergency vehicles and personnel.
9. Report persons needing evacuation assistance, those who are unaccounted for, and those you know have left campus to the staff members (Proctors or On-Call ADs) taking attendance.

#### *Emergency Evacuation for Persons with Disabilities:*

In the event of a building evacuation, some individuals with disabilities may require special assistance.

#### *Mobility-Impaired/Wheelchair:*

Ask the person what assistance is needed and, if unable to use the stairs, follow directions for persons using wheelchairs. Seek the assistance of emergency personnel for wheelchair users on upper floors. Immediate evacuation should only be attempted if a life-threatening situation is imminent. **Do not use elevators.** If a person must be removed from a wheelchair, seek assistance to avoid injury and ask person about preferences with regard to:

- Ways of being removed from the wheelchair.
- Movement of extremities when lifting (may be limited due to pain, catheter, spasticity, braces, etc.).
- What to do once removed from the wheelchair.

#### *Visually Impaired:*

Act as a “sighted guide” to those who are visually impaired. Offer your elbow to the individual, tell the person where you are and advise them of obstacles along the evacuation route until you have reached the designated HMC evacuation site.

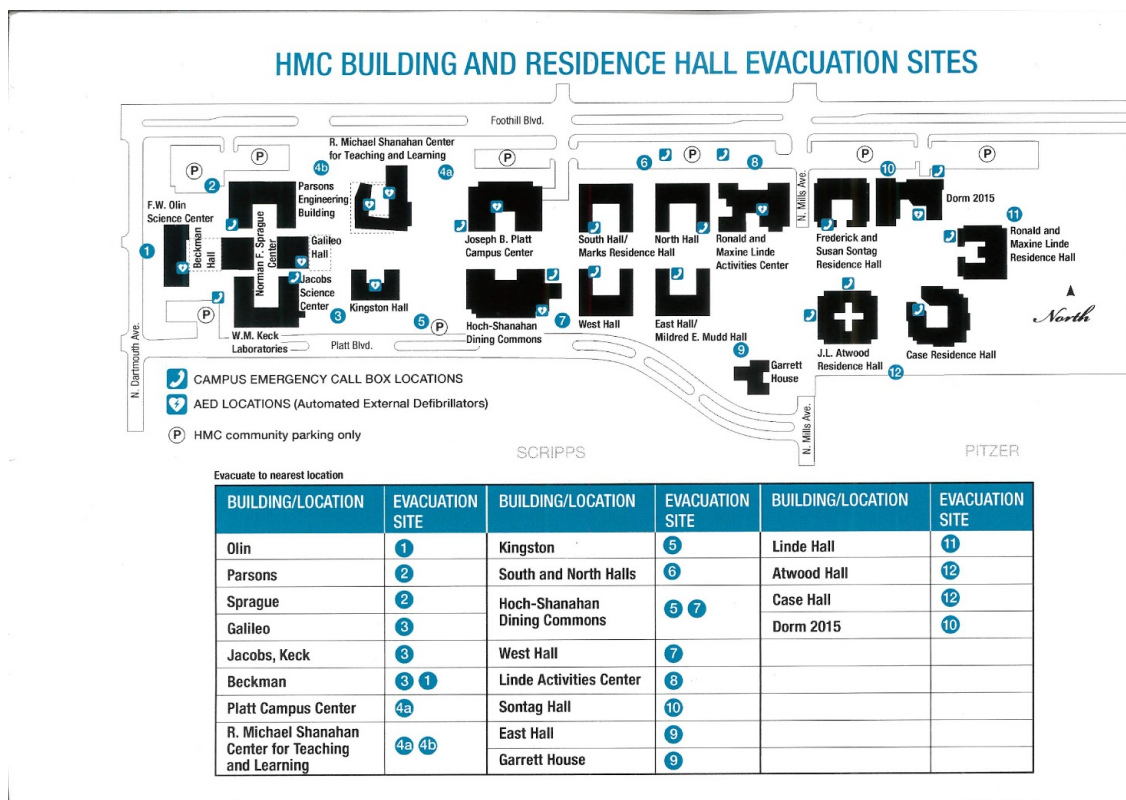
#### *Hearing Impaired:*

Persons with impaired hearing may not notice audio emergency alarms and will need to be notified by an alternative method.

- Write a note stating what the emergency is and the required action.  
Turn the room lights on and off to gain attention, then indicate through hand gestures or writing what is happening, what to do, and where to go.

***No one should return to the building until an “ALL CLEAR” is given by authorities, Campus Safety, building evacuation coordinators or by a Mudd Alert message.***

Evacuation Site Map:



## Safety and Security

When fire alarms sound in the residence halls, residents must evacuate immediately. Candles, incense, open flames and flammable liquids or gases, portable electrical appliances, and smoking are not allowed in the residence halls due to the hazards of fires. (Birthday and Hanukkah candles are okay if safely lit, constantly monitored and quickly extinguished.) Tampering with the fire safety equipment (i.e., fire extinguishers, smoke detectors or fire alarm boxes) in the residence halls is a felony in the state of California. Covering or disabling smoke or heat detectors is dangerous and unlawful and will result in Disciplinary Board (DB) charges. People, who start a fire or participate in the burning of something outside the guidelines below will be referred to DB.

Fires on campus must be registered with and approved by the Dean of Students office and the Los Angeles County Fire Department. To register a fire, a student needs to complete an event registration for the Dean of Students office. After being approved by the Dean of Students office, the student must then take the form to the local fire station (Station 101) to obtain a fire permit, which fire station personnel may or may not grant. Upon receiving a permit from the fire station, proof of the permit (in the form of a copy) must be provided to the Department of Student Affairs office. Campus Safety and College officials will use these guidelines to determine if a courtyard fire is safe and non-damaging. The fire:

1. is fully contained (nothing hanging over the sides) in a barbecue grill that is elevated more than 6 inches off the ground and that is a maximum of 9 square feet in area and a minimum of 12 inches deep.
2. does not throw sparks or threaten anything nearby,

3. does not burn anything that gives off toxic gases, such as plastics or couches, or can explode, such as aerosol cans,
4. does not have wood or fuel for the fire that exceeds two feet tall,
5. is constantly monitored by a trained fire watch with the building's fire extinguisher and a garden hose connected to a water supply nearby,
6. is completely extinguished by the last person to leave the fire, and
7. is in compliance with the Fire Code, as determined by the Los Angeles County Fire Inspector.

Students and employees can report non-registered fires to the Student Affairs Office, Campus Safety, or the on-call staff (via contacting Campus Safety). Excessive clean-up of fires will follow normal ASHMC/F&M excessive clean-up procedures. According to the Fire Inspector, only one container of lighter fluid per barbecue may be stored in a dorm storage room (not student individual rooms). College-owned wood pallets or other materials may only be used with permission from F&M.

### **Fire Safety Education**

The HMC On-call deans and Proctors receive annual fire prevention and response training. The training consists of classroom instruction followed by hands on application with fire extinguishers. Additionally, evacuation drills are conducted each semester (twice annually) to test their ability to facilitate an evacuation in the event of an emergency.

### **On-campus Housing Fire Safety Systems**

Harvey Mudd College complies with local, state and national fire regulations. All of HMC's residential buildings have reportable fire alarm systems which are monitored 24-hours a day. Additionally, the residence halls have fire/smoke alarms and suppression equipment that include manual fire extinguishers and may also include automatic sprinkler systems. The fire safety systems are routinely inspected and monitored as mandated by the County of Los Angeles. A log of these inspections is maintained by the Facilities and Maintenance Department.

### **Residence Hall Fire Safety Systems**

<b>Building Name</b>	<b>Year Built</b>	<b>Sprinklered</b>	<b>Fire/Smoke Alarm</b>	<b>24 Hour Fire System Monitoring</b>
Atwood Residence Hall	1981	N	Yes/Yes	Yes
Case Residence Hall	1985	N	Yes/Yes	Yes
Marks Residence Hall (South)	1968	PART	Yes/Yes	Yes
Mildred Mudd Residence Hall (East)	1958	N	Yes/Yes	Yes
North Residence Hall	1959	N	Yes/Yes	Yes
West Residence Hall	1958	N	Yes/Yes	Yes
Linde Residence Hall	1993	Y	Yes/Yes	Yes
Sontag Residence Hall	2004	Y	Yes/Yes	Yes
Drinkward Residence Hall	2015	Y	Yes/Yes	Yes

### **Fire Log**

The Facilities and Maintenance Office maintains a Fire Log that includes the nature, date, time and general location of every fire that occurs in on-campus residence hall facilities.

The log is available for inspection by contacting the Senior Director for Facilities, Emergency Preparedness and Employee Safety in the Office of Facilities and Maintenance, Monday through Friday during normal business hours.

### 2017 - 2019 Residence Hall Fire Log

Building Name		# of Fires	Date	Cause	Injuries Requiring Treatment	Deaths Related to Fire	Property Damage Value (\$)	Report Number
Atwood Residence Hall	2017	0	N/A	N/A	0	0	0	N/A
	2018	0	N/A	N/A	0	0	0	N/A
	2019	0	N/A	N/A	0	0	0	N/A
Case Residence Hall	2017	0	N/A	N/A	0	0	0	N/A
	2018	0	N/A	N/A	0	0	0	N/A
	2019	0	N/A	N/A	0	0	0	N/A
Marks Residence Hall (South)	2017	0	N/A	N/A	0	0	0	N/A
	2018	0	N/A	N/A	0	0	0	N/A
	2019	0	N/A	N/A	0	0	0	N/A
Mildred Mudd Residence Hall (East)	2017	0	N/A	N/A	0	0	0	N/A
	2018	0	N/A	N/A	0	0	0	N/A
	2019	0	N/A	N/A	0	0	0	N/A
North Residence Hall	2017	0	N/A	N/A	0	0	0	N/A
	2018	1	12/16/18	Phone Adaptor	1	0	\$20.00	18-12-1000
	2019	0	0	0	0	0	0	N/A
West Residence Hall	2017	0	N/A	N/A	0	0	0	N/A
	2018	0	N/A	N/A	0	0	0	N/A
	2019	0	N/A	N/A	0	0	0	N/A
Linde Residence Hall	2017	0	N/A	N/A	0	0	0	N/A
	2018	0	N/A	N/A	0	0	0	N/A
	2019	0	N/A	N/A	0	0	0	N/A
Sontag Residence Hall	2017	0	N/A	N/A	0	0	0	N/A
	2018	0	N/A	N/A	0	0	0	N/A
	2019	0	N/A	N/A	0	0	0	N/A
Drinkward Residence Hall	2017	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2018	0	N/A	N/A	0	0	0	N/A
	2019	0	N/A	N/A	0	0	0	N/A

### Plans for Improvement

The Senior Director for Facilities, Emergency Preparedness and Employee Safety in the Office of Facilities and Maintenance in collaboration with the Division of Student Affairs and the President's Cabinet is responsible for oversight of all emergency response and preparedness initiatives on campus. The Physical Plant and Campus Planning Committee of the Board of Trustees with support from the Facilities and Maintenance staff have oversight of large-scale capital improvements. Initiatives for fire safety are reviewed by these groups regularly and as deemed appropriate.