PITZER COLLEGE

ANNUAL FIRE SAFETY AND SECURITY REPORT 2021

JANUARY 1, 2020 – DECEMBER 31, 2020

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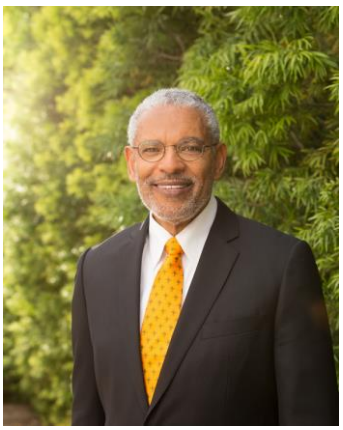
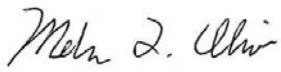
FROM THE PRESIDENT



To the Pitzer Community,

It is up to each one of us to help foster a secure and supportive environment at Pitzer College, an environment where individuals can feel safe to visit, learn, work, and live. To that end, I am pleased to share our Annual Fire Safety and Security Report with the Pitzer Community. This report contains information about campus safety measures and statistics about crime in our College community. It also describes our efforts to combat alcohol and drug abuse. A truly safe campus can only be achieved through the cooperation of everyone. Please take the time to read this report and help foster a more caring and safe environment.



Melvin L. Oliver, President

FROM THE DIRECTOR OF CAMPUS SAFETY

To the Pitzer College Community:

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 Claremont Colleges Services (TCCS) Campus Safety Department is a team of dedicated security professionals who are committed to making Pitzer College and all of the Claremont Colleges safe places in which to live, work, and study.

Pitzer 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 Pitzer 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 Pitzer College that have a critical role in fostering campus safety, including: the Dean of Students office, the Senior Administrators, Campus and Residential Life, Facilities Management, 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

NON-DISCRIMINATION

Pitzer College adheres to both the letter and the spirit of Equal Employment Opportunity and Affirmative Action. It does not discriminate on the basis of race, color, creed, religion, national or ethnic origin, sex, gender, gender identity, gender expression, age, sexual orientation, marital status, pregnancy, disability, medical condition, or veteran status, in the administration of its admission policies, educational policies, scholarship and loan programs, athletic and other College-administered programs, and employment policies.

Pitzer College's Non-Discrimination policy can be found on the Human Resources webpage at https://www.pitzer.edu/human-resources/wp-content/uploads/sites/48/2021/10/Discrimination-Harassment-and-Sexual-Misconduct-Policies-and-Procedures-2021-05-07.21.pdf

Pitzer College's harassment and discrimination policies and complaint procedures were approved by College Council on April 17, 2014 and went into effect July 1, 2014. The policy was updated July 26, 2016, was revised and approved by President Oliver on July 12, 2018. Pitzer College also adopted The Claremont Colleges' Interim Title IX Policy, effective on August 14, 2020 and revised on August 18, 2020. TCC's Interim Title IX Policy governs formal complaints of sexual harassment involving conduct alleged to have occurred on or after August 14, 2020, and which meet the Title IX regulatory definition of sexual harassment. The policy was revised on February 15, 2021. For the complete policy, please reference Appendix A.

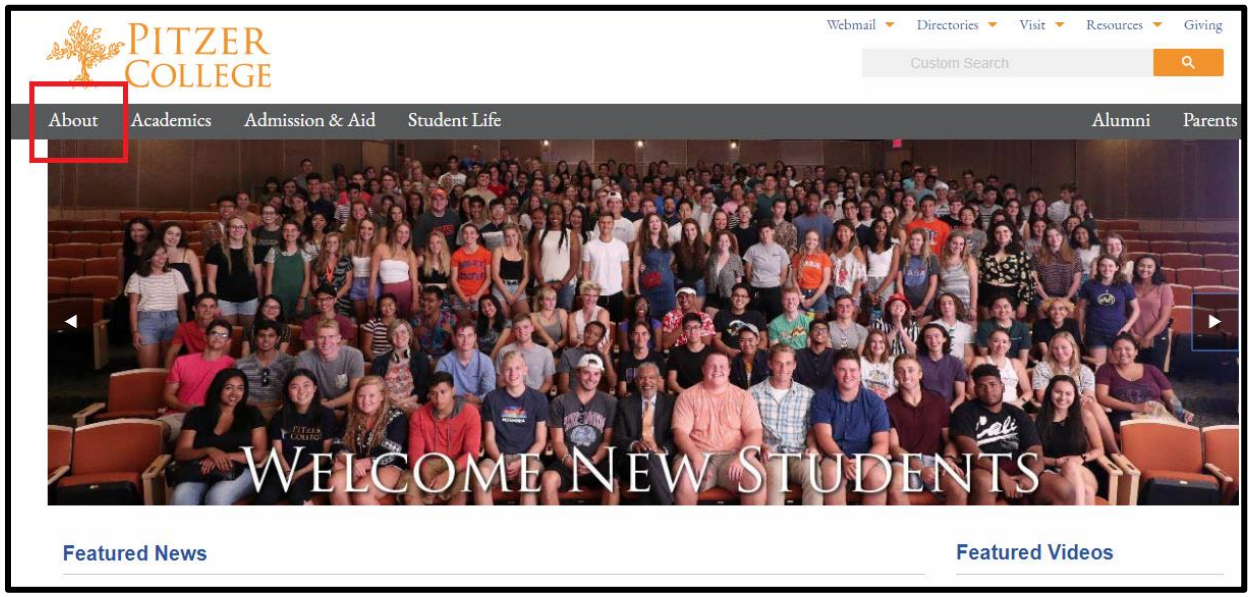
Annual Fire Safety and Security Report

Preparation of the Annual Fire Safety and Security Report and Disclosure of Crime Statistics
The Assistant Vice President and Dean of Students at Pitzer College prepares 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 Residence Life, Office of Student Affairs, Title IX Office, Office of Human Resources and Payroll Services, Office of Study Abroad and International Programs, Office of Academic Affairs and the Dean of Faculty, Campus Security Authorities and information provided by the Claremont Police Department. Each of these offices provides updated policy information and crime data.

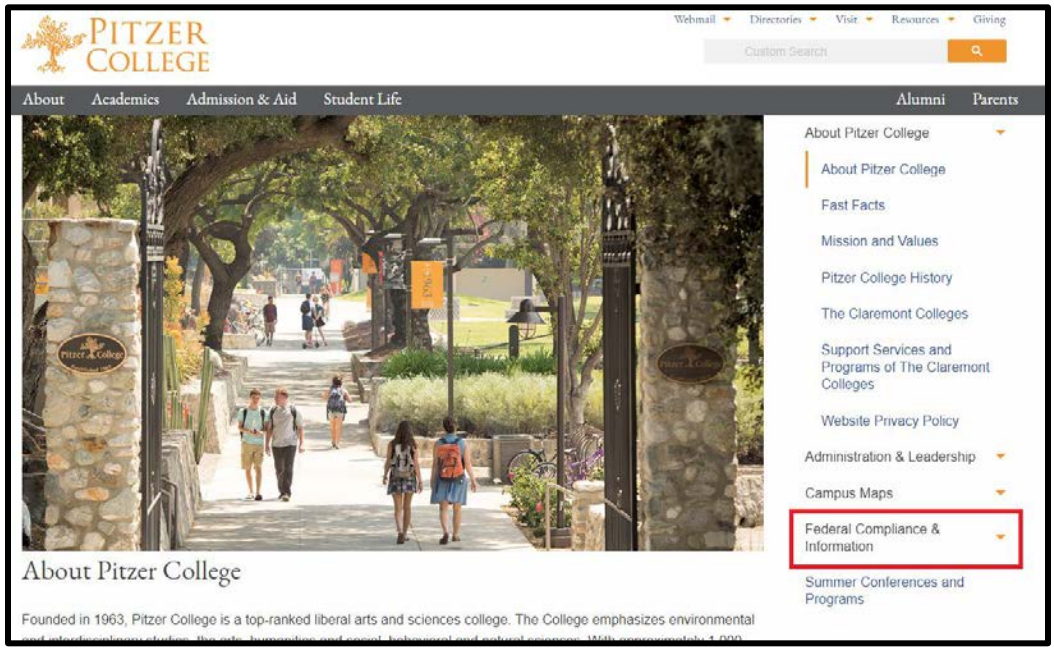
This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by Pitzer College. This report also includes institutional policies concerning campus security, such as policies regarding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

The College distributes a notice of the availability of this Annual Fire Safety and Security Report (AFSSR) by October 1 of each year to every member of the College community. Pitzer College students, faculty and staff will receive an email containing the link to the AFSSR and the document can be found on the Pitzer College and Campus Safety webpages. Anyone, including prospective students and employees, may view and print the document. Current and prospective students may view the document from the Pitzer College Home Page.

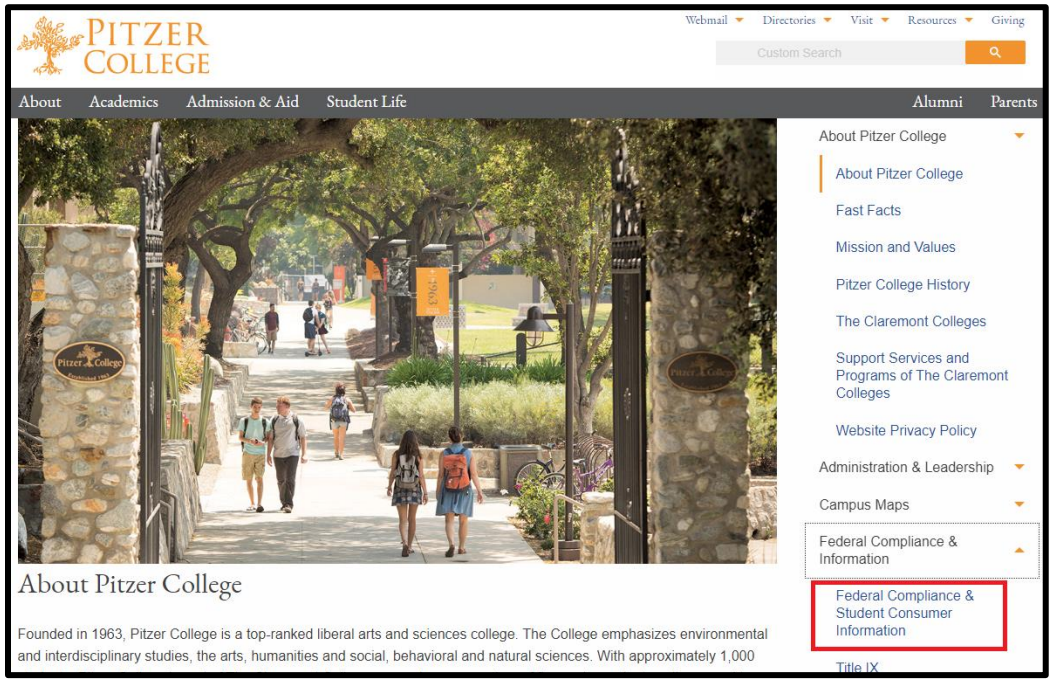
From the Pitzer College Home Page, click the 'About' tab.



On the right-hand navigation column, click the arrow next to 'Federal Compliance & Student Consumer Information' to drop-down the menu.



Once the menu drops down, click on the '[Federal Compliance & Student Consumer Information]' link.



Once you have navigated to the *Federal Compliance & Student Consumer Information* page, scroll down to the 'Health, Safety and Security' heading (see below) and click on the current 'Annual Fire Safety and Security Report' link.

Current and prospective employees may view the document at https://www.pitzer.edu/human-resources/ or https://www.pitzer.edu/human-resources/staff-jobs/.

The link can also be found on the Pitzer Admissions page at https://www.pitzer.edu/admission/annual-fire-fire-security-report/.

The Claremont Colleges are a unique consortium of seven independent institutions including: Claremont Graduate University, Claremont McKenna College, Harvey Mudd College, Keck Graduate Institute, Pitzer College, Pomona College, and Scripps College. Each has its own campus, administration, student body, faculty, trustees, curricular emphasis, and distinctive style and mission. They all, however, share the resources and services of a central coordinating body known as The Claremont Colleges (TCC). Under the auspices of TCC, Campus Safety and 17 other organizations provide support and services to The Claremont Colleges.

Reporting Crimes and Other Emergencies

The College has a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate College officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire College community that you immediately report all incidents to Campus Safety at 909-607-2000 to ensure an effective investigation and appropriate follow-up actions, including issuing a Timely Warning Notification 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 Fire Safety and Security 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 Pitzer 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 909-607-2000 or in person twenty-four hours a day at150 E. Eighth Street. 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".

Emergency Phones

The College has installed 16 interior and 23 exterior Stanchion or Wall Mounted Ringdown emergency phones throughout the College campus. Phones are located in public areas of buildings including parking lots, residence halls, elevators, administration buildings, and numerous outdoor locations. Emergency phones provide direct voice communications to Campus Safety. For more information regarding Pitzer College's emergency and preparedness procedures, please visit https://www.pitzer.edu/emergency/.

Anonymous Reporting

If you are interested in reporting a crime anonymously, you can utilize the Campus Safety's Silent Witness program that can be accessed through the Department's website: https://cuc.formstack.com/forms/silent_witness_incident_report**.** 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.

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. 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.

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

While the 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 "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 one hundred CSAs throughout Pitzer College and many more have been identified when including The Claremont Colleges, we officially designate the following offices as places where campus community members should report crimes:

Office	**Campus Address**	**Phone Number**
Campus Safety	150 E. Eighth St.	909-607-2000
Human Resources	McConnell Center	909-621-8254
Office of Student Affairs	Scott Hall, 120 Suite	909-621-8241
The Office of Residence Life, *including all Resident Assistants, and Residence Directors*	E. Sanborn, C300	909-607-3900

Pastoral and Professional Counselors

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by The Claremont Colleges to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. The Claremont Colleges have three Chaplains that work out of McAlister Center. McAlister Center is located at 919 North 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 support, and options available.

About the TCCS Department of Campus Safety

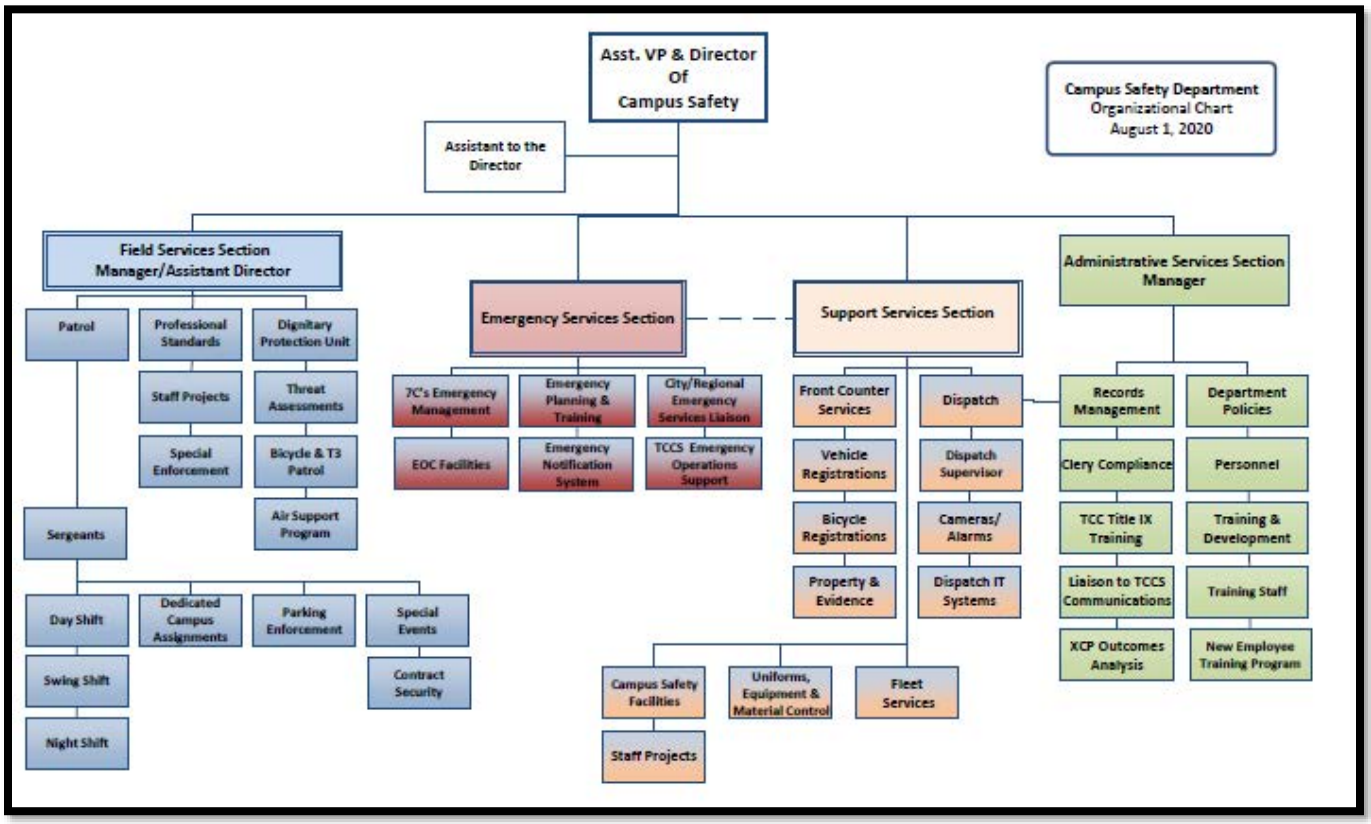
Role, Authority, Training and Jurisdiction

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, 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, six (6) Sergeants, a Dispatch Supervisor, seven (7) Dispatchers, 23 full-time uniformed Campus Safety Officers, an Assistant to the Director/Assistant Vice President, and a Clery Compliance Coordinator.

See organizational chart on the next page.



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.

The Claremont Colleges contain both city streets and streets owned by the Colleges. However, all streets are considered public access. The map on the following page reflects the streets that are owned by the City of Claremont and those owned and controlled by The Claremont Colleges. However, all streets are considered public access. There are seven separate and distinct colleges within The Claremont Colleges, with six of the colleges sharing contiguous space. The Campus Safety perimeter 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 Claremont Colleges Services (TCCS), Claremont McKenna College (CMC), and Pitzer College each own portions of "The Pit," also known as the East Campus property, in 2020, 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. Pitzer sold our portion to Claremont McKenna College (CMC) in June 2021.

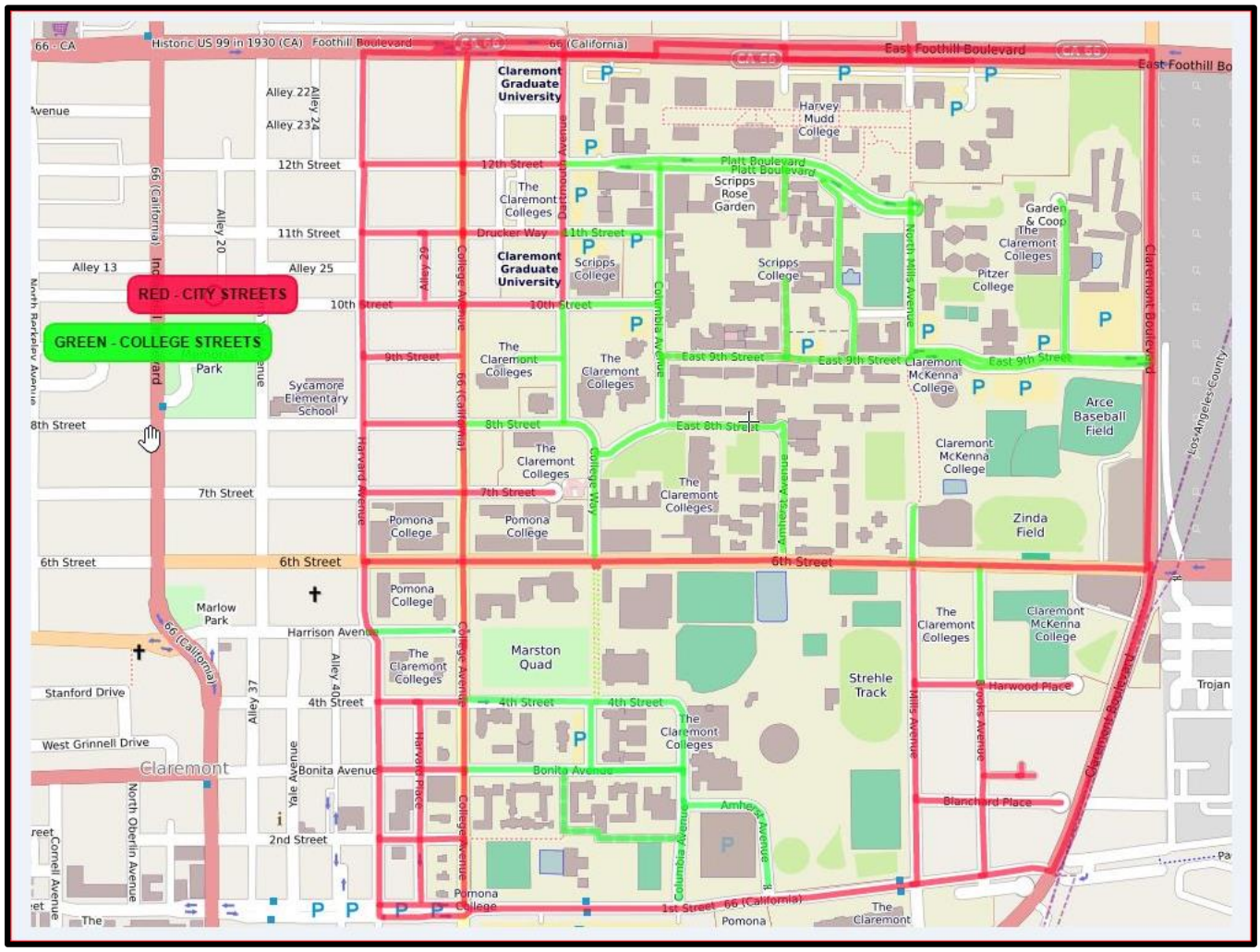
Claremont Graduate University, Harvey Mudd College, Pomona College, Scripps College and TCCS own parcels of undeveloped land called the North Campus Property and is set back off Foothill Boulevard. One specific parcel of land within the North Campus Property is Pitzer College's Robert Redford Conservancy. All this land is bordered to the north 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. The Rancho Santa Ana Botanical Gardens are affiliated with the Claremont Colleges, although they are not owned or controlled by The Claremont Colleges.

Set back off the main street and north of Foothill Boulevard are the Claremont Collegiate Apartments (CCA), which were formally 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 exception to this is Keck Graduate Institute, which does not reside on the same parcel of land as the other six colleges. KGI's borders, and thus Campus Safety's patrol jurisdiction over KGI, include First Street to the north, Indian Hill Boulevard to the east, Arrow Highway to the south, and South Cambridge Avenue to the west.

See map on following page.



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

TCCS Campus Safety works closely and cooperatively with the City of Claremont Police Department, and we maintain a Memorandum of Understanding with our local law enforcement agency to ensure effective operational roles and responsibilities. The police are notified immediately and respond to: crimes against persons, 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 Reports (UCR) standards, crime reports initiated by Campus Safety may be forwarded to the police for investigation and mandated reporting. An MOU will be maintained on file at all times pursuant to the Kristen Smart Act.

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.

Safety, Our Number One Priority

The College takes great pride in the community, 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, Pitzer College has taken progressive measures to create and maintain a reasonably safety environment on campus.

Though the College is progressive with its policies, programs, and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus. The following are precautionary measures for the safety of Pitzer College students, staff and faculty:

- Residence hall exterior doors stay locked 24 hours. Entry by ID card when using the card reader access system.
- Administrative and academic buildings are locked by the custodial staff.
- The Residence Halls are served by a central Residence Life Office (located in East Sanborn (C300). The hours may vary but will minimally cover 10:00 a.m. to 10:00 p.m. They provide supplies to students and may answer questions for visitors.
- Mead Residence Hall roof doors are locked until open hours can be designated and voted on by the specific hall council that oversees the roof being discussed. There is no roof access in Pitzer, Atherton, Sanborn, West, East, or Skandera Residence Halls.
- Resident Assistants perform security checks in each residence hall to build community and keep an eye out for student safety and building security.
- Access to residence hall basement storage/work areas is restricted to authorized staff with keys.
- Master keys are restricted. The incidence of lost keys has been reduced by the installation of Knox Boxes which enable rapid building entry by Campus Safety and authorized staff. Pitzer, Atherton, Sanborn, West, East, and Skandera Halls students have room access built into their Pitzer ID card which can be quickly deactivated in the event the card is lost or stolen.
- Timely Warning Notifications are distributed campus wide in a timely manner to inform the campus community of crimes or suspected crimes that may threaten the safety of Pitzer students and employees.
- Regular trimming of trees and shrubbery is done to minimize concealment, ensure lighting effectiveness and maintain good visibility near building entrances and exits. Exterior lighting has been increased throughout the campus.
- Building inspections for safety and security are performed continuously. Work orders are issued as needed.
- Violence in the Workplace training seminars are provided to staff.

Crimes Involving Student Organizations at Off-Campus Locations

Pitzer College relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Pitzer College students and recognized student organizations, on and off campus. In coordination with local law enforcement agencies, Campus Safety will actively investigate certain crimes occurring on campus. Claremont Police Department or other local law enforcement have jurisdiction off campus. If Campus Safety learns of criminal activity involving students or student organizations, it will coordinate with the Claremont Police Department to forward information about the situation to the Office of Student Affairs, as appropriate.

The College requires all recognized student organizations to abide by federal, state, and local laws, and College regulations. The College may become involved in the off-campus conduct of students when such conduct is determined to violate the law. The Pitzer College Code of Student Conduct Special Powers policy states that the College reserves the right to impose sanctions against students for conduct that may violate any federal, state, or local law on or off campus, even though such crimes may also be tried in the local courts. The Special Powers policy is outlined at https://www.pitzer.edu/student-life/student-handbook/.

Timely Warning Reports

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

A Timely Warning Notice will be issued in the event any TCC institution 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 TCC, or in or on non-campus buildings or property controlled by any of TCCs, where the College determines, in its judgment, that the allegations present a serious or continuing threat to the TCC community. For purposes of this policy, "timely" means as soon as reasonably practicable, after an incident has been reported to: the 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 the 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[1], as defined by the Clery Act. Timely Warning Notices also may be issued for other crimes as determined necessary by Campus Safety, the Dean on-call or Senior Administrator on-call. TCCS Campus Safety/TCC will issue a Timely Notice 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 TCCS Campus Safety. TCC 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 TCC.

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

[1] A hate crime is a criminal offense including: 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.

completed the form and any and all information related to the decision will be maintained by TCC for a seven-year period.

Timely Warning Notices will be distributed in various ways. A multi-modal integrated communications system for mass notifications is used to notify students and employees by way of text message to a mobile phone. Generally, notification will occur through the Everbridge system 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 the Campus Safety by phone at 909-607-2000 or from campus phones at ext. 72000 and in person at 150 E. Eighth Street. If a report is made to other TCC official, those officials should immediately notify Campus Safety.

Emergency Response and Evacuation Procedures

Emergency Management at Pitzer College

The Emergency Management Committee is responsible for Pitzer College's Emergency Procedures. This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines for Higher Education that includes planning, mitigation, response, and recovery actions.

Our priorities are:

- Life safety, infrastructure integrity, and environmental protection during an emergency
- Coordination with College departments to write, maintain, test, and exercise the Emergency Procedures
- Cooperation, Integration, and Mutual Aid with local, state and federal planning, response, and public safety agencies and their emergency plans

A summary of the College's emergency response procedures is located at https://www.pitzer.edu/emergency/. Included at this web page is detailed information regarding the College's emergency notification policy, including a link that outlines our emergency procedures for earthquake, fire, bomb threat, lockdown, medical, and Covid-19 College updates and information. Our Emergency Procedures protocol has been distributed to every residence hall room, classroom, and office across campus.

Drills, Exercises and Training

Annually, the College conducts an emergency management exercise to test emergency procedures. The scenarios for these exercises change from year-to-year and include several departments from across the campus.

To ensure the College's emergency management plans remain current and actionable, the College will conduct an emergency management exercise, at a minimum once yearly. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises. The College conducts after-action reviews of all emergency management exercises. All three residence hall complexes at Pitzer College conduct a drill each fall and spring to ensure that students know how to evacuate the buildings, know the initial evacuation site and permanent evacuation site.

In conjunction with at least one emergency management exercise each year, the College will notify the community of the exercise and remind the community of the information included in the College's publicly available information regarding emergency response procedures at https://www.pitzer.edu/emergency/.

Emergency Notification

This policy statement summarizes Pitzer College's emergency response and evacuation procedures, including protocols for sending Emergency Notifications. An Emergency Notification will be issued in

the event that Pitzer College or the Campus Safety receives notice of a situation that presents a significant emergency or dangerous situation at Pitzer College or in the local area affecting the health and/or safety of the Pitzer College community, in whole or in part. Pitzer 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 an Emergency Notification. These designated officials are: Assistant Vice President of Campus Safety and the on-duty Captain or Watch Commanders. Once the Emergency Notification has been issued, Campus Safety, 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.

Pitzer College is committed to ensuring the campus community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. Pitzer College uses the emergency notification system Everbridge. Everbridge is an emergency notification service available to students, faculty, staff, and anyone in the College community who wants to subscribe. Everbridge can be used to send emergency messages within minutes of the occurrence of an incident. Alerts sent by Everbridge are simulcast to the College community via our news wire at https://www.pitzer.edu/emergency/. Pitzer College performs a College-wide annual test of the Everbridge system. The following procedures outline the process the College uses when issuing emergency notifications.

Procedures Used to Notify the Campus Community

In the event of a situation that poses an immediate threat to members of the campus community, the College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of emergency notification to all or a segment of the campus community. These methods of communication include the Everbridge mass notification system, the College's e-mail system, and a verbal announcement from the emergency ring down phones. The College will post updates during a critical incident on the homepage. If the situation warrants, the College will establish a telephone call-in center to communicate with the College community during an emergency situation that will be posted on our emergency website https://www.pitzer.edu/emergency/.

Report continued on the next page.

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

The Department of Campus Safety and/or Pitzer College staff may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, The Claremont Colleges (TCCS) become aware of these situations when they are reported to Campus Safety Dispatch or the Claremont Police Department or upon discovery during patrol or other assignments.

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 ringdown 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.

Once staff confirms that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, staff will notify Campus Safety who maintains designated individuals throughout each 24-hour cycle who are trained in determining the need for issuing Emergency Notifications. These designated officials are: Assistant Vice President of Campus Safety, Captain, or on-duty Watch Commander.

Once the Emergency Notification has been issued, Campus Safety, 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.

The TCCS 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 Pitzer College and the Claremont Colleges community. It is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents. The TCCS process to initiate the Emergency Notification system is as follows. Once an incident is reported, either on its own or with the input from these external agencies, (Claremont Police Department, Los Angeles County Fire Department, Los Angeles County Emergency Management) the Department of Campus Safety Assistant Vice President, Captain, on-duty Watch Commander (or designee) 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 will, without delay, and taking into account the safety of the community, immediately notify the campus community that may be affected by the situation.

If in the professional judgment of TCC designated officials, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency; the College may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the College will issue the emergency notification to the campus community.

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, including Pitzer College's site https://www.pitzer.edu/pathway-forward/, as well as a link to the Center for Disease Control's COVID-19 website https://www.cdc.gov/coronavirus/2019-ncov/index.html.

Recognizing that we are in year two of the COVID-19 pandemic, our protocol of not sending Emergency Notifications for each confirmed COVID-19 case will continue. However, in addition to the banner https://services.claremont.edu on the website designed to share pertinent information, each of the Claremont Colleges has procedures in place to assist with mitigating the spread of COVID-19 and its variants. This information can be found on the institution's website https://www.pitzer.edu/pathway-forward/. Therefore, an Emergency Notification may be sent out if the status of the COVID-19 emergency changes, necessitating community notification.

Determining the Appropriate Segment or Segments of the Campus 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. In addition, Pitzer College maintains an emergency information and preparedness website (https://www.pitzer.edu/emergency/). In the event of an emergency, this website will be used to provide timely information for students, parents, faculty, staff, and other members of the College family. The website is updated as new information becomes available.

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 Pitzer 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 goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety. Those issuing the notification will use the following guidelines when determining the contents of the emergency message.

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.

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.

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 for Disseminating Emergency Information to the Greater Community

Pitzer College 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.

In the event of an emergency facing the Pitzer College campus, there is a webpage designed to provide timely information for students, parents, faculty, staff, and other members of the College family. It would be updated regularly as new information becomes available. The link is available at https://www.pitzer.edu/emergency/**.**

In the case of an emergency, Pitzer College would communicate to the Pitzer College community via the link above, college email address, office and mobile phone, and campus broadcast system.

Enrolling in the College's Emergency Notification System

Pitzer College uses Everbridge as our mass notification system for quickly disseminating emergency information to the community. The practice for enrolling Pitzer College community participants in Everbridge is as follows. Pitzer College routinely collects information from faculty, staff, students and parents/guardians. Although the information is gathered in a variety of different ways, it is collected with

the intent of having the most accurate information on file in the event of an emergency that requires community notification. Student information is updated in CX by the Office of the Registrar. Jenzabar CX is our Student Information System (SIS). It is a comprehensive, centralized data system used for registration and stores all academic student data. Once a day, it automatically updates into our Everbridge emergency data base. Faculty and staff are asked to provide updated information to Human Resources or update their information in Ultipro which in turn also automatically feeds daily into Everbridge. Parents and guardians are not enrolled in Everbridge and will not receive an Everbridge alert. In the event of an emergency, the email address, provided Parent Relations has it on file, will be used to notify parents and guardians.

Report continued on next page.

Security of and Access to College Facilities

At Pitzer College, all administrative and academic buildings are open Monday through Friday from 8:00 a.m. until 10:00 p.m., during the academic year. Academic buildings are scheduled to be open on weekends only as needed. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there. Likewise, access to most programs is limited to those enrolled in the program or otherwise authorized access. All residence hall exterior doors are locked at all times and can only be accessed by authorized users.

Many athletic events held in the Pomona-Pitzer facilities are open to the public. Other Claremont Colleges facilities such as the bookstore, and library, are likewise open to the public. Only those who have demonstrated a need are issued keys to a building.

Special Considerations for Residence Hall Access

Pitzer College is very concerned about the safety and welfare of all students, employees, and visitors, and is committed to providing a safe and secure environment. In addition to services provided by Campus Safety, Pitzer 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.

The Vice President for Student Affairs and Associate Dean of Students and Director of Residence Life and Conference Services are the College officers responsible for the residence halls. A Dean or a professional staff member is on-call at all times, 24 hours a day, seven days a week during the academic year. All residence halls are served by live-in Residence Directors (RDs) and Resident Assistants (RAs) who are available and/or on-call at all times throughout the school year and breaks to supervise and help govern residence life.

At the College, all exterior residence hall doors operate under Blackboard, a computerized access control and security monitoring system. Identification cards are coded so that all students are authorized electronic access entry to all residence hall exterior doors. The system denies entry to all unauthorized persons. Individual room doors in WES and PAS Halls are programmed through Onity, and only authorized occupants of that specific room are granted access. Resident Assistants, through nightly security checks, are responsible for checking and securing doors, when needed. When a door is malfunctioning, facilities personnel are summoned for immediate repair by calling Campus Safety and requesting to speak to the Facilities staff member on-call. Many residence hall student rooms and Faculty In-Residence/professional staff apartment exterior doors are equipped with dead bolts.

Only residents and their invited guests are permitted in the living areas of the residence halls. It is the resident's responsibility to ensure that their guest is aware of the College and residence hall policies. Guests are not provided with room keys or door access cards. Guests should be escorted by a resident of the building at all times. All exterior doors are locked 24 hours a day. It is the responsibility of residents and staff members to remain aware of their surroundings and report individuals who cannot be identified as residents or the guests of residents. When Campus Safety receives a report of an unescorted

person in a residence hall, an officer is dispatched to identify that person. Campus Safety has personnel assigned to monitor The Claremont Colleges property 24 hours a day, 7 days a week and 365 days a year. During low-occupancy periods such as holidays and scheduled breaks where the residence halls remain open, students are asked to remain mindful of their surroundings and report any suspicious behavior immediately. During the summer when groups who are not regularly associated with Pitzer College are using the College residence halls, exterior doors are locked 24 hours a day. Each guest is issued an electronic key card and/or physical key by the Residence Life and Conference Services Office that allows summer groups to gain access to only their assigned building via the electronic access control system. Residence Halls are staffed 24 hours per day. Campus Safety personnel also conduct regular checks of residence hall areas.

Security Considerations for the Maintenance of Campus Facilities

Pitzer College is committed to campus safety and security. At the College, landscaping and outdoor lighting are designed with safety and security in mind. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building.

The Facilities Office, in conjunction with representatives from the Office of Student Affairs, Campus Safety and student leaders, conducts surveys of College property once each year to evaluate campus lighting.

We encourage community members to promptly report any security concern, including concerns about locking mechanism, lighting, or landscaping to Campus Safety or the Office of Student Affairs.

PITZER COLLEGE'S DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT POLICIES AND PROCEDURES AND TITLE IX POLICY AND PROCEDURES

INCLUDING INTIMATE PARTNER VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

Pitzer 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 Pitzer College's Discrimination and Harassment Policies and Procedures 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.

The complete document outlining Pitzer College's response to sexual and gender violence can be found in the College's Discrimination and Harassment Policies and Procedures on the Human Resources webpage at https://www.pitzer.edu/human-resources/wp-content/uploads/sites/48/2021/10/Discrimination-Harassment-and-Sexual-Misconduct-Policies-and-Procedures-2021-05-07.21.pdf as well as within The Student Handbook at https://www.pitzer.edu/student-life/student-handbook/.

Pitzer College joined with The Claremont Colleges (TCC) to address sexual harassment cases that are governed by the new Title IX regulations, which took effect on August 14, 2020. The TCC Interim Title IX Policy for August 14, 2020 – December 31, 2020 can be found on the TCC webpage https://services.claremont.edu/titleix/wp-content/uploads/sites/5/2020/09/TCC-Title-IX-Interim-Policy-Revised-8.18.20-FINL-1.pdf. The policy was revised on February 15, 2021 and can be found on the TCC webpage at https://services.claremont.edu/titleix/wp-content/uploads/sites/5/2021/09/TCC-Title-IX-Sex-Harassment-Policy-FINAL-as-of-Sept-30-2021.pdf. For the complete policy, please reference Appendix A.

Introduction

I. Jurisdiction

The Discrimination, Harassment, and Sexual Misconduct Policies and Procedures set forth in this Document apply to all Pitzer College (hereafter referred to as "College") faculty, staff, and students. This Document also applies to third parties (such as campus visitors or vendors) who may have contact with members of the College community either on the

College's campus or at other College events and programs. If the alleged perpetrator (hereafter referred to as "Respondent") is an employee or student from one of the other Claremont Colleges or the Claremont Colleges Services, the College will investigate the matter and take steps to stop the conduct and remedy its affects to the extent reasonably possible. However, the complaint or other relevant procedures related to any disciplinary action against the Respondent will be those of the Respondent's home institution. If the Complainant is an employee or student from one of the other Claremont Colleges, The Claremont Colleges Services, the complaint procedures set forth in this Document will prevail.

The complaint procedures set forth in this Document are administrative in nature and are separate and distinct from the criminal, civil, and administrative legal systems. Pursuing resolution through these procedures does not preclude someone from pursuing legal action at the same time or in the future. If the conduct in question is alleged to be a violation of both College policy and State or Federal law, the College will proceed with its normal process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these or other College procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent. Throughout the complaint, investigatory, hearing, appeal, and/or disciplinary process, the College will maintain its authority to take action to ensure campus safety.

II. Authority

The disciplinary authority of Pitzer College originates in the Board of Trustees and has been delegated to the President. The President has designated the Title IX Coordinator to oversee the administration of the policies outlined in this Document including Discrimination, Harassment, and Sexual Misconduct and the complaint procedures for resolving complaints of violations of the Civil Rights Policies, detailed below. Changes to the policies and procedures contained in this Document may be made with the approval of the Board of Trustees and/or the President.

Title IX Coordinator and Complaint Officers:
Corinne M. Vorenkamp, Title IX Coordinator
Phone: 909.607.2958
E-mail: titleix@pitzer.edu

Complaint Officers - Students:

Kirsten Carrier, Interim Co-Assistant Vice President for Student Affairs & Dean of Students
Phone: 909-621-8241
E-mail: kirsten_carrier@pitzer.edu

Gabriella Tempestoso, Interim Co-Assistant Vice President for Student Affairs & Dean of Students
Phone: 909-621-8241
E-mail: gabriella_tempestoso@pitzer.edu

Complaint Officers - Faculty:

Allen Omoto, Vice President for Academic Affairs & Dean of Faculty
Phone: 909-621-8217
E-mail: dean_faculty@pitzer.edu

Complaint Officer - Staff and Third Parties:

Deanna Caballero, Assistant Vice President for Human Resources/Payroll Services
Phone: 909-607-8533
E-mail: deanna_caballero@pitzer.edu

III. General Policy Statement

Pitzer 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, 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 this Document 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 Pitzer 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, discriminated, or retaliated against, have observed harassment of, discrimination, or retaliation against, another person at the College in violation of this policy, or believe such

conduct has occurred, should immediately report the incident following the complaint reporting procedures below.

Because harassment, discrimination, and retaliation 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 the California Fair Employment and Housing Act ("FEHA") Section 12940, et seq. of the 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").

The faculty and other academic appointees, staff, and students of Pitzer College enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This policy is intended to protect members of the College community from discrimination, not to regulate protected speech. This policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. The College also has a compelling interest in unfettered inquiry, the collective search for knowledge, and insuring that faculty base their decisions about teaching, both inside and beyond the classroom, on their knowledge and best professional judgment. The College thus affirms, and indeed embraces, principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member, or of the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom do not protect conduct (inclusive of speech) that violates federal or state anti-discrimination laws.

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.

Civil Rights Related Policies

I. Statement on Non-Discrimination, Equal Opportunity, and Related Laws

Pitzer College does not discriminate on any illegal basis in the administration of its admission, educational, or employment policies and practices, nor in the recruitment,

training, promotion, financial support, or compensation of its faculty, students, or staff. The College complies with all applicable state and federal laws, including, but not limited to:

I. Title IX of the Higher Education Amendments of 1972;
II. Title VII of the Civil Rights Act of 1964;
III. California Fair Employment and Housing Act ("FEHA");
IV. California Unruh Civil Rights Act;
V. Family Educational Rights and Privacy Act of 1974;
VI. Section 504 of the Rehabilitation Act of 1973;
VII. Americans with Disabilities Act (the "ADA");
VIII. Age Discrimination in Employment Act of 1967, as amended by the Older Worker's Benefit Protection Act ("ADEA");
IX. Any other applicable federal, state, or local law addressing nondiscrimination and/or equal employment opportunity.

Inquiries about application of Title IX to this institution should be referred to the Title IX Coordinator (corinne_vorenkamp@pitzer.edu; 909-607-2958). Inquiries about application of all other laws referenced in this section should be referred to the Assistant Vice President for Human Resources/Payroll Services (deanna_caballero@pitzer.edu; 909-607-8533).

Students: For specific inquiries concerning potential accommodations of disabilities, pursuant to the ADA, Section 504 of the Rehabilitation Act of 1973, and/or the FEHA, please contact Gabriella Tempestoso, Associate Dean of Students and Director of Academic Support Services (Scott Hall, room 122, 909-607-3553).

Faculty and Staff: For specific inquiries concerning potential accommodations of disabilities, pursuant to the ADA, Section 504 of the Rehabilitation Act of 1973, and/or the FEHA, please contact Deanna Caballero, Assistant Vice President for Human Resources/Payroll Services (311 McConnell, 909-607-8533).

II. Equal Employment Opportunity

Pitzer College prides itself in being an open, competitive, and equal opportunity employer. The College is committed to a policy of equal employment opportunities for all applicants and employees and complies with all applicable state and federal laws on the matter. The College does not unlawfully discriminate on the basis of race, color, creed, religion, national or ethnic origin, ancestry, sex, age, sexual orientation, gender identity and expression, marital status, pregnancy, physical or mental disability, medical condition, family care leave status, veteran's status, or any other category described in this Document or protected by law. The College also prohibits the harassment of any employee on any of these bases and retaliation for the exercise of rights protected herein. The College also makes reasonable accommodations for disabled employees. This policy applies to all areas of employment

including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social and recreational programs. It is the responsibility of every manager and employee to follow this policy conscientiously. Employees with questions regarding this policy should discuss them with the Assistant Vice President of Human Resources or their supervisor.

III. Harassment Policy

POLICY STATEMENT

It is the policy of Pitzer College to maintain an environment for students, faculty, and staff that is free of sexual, racial and other unlawful harassment. All members of the community should be aware that the College is concerned about such harassment, and is prepared to take prompt remedial action to prevent and correct such behavior. Individuals who engage in sexual harassment, as well as other unlawful harassment based on such factors as religion, color, race, national or ethnic origin, ancestry, sex (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity and expression, physical or mental disability, age, marital status, family care leave status, or veteran status, will be subject to discipline, up to and including expulsion or termination. Retaliation against a person who reports, complains about, or participates in the investigation of such harassment is likewise prohibited.

UNLAWFUL HARASSMENT DEFINED

Unlawful Harassment in General

Unlawful harassment is conduct that creates an intimidating, offensive, or hostile working or academic environment, or that interferes with work or academic performance based on a person's protected status, including race, color, national origin, ancestry, sex (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity and expression, age, religion, physical or mental disability, medical condition, marital status, veteran status, family care leave status, or other status protected by antidiscrimination and anti-harassment statutes, such as Titles VII or IX of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the California Fair Employment and Housing Act. Such harassment can be physical, verbal, or visual. Harassment can be committed by employers, coworkers, fellow students, and third parties. Generally, statements and/or conduct legitimately and reasonably related to the College's mission of education do not constitute harassment.

To count as harassment under this policy, such conduct must:

- be based on one or more of the categories mentioned above;
- be offensive to the individual complaining of harassment and offensive to a reasonable person; and

- be so persistent, repetitive, pervasive, or severe that it has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, abusive or hostile educational, employment or living environment at the College.

  Harassment may also occur when submission to conduct described above is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment at the College, or participation in a College activity.

Sexual Harassment

One form of unlawful harassment is sexual harassment. Sexual harassment may be either "quid pro quo" harassment, that is sexual advances or requests for sexual favors where submission is made an explicit or implicit term or condition of an individual's employment or education or where submission or rejection is used as the basis for making employment or educational decisions affecting an individual; or "environmental" harassment, where the individual is subjected to a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere with an individual's work or education, or to affect adversely an individual's living conditions. Occasional compliments that are generally accepted as not offensive or other generally accepted social behavior, on the other hand, do not constitute sexual harassment. Sexually harassing conduct need not be motivated by sexual desire.

Examples of sexual harassment may include such conduct as:

- Physical assault or other unwelcome touching;
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendations;
- Direct propositions of a sexual nature;
- Subtle pressure for sexual activity, one part of which may be repeated requests for private meetings without an academic or employment purpose;
- A pattern of conduct that would distress or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (1) unnecessary touching, patting, hugging, or brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (3) remarks about sexual activity or speculations about previous sexual experience; or (4) other comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes;
- Certain visual displays of sexually-oriented images outside the educational context;
- Letters, notes or electronic mail containing comments, words or images as described in (e) above.

- Sexual harassment includes harassment of women by men, of men by women, and same-gender gender-based harassment. Sexual misconduct offenses are specific forms of sexual harassment and are strictly prohibited by the College. Due to the unique nature of sexual misconduct the College has a separate Sexual Misconduct Policy which is outlined below

Other Campus Assistance

In addition to offering counseling and academic support, the College provides assistance to students who believe they have been sexually harassed by:

- Separating the individual who engaged in the harassment and the target of the harassment, provided that such steps avoid or minimize to the extent possible any burden on the target;
- Informing the target of the harassment how to report any subsequent problems, including retaliation;
- Conducting follow-up inquiries to determine whether there have been any new incidents of harassment or any instances of retaliation against the harassed student or any witnesses, and responding promptly and appropriately to address continuing or new instances; and
- Providing training or other interventions for the larger College community to ensure that all students, and College staff can recognize harassment if it recurs and know how to respond.

Bullying and Intimidation

Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another student or group of students. Bullying conduct may not only cause a negative effect on individuals targeted but also others who observe the conduct. Conduct constitutes bullying in violation of this policy when it is severe, persistent, or pervasive; and when it: 1) has the effect of substantially interfering with a community member's education, employment, or full enjoyment of the college; 2) creating a threatening or intimidating environment; or 3) substantially disrupting the orderly operation of the College. Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for their physical well-being. Intimidation is prohibited and will result in disciplinary action.

IV. Sexual Misconduct Policy

CONSENT

The expectations of our community regarding sexual consent can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual 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 and clear permission regarding willingness to engage in (and the conditions of) sexual activity. In order to give effective consent, one must be of legal age and have the capacity to give consent. The legal age of consent in the state of California is 18 years.

- Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity.
- A previous relationship or prior consent does not imply consent to future sexual acts.
- Consent can be withdrawn. Thus, even if a person agreed to sexual interaction or continued sexual interaction, that person has the right to change their mind, irrespective of how much sexual interaction may have already taken place.

Force and Coercion

Consent obtained through force is not effective consent. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force includes the use of threats, intimidation (implied threats) and/or coercion to produce consent. Coercion is unreasonable pressure for sexual activity ("Have sex with me or I'll hit you." "Okay, don't hit me; I'll do what you want."). Coercive behavior differs from seductive behavior based on the type of pressure used to get consent. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force, however, is not demonstrated by the absence of resistance.

Capacity/Incapacitation

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing effective consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction or contact). Sexual activity with someone who one should have known to be -- or based on the circumstances should

reasonably have known to be -- mentally or physically incapacitated (i.e. by alcohol or other drug use, unconsciousness, asleep, or blacked out), constitutes a violation of this policy.

i. Incapacitation due to alcohol or other drugs: Because alcohol or other drug use can place an individual's capacity to consent in question, sober sex is less likely to raise such questions. Being under the influence of alcohol or other drugs does not in and of itself indicate incapacitation. When alcohol or other drugs, including date rape drugs (such as Rohypnol, Ketamine, GHB, etc.), are involved, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (the who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Administering a date rape drug to another individual is a violation of this policy.
ii. Incapacitation due to other reasons: This policy also covers a person whose incapacity results from mental or physical disabilities, sleep, unconsciousness, or involuntary physical restraint.

SEXUAL MISCONDUCT

Sexual misconduct is a specific form of sexual harassment and is prohibited by the College. Sexual misconduct is defined as:

1. **Non-Consensual Sexual Contact** (or attempts to commit same)
   Non-Consensual Sexual Contact is:
   - any intentional sexual touching,
   - however slight,
   - with any object or body part,
   - by a person upon a person,
   - that is without consent, regardless of whether force is used

   Sexual contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

2. **Non-Consensual Sexual Intercourse** (or attempts to commit same)
   Non-Consensual Sexual Intercourse is:
   - any sexual intercourse however slight,
   - with any object or body part,
   - by a person upon a person,
   - that is without consent, regardless of whether force is used

Intercourse includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Nonconsensual sexual contact and nonconsensual sexual intercourse are often referred to as "sexual assault." As defined by the federal Violence Against Women Act, sexual assault means an offense classified as means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Generally, a sexual assault has been committed when an individual engages in sexual activity without the effective consent of the other individual involved, including when the individual lacks capacity to consent. Sexual activity is any touching of a sexual or other intimate part of a person either for the purpose of asserting power or gratifying sexual desire of either party. This includes coerced touching of the Respondent the Complainant as well as the touching of the Complainant by the Respondent, whether directly or through clothing.

3. **Sexual Exploitation:** Sexual Exploitation is a form of sexual misconduct which occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

    a. Invasion of sexual privacy;
    b. Prostituting another person;
    c. Non-consensual video or audio-taping of sexual activity;
    d. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
    e. Engaging in voyeurism;
    f. Knowingly transmitting a sexually transmitted infection, a sexually transmitted disease, or HIV to another person;
    g. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
    h. Sexually-based stalking.

4. **Intimate Partner Violence:** Intimate-partner violence includes dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual,

dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior.

Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence and sexual violence. Intimate-partner violence may take the form of threats, assault, property damage, violence, or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.

Dating Violence: Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on assessment of statements of the parties and witnesses, taking into consideration the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence: Domestic violence is violence committed by a current or former spouse, or sexual or intimate partner of the alleged victim, a person who is living as a spouse or who lived as a spouse with the alleged victim, parents and children, other persons related by blood or marriage, or by a person with whom the alleged victim shares a child in common. Under the criminal laws of California certain offenses, including but not limited to, rape, aggravated assault and stalking, can be deemed domestic violence depending on the relationship of the parties involved.

The College recognizes that sexual harassment, sexual assault, sexual exploitation, stalking, and retaliation all may be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the Complainant.

V. *Stalking Policy*

Stalking will be addressed through the Complaint Procedures outlined in this Document when the conduct is gender-based or is related to an intimate partner relationship.

POLICY STATEMENT

Pitzer College strives to maintain a campus environment free of violence. Stalking can affect every aspect of an individual's life, often beginning with phone calls, emails, social networking posts and/or letters, and can sometimes escalate to violence. Individuals of all genders, gender identities, races and ethnicities, religions, age, abilities, and sexual orientation can be the subject of stalking. Individuals who engage in stalking behaviors are

subject to disciplinary action. Violations of this policy will result in disciplinary action up to and including expulsion for students and up to and including termination for employees. Stalking is a crime in California and is subject to criminal prosecution. Pursuing a complaint through the College does not preclude an individual from pursuing legal action as well.

DEFINITION

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to: (1) feel fear for their safety or the safety of others, or (2) suffer substantial emotional distress. Stalking includes behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten their safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:

A. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, texts, letters, notes, gifts, or any other communications that are undesired and place another person in fear
B. Use of online, electronic, or digital technologies, including:
    - Unauthorized posting of pictures, messages, and/or information about the complainant on websites, Internet sites, social networking sites, and/or bulletin boards or in chat rooms
    - Sending unwanted/unsolicited email, texts or talk requests
    - Posting private or public messages on Internet sites, social networking sites, and/or bulletin boards
    - Installing spyware on a victim's computer
    - Using Global Positioning Systems (GPS) to monitor a victim
C. Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
D. Surveillance or other types of observation, including staring or "peeping"
E. Trespassing
F. Vandalism
G. Non-consensual touching
H. Direct verbal or physical threats
I. Gathering information about an individual from friends, family, and/or co-workers
J. Threats to harm self or others
K. Defamation – lying to others about the victim

REPORTING INFORMATION

Off-Campus

Pitzer College encourages individuals to report incidents of stalking to law enforcement authorities, and respects that whether or not to do so is a personal decision of the individual. Members of the Dean of Students staff are available to assist individuals in contacting the Claremont Police or other appropriate law enforcement agency. In some circumstances, a victim may wish to seek a legal order of protection against the alleged perpetrator. Victims may also request that the College restrict someone's access to the College campus who is not a member of the Pitzer College community.

In certain instances, Pitzer College may need to report conduct to law enforcement authorities even when the subject of the conduct has not decided to do so. Such circumstances include incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. The decision to report an incident to law enforcement will be shared with the victim and will take into account the safety concerns of the individual.

To the College

The College encourages individuals to report incidents of stalking to the College. Prompt reporting is encouraged, because facts often become more difficult to establish as time passes. However, the College will investigate and take appropriate action in response to all reports of stalking behavior regardless of when the alleged conduct occurred. The ability of the College to respond to the conduct is limited if the Respondent is no longer a member of the College community. If a College staff member, faculty member or student leaves the College with a pending complaint they will not be permitted to return to the College until the complaint is resolved through the College's appropriate complaint or discipline process.

An individual who believes they have been the subject of stalking and who wishes for the details to remain completely confidential should speak with certain College officials who may maintain confidentiality and may not disclose information shared with them, except where required by law. These officials include: Monsour Counseling and Psychological Services staff, Student Health Services staff and members of the clergy including the McAlister Center chaplains.

Safety and Support Resources

Pitzer College is committed to supporting victims of stalking by providing safety and support services. Due to the complex nature of stalking, an individual who has been a victim of stalking may need assistance in obtaining one or more of the following:

- College no-contact order
- Counseling support through Monsour Counseling and Psychological Services
- Change in an academic schedule
- Provision of alternative housing opportunities
- The imposition of an interim suspension on the alleged perpetrator

For assistance, please contact the Title IX Coordinator, Corinne Vorenkamp (Broad Center 212, 909-607-2958; titleix@pitzer.edu). If safety is an immediate concern, contact Campus Safety at 909-607-2000 if you are on campus or the Claremont Police Department at 911 if you are off-campus.

VI. Discrimination Policy

Discrimination refers to the disparate treatment of a person or group because of that person's or group's protected status, including race, color, national origin, ancestry, sex (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity and expression, age, religion, physical or mental disability, medical condition, marital status, veteran status, family care leave status, or other status protected by antidiscrimination and anti-harassment statutes, such as Titles VII or IX of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the California Fair Employment and Housing Act. This policy also prohibits discrimination based on the perception that any person has any of the foregoing characteristics or is associated with a person who has, or is perceived as having, any of those characteristics. All such discrimination is unlawful and constitutes Prohibited Conduct.

VII. Retaliation Policy

Retaliation is defined as the taking of an adverse action by any student, faculty or staff member against another individual as a result of that individual's exercise of a right under the Discrimination, Harassment, and Sexual Misconduct Policies and Procedures, including participation in the reporting, investigation or hearing as provided in this Policy. Retaliation includes adverse actions intended to improperly deter involvement of another in these procedures set forth in this Policy and may involve actions intended either to intimidate or to penalize individuals for their participation. Retaliation is strictly prohibited by law and this Policy. Any person who is found to have engaged in retaliation related to a complaint under this Policy shall be subject to disciplinary action under this Policy. Persons who believe that they have been retaliated against for making a complaint/report or for cooperating in an investigation or hearing should immediately contact the Title IX Coordinator or relevant Complaint Officer. A complaint filed in good faith under this Policy shall not constitute retaliation.

Retaliation against persons for opposing practices prohibited by the Fair Employment and Housing Act and Title IX, or for filing a complaint with, or otherwise participating in an investigation, proceeding or hearing conducted by, the Department of Fair Employment and Housing, the Fair Employment and Housing Commission, the U.S. Equal Employment Opportunity Commission, or the Office of Civil Rights, is prohibited by law.

VIII. Consensual Relations Policy

The College recognizes and individuals should be aware that consensual sexual relationships can result in claims of sexual harassment because the degree to which consent is voluntary may be questioned when a power differential exists. If a sexual harassment claim is filed following what one or both of the parties may have initially viewed as a consensual relationship, the consent is evaluated in light of this power differential.

Sexual relationships between employees and their supervisor or students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student or a supervisor by an employee, as well as the power exercised in an academic or evaluative role, make voluntary consent suspect. Even when both parties initially have consented, the development of a sexual relationship renders both parties and the College vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between them. In their relationships with students and staff members, faculty and supervisors are expected to be aware of their professional responsibilities and avoid apparent or actual conflict of interest, favoritism, or bias.

Sexual relationships that involve a faculty member who exercises active and immediate authority over a student, as in the case of a faculty member and a student currently studying with the faculty member and/or an adviser and advisee relationship, are prohibited whether or not the relationships are consensual. The same is true of a supervisor/ employee relationship. A supervisor and faculty member must remove themselves from positions of active and immediate authority over the employee or student before a sexual relationship begins. The College has the right to take disciplinary action, up to and including dismissal, against a faculty member or supervisor for participation in a relationship which involves such a conflict.

In the case of a sexual relationship in which the parties believe that the restrictions of the preceding paragraph do not apply, it is the obligation of the supervisor or faculty member, because of their position of authority, to take all necessary steps to remove themselves from professional or institutional actions, such as providing recommendations or participating in the awarding of departmental prizes, performance reviews or promotions, which affect the student and/or employee. Before a sexual relationship develops, effective steps must be taken to ensure unbiased evaluation and supervision of the student or employee. Faculty

members, students, supervisors, and staff members are encouraged to seek assistance and guidance from the Dean of Faculty, Dean of Students, or Assistant Vice President of Human Resources to ensure compliance with this policy.

IX. False Reporting Policy

It is a violation of College policy to file a knowingly false or malicious complaint of alleged discrimination, harassment and/or sexual misconduct. A complaint against such conduct may be pursued using the steps followed for discrimination, harassment, and sexual misconduct related complaints as outlined in this Document. A complaint filed in good faith under this provision shall not constitute retaliation. A finding of no responsibility is not, by itself, evidence that the underlying complaint was not filed in good faith.

Complaint Procedures

I. Introduction

These complaint procedures have been adopted by the College to provide a prompt and equitable method for reporting, investigating, and resolving complaints of alleged violations of the College's discrimination, harassment, and sexual misconduct policies when they involve Pitzer College faculty, staff, students, and/or third parties.

Anyone who believes they have been subjected to discrimination, harassment, retaliation and/or sexual misconduct is encouraged to report such conduct pursuant to the procedures set forth below. The College is obligated to act on any report of alleged discrimination, harassment, or sexual misconduct and will do so pursuant to these complaint procedures. Any College official (e.g., faculty member, administrative staff members, coaches, resident assistant, etc.) who receives information of an alleged discrimination, harassment, retaliation and/or sexual misconduct is required to file a report with one of the College representatives set forth below.

II. Reporting an Alleged Violation

REPORTING TO THE COLLEGE

Individuals who believe that they have been the subject of or have witnessed alleged discrimination, harassment, retaliation and/or sexual misconduct are encouraged to contact the appropriate College representative listed below. A report may be made to anyone of the individuals listed regardless if you are a student, faculty member, staff member, or third party. Under no circumstances is an individual required to report discrimination, harassment, retaliation and/or sexual misconduct to a supervisor or academic instructor who is the alleged perpetrator.

For reports or complaints, contact:

Corinne M. Vorenkamp, Title IX Coordinator
Phone: 909.607.2958
E-mail: titleix@pitzer.edu

For reports or complaints against a student, contact:

Kirsten Carrier, Interim Co-Assistant Vice President for Student Affairs & Dean of Students
Phone: 909-621-8241
E-mail: kirsten_carrier@pitzer.edu

Gabriella Tempestoso, Interim Co-Assistant Vice President for Student Affairs & Dean of Students
Phone: 909-621-8241
E-mail: gabriella_tempestoso@pitzer.edu

On-Call Dean: students can always reach an on-call dean 24 hours a day by calling Campus Safety (909-607-2000) and having the on-call dean paged.

For reports or complaints against a faculty member, contact:

Allen Omoto, Vice President for Academic Affairs and Dean of Faculty
Phone: 909-621-8217
E-mail: dean_faculty@pitzer.edu

For reports or complaints against a staff member or third party, contact:

Deanna Caballero, Assistant Vice President for Human Resources/Payroll Services
Phone: 909-607-8533
E-mail: deanna_caballero@pitzer.edu

The College encourages any member of the College community who experiences any form of violence to immediately contact the Claremont Police Department ("CPD") by contacting Campus Safety (909-607-2000) if they are on campus or by dialing 911 if they are off campus. Below is the complete contact information for The Department of Campus Safety for The Claremont Colleges and The Claremont Police Department:

Department of Campus Safety for The Claremont Colleges
909-607-2000 (emergency)
909-621-8170
150 E. 8th Street
Claremont, CA 91711
https://services.claremont.edu/campus-safety/

The Claremont Police Department
Emergencies: dial 9-1-1

909-399-5411 (non-emergency number)
570 West Bonita Avenue
Claremont, CA 91711
Lobby Hours: 7:00 a.m. to 10:00 p.m., 7 days a week
http://www.ci.claremont.ca.us/government/departments-divisions/police-department

Upon receipt of a report, the College will activate these complaint procedures. Prompt reporting is encouraged, because facts often become more difficult to establish as times passes. However, the College will investigate and take appropriate action in response to all reports regardless of when the alleged conduct occurred. The ability of the College to respond to the conduct is limited if the Respondent is no longer a member of the College community. If a College staff member, faculty member or student leaves the College with a pending complaint against them they will not be permitted to return to the College until the case is resolved through these complaint procedures. Pitzer College shall respond to the greatest extent possible to reports of sexual misconduct brought anonymously or brought by third parties not directly involved in the misconduct. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Confidentiality of Reports to the College

The College will make all reasonable efforts to maintain the confidentiality and privacy of the parties involved in an investigation and/or hearing for a complaint as well as the confidentiality of the details of an investigation, any hearing, and except where permitted by law, the sanctions imposed. The College will inform all individuals involved in the complaint process of the critical importance and expectation that they maintain the confidentiality of the process and any information shared with them as a result of their participation. Complainants and Respondents are not prohibited from sharing details of complaints with family, counsel, or a support person/advisor as defined in Section IV, below.

If at any point the Complainant requests confidentiality with respect to the Respondent and/or decides not to pursue action by the College, the College will make all reasonable attempts to comply with this request. A Complainant is the student, faculty, or staff member who files a report on their own behalf or the person on whose behalf a report is filed by a third party. In these situations, the College's ability to investigate and respond to the conduct may be limited. The College is required to weigh the Complainant's request for confidentiality with the College's commitment to provide a reasonably safe and non-discriminatory environment. Moreover, the College may have an independent legal obligation to investigate a complaint once it has been made and in those circumstances the investigation will continue through completion and appropriate action. If the College cannot maintain a Complainant's confidentiality, or determines to continue with the

investigation, the Complainant will be notified by the Title IX Coordinator. The College will not include any personally identifiable information in publicly available record keeping for the crimes of dating violence, domestic violence, sexual assault and stalking.

Confidential Resources at the College and in the Community
An individual who wishes for the details of the incident to remain completely confidential may speak with certain College officials who, by law, may maintain confidentiality and may not disclose the details of an incident. These officials include:

EmPower Center
1030 Dartmouth Avenue
909-607-2689

Monsour Counseling and Psychological Services Staff
Tranquada Student Services Center, 1st floor
757 College Way
909-621-8202, 909-607-2000 (after-hours emergency)

Student Health Services Staff
Tranquada Student Services Center, 1st floor
757 College Way
909-621-8222, 909-607-2000 (after-hours emergency)

In general, the disclosure of private information contained in medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA). In the context of sexual violence, however, medical providers in California, including medical providers at Student Health Services, are required to notify law enforcement if a patient tells medical personnel they have experienced sexual violence. The patient has the right to request that a survivor advocate be present with them when they speak with the police and to request that criminal charges not be pursued. Neither on- nor off-campus medical providers will notify the college of the report.

McAlister Center for Religious Activities
919 North Columbia Avenue
909-621-8685

Pitzer Advocates for Survivors of Sexual Assault, 909-607-1778, are available to assist students, including Pitzer Students, who have experienced sexual misconduct, including sexual assault. The Advocates can be contacted at any stage of the processes discussed herein.

Individuals who have experienced sexual misconduct, including sexual assault may also seek confidential support from a local or national rape crisis hotline, including:

Project Sister Sexual Assault 24/7 Crisis Hotline (Claremont, CA):
800-656-4673
909-626-HELP (909-626-4357)

National Sexual Assault 24/7 Crisis Hotline (RAINN):
800-656-HOPE

Individuals who have experienced domestic violence or stalking may also seek confidential support from confidential resources listed above, a local or national crisis hotline, or domestic violence agencies including:
National Domestic Violence Hotline
1-800-799-7233 (1-800-787-3224 TTY)
https://www.thehotline.org/

The National Stalking Resource Center also has information and support resources for victims of stalking and their friends and family members:

National Stalking Resource Center
https://victimsofcrime.org/

Reporting Options Outside of the College

State and Federal Enforcement Agencies and the Claremont Police Department

The College's complaint procedures are administrative in nature and are separate and distinct from the state and federal criminal, civil, and administrative legal systems. Pursuing resolution through these procedures does not preclude someone from pursuing legal action now or in the future.

Reporting Potential Criminal Violations to Claremont Police Department ("CPD"): In cases involving potential criminal misconduct, individuals are encouraged to file a report with the CPD. For assistance with or accompaniment to make a police report, please contact the Title IX Coordinator (909-207-2958; titleix@pitzer.edu); for confidential accompaniment, contact Project Sister (909-626-4357). Claremont Police can be reached as follows:

The Claremont Police Department
Emergencies: dial 9-1-1
909-399-5411 (non-emergency number)
570 West Bonita Avenue
Claremont, CA 91711
Lobby Hours: 7:00 a.m. to 10:00 p.m., 7 days a week
http://www.ci.claremont.ca.us/government/departments-divisions/police-department

The College's complaint procedures and the legal system work independently from one another and the College will proceed with its process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these complaint procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent.

Reporting to State and Federal Enforcement Agencies: In addition to the College's internal remedies, employees and students should also be aware that the Federal Equal Employment Opportunity Commission ("EEOC") and the California Department of Fair Employment and Housing ("DFEH") investigate and prosecute complaints of prohibited harassment, discrimination, and retaliation in employment. These agencies may be contacted at the addresses listed below:

EEOC Los Angeles District Office
255 East Temple Street, 4th Floor
Los Angeles, CA 90012
(213) 894-1000

DFEH Los Angeles Office
611 W. Sixth Street, Suite 1500
Los Angeles, CA 90017
(213) 439-6799

Students also have the right to file a formal complaint with the United States Department Education:

Office for Civil Rights (OCR)
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: www.ed.gov/ocr

Pitzer strongly encourages all individuals who are the subject of potential misconduct to pursue all remedies available to them, including reporting incidents of potential criminal conduct to external law enforcement and incidents of civil rights violations to the appropriate external agencies.

Pitzer also strongly encourages individuals who have experienced potential discrimination, harassment, or sexual misconduct to report the incident to Pitzer so that Pitzer can assist

these individuals in obtaining access to the support and resources they may need, and so Pitzer can respond appropriately. External and internal reporting options are not mutually exclusive and may be pursued concurrently.

If an incident of sexual assault, domestic violence, dating violence or stalking occurs it is important to preserve evidence to aid in the possibility of a successful criminal prosecution. The Complainant of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented including through the preservation of photographic evidence. Evidence of stalking including any communication, such as written notes, voice mail or other electronic communications should be saved and not altered in any way.

PROVIDING FOR THE SAFETY OF THE COMPLAINANT AND THE COMMUNITY

Pitzer's first priority when receiving a report of discrimination, harassment, sexual misconduct, or other conduct prohibited under this Policy is to provide for the safety of the Complainant and the community. As a result, whenever Pitzer receives a report of potential misconduct under this Policy that indicates an immediate threat to the Complainant or other member of the community, Pitzer will seek to notify appropriate first responders (medical or law enforcement) as soon as reasonably possible. Pitzer will also implement any Interim Measures as it determines are necessary and appropriate to provide for the safety of Complainant or the community. A complete discussion of Interim Measures is set forth in the Grievance Procedures.

Procedures Victims of Domestic Violence, Dating, Violence, Sexual Assault or Stalking Should Follow

Complainants have the choice to involve law enforcement and campus authorities. Complainants also have the option to be assisted by campus authorities in notifying law enforcement authorities if a Complainant so chooses. Complainants also have the option to decline to notify such authorities.

In some circumstances, an interim remedy such as a "No Contact Order" may be requested by the Complainant. In those circumstances, the Complainant and Respondent are to have no contact with one another for a designated time period or until both parties are advised otherwise.

In other circumstances, Complainants may decide to request a court ordered restraining order or similar lawful orders issued by a criminal, civil, or tribal court. The Complainant can contact the EmPOWER Center or the Claremont Police Department for more

information on how to obtain restraining orders. Pitzer does not issue orders of protection; however we will honor these request and comply with the orders. The party who obtained the order should notify Claremont Police Department of the restraining order for it to be enforced. The party who obtained the order can notify Campus Safety if they need assistance notifying Claremont Police Department.

Evidence Collection

It is important to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Therefore, it is important to preserve: clothing, text messages, photographs, or any other evidence that may be associated or useful to proving the alleged conduct occurred.

Physical evidence of a sexual assault must be collected from the Complainant's person within 96 hours of the incident, although it may be possible to obtain evidence from towels, sheets, clothes, etc. for much longer periods of time. Individuals who believe they have been sexually assaulted should go to the appropriate SART location based on the location of incident (as described above) before washing their body or changing clothing. A Sexual Assault Nurse Examiner (SANE), a nurse who is specially trained to collect evidence in cases of alleged sexual assault, will be called by the hospital to properly collect and preserve any evidence as well as document any injuries. It is best not to change clothes. However, if clothes have been changed, the clothes worn at the time of the incident should be brought to the SART location in a clean, sanitary container such as a paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). Bring a change of clothing to the hospital, too, as the clothes worn at the time of the incident will likely be kept as evidence.

Collecting evidence does not obligate an individual to any particular course of action but can assist the authorities should the individual decide to pursue criminal changes immediately or in the future. Pitzer will assist any Pitzer community member in seeking medical assistance or reporting an incident to the police. Taxi vouchers are available at Campus Safety and the Dean of Students Office that provide free transportation to local medical centers.

III. Truthfulness

All participants in an investigation and/or hearing are expected to cooperate fully and provide truthful information in all meetings and/or hearings related to these complaint procedures. Individuals may be hesitant to report conduct which they have experienced or witnessed or participate in an investigation and/or hearing because they fear that they themselves may be charged with a policy violation, such as underage drinking at the time of the incident. To encourage truthfulness and reporting, the College pursues a policy of offering Complainants, Respondents and witnesses limited immunity from being charged for policy violations related to an alleged incident (such as policies prohibiting the use of alcohol

or drugs) which is reported in good faith. While violations cannot be completely overlooked, the College will provide educational rather than punitive responses, in such cases. Employees can be disciplined, up to and including termination, for not being truthful during an investigation. Students who are untruthful in an investigation and/or hearing will be subject to procedures and penalties in the Student Code of Conduct.

IV. Specific Complaint Procedures when Respondent is a Student, Staff, or Faculty Member

The College has adopted three parallel procedures for investigating and hearing complaints, depending upon whether the Respondent (or accused) is a student, a staff member (including administrators and third parties), or a faculty member. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this Policy. The College will provide a prompt, fair, and impartial process from the initial assessment to the final outcome.

In the case of a staff member (other than a work-study student) who is also enrolled as a student at the College, the procedures to be followed will be those for a staff member. In the case of an administrator who has faculty status, the procedures to be followed will be based on whether the complaint concerns her/his conduct as an administrator or a faculty member, as determined jointly by the three complaint officers. In the case of students who also have part-time employment at the College (whether work-study employment or otherwise), the procedures to be followed will be based on whether the complaint concerns her/his conduct as a student or employee, as determined jointly by the three complaint officers.

Any student, faculty, or staff member who wants to learn more about reporting options, the complaint procedure and investigative process, support resources, or related information is encouraged to contact the Title IX Coordinator (909-607-2958) or go to: www.pitzer.edu/about/title-ix/

PROCEDURES IF A STUDENT IS THE RESPONDENT

Initial Assessment: Following the report of an incident or conduct that may be a violation of this policy, the Title IX Coordinator shall conduct an initial assessment of the report. The assessment shall include a preliminary interview of the reporting party and, if possible, the subject of the conduct if different. The assessment shall also include a determination by the Title IX Coordinator as to whether there is sufficient information that a violation of the policy may have occurred.

The Title IX Coordinator may, after speaking with the Complainant, determine that the conduct complained about would not constitute harassment, discrimination, or sexual misconduct and so inform the Complainant. The Title IX Coordinator may also determine that, although the conduct does not constitute harassment, discrimination, or sexual misconduct, if left unchecked it could develop into such conduct. In this case the Title IX Coordinator, after speaking with the complainant and weighing any request for confidentiality, may take appropriate steps to prevent such conduct from occurring. Finally, if the Title IX Coordinator determines that the alleged conduct may instead be a violation of the Code of Student Conduct, the Title IX Coordinator will forward the allegations to the Office of Student Affairs.

Individuals bringing reports of violations of this policy shall be informed about the range of possible outcomes of the report, including interim measures remedies for harmed individuals, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

If the Complainant requests confidentiality or requests that the complaint not be pursued, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. However, such a request for confidentiality may limit the College's ability to respond to the complaint. The College may also weigh the Complainant's request for confidentiality against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same individual, the Respondent's rights to receive information about allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act ("FERPA"), and other factors otherwise required by applicable law.

The Title IX Coordinator will meet with the Respondent and provide the student(s) who is (are) being investigated or charged with access to the Discrimination, Harassment, and Sexual Misconduct Policies and Procedures. The respondent will be provided with information about the alleged violation(s) including the specific circumstances or behaviors alleged to have violated this policy. Any student against whom there might be a charge of a violation has all the rights enumerated in this policy.

Interim Measures: Interim measures are temporary measures taken by the College in response to a formal complaint of discrimination, harassment, and/or sexual misconduct in violation of these Policies. Interim measures shall take into account and balance an individual's rights as well as the personal safety of the parties and witnesses and the safety of the College community. Interim measures will be assessed and provided as appropriate to both Complainants and Respondents.

Interim measures can include individualized services offered as appropriate to either or both the reporting and responding parties prior to an investigation or while an investigation is pending. Examples of interim measures are counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, 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 accommodations or safety measures. Pitzer College will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodations or protective measures.

Because the measures needed by each student involved in a Title IX investigation or process may change over time, the Title IX Coordinator will communicate with each student throughout the investigation and any proceedings to ensure that any interim measures are necessary and effective based on each student's evolving needs.

Interim measures may include geographical or social restrictions where necessary to protect the safety of the community or an individual party. In cases where there is credible information of an immediate risk or threat to an individual or the College community, interim measures may include removal from campus housing or interim suspension. In such cases of removal from campus housing or interim suspension, the student conduct process will occur as expeditiously as possible, and the restricted party has a right to appeal the interim restriction to the Vice President of Student Affairs.

Failure to comply with interim measures that impose a restriction on a party (such as no contact orders, geographical restrictions, etc.) is a violation of this Policy and may result in additional charges under this Policy.

Resolution Options: Potential options for resolution of a complaint include Alternate Resolution, as well as the formal Administrative Review and Judicial Council processes described below. No party is required to participate in any alternative resolution process with respect to any complaint, and mediation is not an available alternative resolution process for complaints that include allegations of sexual assault.

Where a report includes alleged violations of the Code of Student Conduct in addition to alleged violations of this Policy, The Title IX Coordinator in consultation with the Dean of Students will determine whether the matters should be handled together under this policy or separately, taking into account how the allegations are related.

Investigation Procedures: The Title IX Coordinator will assign the investigation to one or more trained investigators. Investigators are chosen from a pool of internal trained

investigators and/or outside professionals with experience in conducting investigations. In cases with only internal investigators, two will be assigned. If the Complainant is a student, faculty member, or staff member from one of the other Claremont Colleges, the Title IX Coordinator shall assign the investigation to one or more outside investigators.
The investigator will conduct a thorough, impartial, and unbiased investigation. The Investigator(s) will provide the Investigation Report to the Title IX Coordinator who will review the Report. The Title IX Coordinator may refer back to the Investigator(s) any questions that the Title IX Coordinator has concerning the Report's content and completeness. After the Investigator(s) successfully answer or resolve the Title IX Coordinator's questions or concerns, if any, the Investigator(s) shall submit a final Report to the Title IX Coordinator. Upon receipt of the completed investigative report, the Title IX Coordinator will notify all parties that the investigation is complete and provide information about next steps in the process.

The Title IX coordinator, in consultation with the Dean of Students or designee, will review the investigative report and make a threshold determination as to whether the allegations, if proven, would provide sufficient information upon which a violation of this Policy could be found. If the Title IX coordinator determines that this threshold has been reached, the Dean of Students Office will issue a written notice of charge in order for a student conduct process to proceed. If the Title IX Coordinator determines that this threshold has not been reached, the complainant and respondent will be notified in writing.

Resolution: Both the respondent and the complainant have the right to have the charge heard by the Judicial Council. In cases where the potential sanction would not usually be suspension or expulsion, there is the choice of either an Administrative Review within the Dean of Students Office or a Judicial Council hearing. If both the respondent and the complainant agree to an Administrative Review and the Dean of Students or designee concurs, an Administrative Review is commenced. If not, the Dean of Students Office will forward the written charge to the Judicial Council. Once an administrative review is chosen; there is no longer the right to a hearing before Judicial Council for the same alleged violation(s).

a. **Administrative Review**
   The review will include individual interview(s) with the respondent, the complainant, any witnesses and the review of the investigation report and other documentation or materials relevant to the case. Both the respondent and the complainant have the right to an advisor of their choosing, which may include an advisor who is not a member of the Claremont Colleges. Advisors may not serve as a representative for or speak for the respondent or complainant; the sole responsibility of the advisor is to provide support and guidance to the student for whom they advise. The official who conducts

the review will make a decision based on a preponderance of the evidence. That is, is it more likely than not that the respondent(s) is responsible for violating the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures.

i. **Finding of Responsibility**
When a student is found responsible for a violation through an Administrative Review, the Dean of Students Office may impose sanctions. The range of sanctions that may be imposed includes, but is not limited to: educational and/or restorative activities, loss of privileges, warning, conduct probation, residential adjustments, and restitution, but does not include expulsion or suspension from the College (See Section d.iii. for complete range of sanctions). The respondent and the complainant will be notified in writing of the results of the review. (See Section VII. E.). Both the respondent and the complainant have the right to appeal the finding and/or sanction(s). Grounds of appeal include violations of the student's rights as set forth in Discrimination, Harassment, and Sexual Misconduct Policy and Procedures, insufficient or compelling new evidence, and/or severity of the sanction. The appeal must be made in writing and must be submitted to the Vice President of Student Affairs within five class days of written notification of the decision. The Vice President of Student Affairs will notify and provide a copy of the appeal to the other party within three class days upon receipt of an appeal. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five class days from receipt of the appeal.

ii. **Admitted Violations**
When the respondent admits to the charge and to responsibility for a violation of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures in the case of Administrative Review, the Dean of Students Office may impose sanctions. Both the respondent and the complainant can appeal to the Judicial Council for review of the appropriateness of the sanctions only. The appeal must be made in writing and must be submitted to the Dean of Students Office within five class days of written notification of the decision. The Dean of Students Office will notify and provide a copy of the appeal to the other party within three class days upon receipt of an appeal. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five class days from receipt of the appeal. The Dean of Students Office will then forward any appeal and any response to the Judicial Council.

All appeal cases brought before and heard by the Judicial Council shall be final and not subject to further appeal.

b. Judicial Council

Cases in which the possible sanction could be suspension or expulsion from the College, cases in which Administrative Review was not agreed upon, and appeals of sanction in cases of admitted violations under Administrative Review will be referred to the Judicial Council by the Dean of Students Office.

i. **Composition**

The College Judicial Council shall consist of at least five student members, at least five faculty members, and at least five members of the staff. For a hearing panel, a quorum shall consist of five members, including at least one faculty member, one staff member, and one student member. Student members must be in good academic and disciplinary standing, not subject to recall (who shall be elected by the student body). Faculty members will be selected by the Faculty Executive Committee. Members of the staff will be selected by Staff Council Representatives in consultation with the Office of Student Affairs. As much as possible, faculty, staff, and student members should represent the diversity of the student population. To that effect Student Senate should make every effort to seek appropriate gender balance and ethnic and other forms of diversity in the slate of student candidates for Judicial Council. Similarly, faculty and staff members should be chosen with the goal of ensuring approximate gender balance and ethnic diversity. The Chair and Alternate Chair shall be elected from among the voting membership of the Council. If the Chair and Alternate Chair are unable to serve due to a conflict of interest, Judicial Council may elect an ad hoc Chair for the purposes of a particular hearing. A Dean from the Office of Student Affairs will sit with the Council as an advisor on process and to represent the views of the College. The Title IX Coordinator shall design and be responsible for providing ongoing comprehensive training, in consultation with appropriate professional external agencies, in sexual misconduct, hate crimes, and other relevant topics to members of the Judicial Council.

ii. **Pre-Hearing Procedures**

- **Notification**

  Complaints of alleged violations that are being referred to Judicial Council for a hearing shall be written and delivered to the respondent,

the complainant, and Judicial Council Chair by the Dean of Students Office. The copy to the respondent will constitute the student's formal notification of the charge(s) against themselves and the intent to hold a Judicial Council hearing. This written notification will include the complaint(s) against the respondent; the specific policies and portions of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures the respondent has allegedly violated; the student's rights as guaranteed in Article VII. Section 7.7. Pitzer College Bylaws; the nature of the information which will be presented against the student, as well as any written or recorded statements obtained during the investigation, and the sanctions which could be applied if the student were found in violation of this Policy.

iii. **Assembly Notice**

Prior to the hearing, the respondent and the complainant will be notified of the names of those members of the Judicial Council who will be hearing the case. If either objects to any member or members of the board, the student may write to the Dean of Students requesting that those members be replaced. The letter must include an explanation for the objections. Removal from the hearing board will occur if and only if the Dean is convinced after investigating that absence of impartiality would result in an unfair hearing by allowing that member/those members of the Judicial Council to adjudicate the incident. Requests for removal shall not be revealed to members of the Judicial Council. If there are insufficient numbers of faculty or students to reach a quorum, the Dean of Faculty and the Dean of Students shall appoint an ad hoc replacement from among the faculty or students who have received Judicial Council training before the hearing.

iv. **Advisors**

Both the respondent and the complainant have the right to an advisor of their choosing, which may include an advisor who is not a member of the Claremont Colleges. If the charges are serious enough that sanctions might result in suspension or expulsion from the College, the respondent is particularly advised to select an advisor to be present during the Judicial Council hearing. Advisors may not address the Judicial Council or pose questions to any participants in the hearing process. The sole responsibility of the advisor is to provide support and guidance to the student for whom they have chosen to advise. Advisors may not, at any time during the hearing, serve

as a representative for or speak for the respondent or complainant.

v. **Scheduling**
With the assistance of the Dean of Students Office, the Judicial Council Chair sets a date for the hearing. Under normal circumstances the hearing should be scheduled for a date not fewer than five and no more than twenty-five class days from the time the respondent was first formally notified of the charge(s) against themselves. The Dean of Students Office shall inform both the respondent and the complainant(s) of the time, place and date of the hearing. It is the responsibility of each party to inform their respective advisors of this information. The complainant(s) will have available to them all information sent to the respondent by the Judicial Council Chair at the same time as the respondent is notified.

vi. **Time Limit Exception**
Under extreme circumstances, either the respondent or the complainant may request waiver of the time limit for a hearing in writing to the Judicial Council Chair. A decision on the request will be made by the Judicial Council. All parties will then be notified of the date, time and location of the rescheduled hearing.

c. Hearing Procedures

i. **Admissible Information**
Judicial Council shall consider only information introduced at the hearing, before Council. Normally this will include a written statement from the complainant, from the respondent, and from any witnesses; it may also include responses to questions given during the hearing. Written statements will be considered only when the witness making the statement appears before the Judicial Council to answer questions about the statement. Character witnesses, if any, may state their knowledge of the character of the student for whom they are serving as a witness, and must refrain from comments on the character of other parties in the case.

ii. **Hearing Attendance**
The person(s) bringing the complaint and the respondent shall have the right to be present during presentation of evidence and questioning of witnesses. The respondent and complainant shall both have the right to be accompanied

by an advisor of their choice.

- **Respondent**
  The respondent shall be informed of their rights and shall have an opportunity to speak and to present information on their own behalf. Should the respondent, having been properly notified of the date, time and place of the hearing, fail to appear at the time and place specified, the hearing shall proceed in the same manner as if the respondent were present, unless the Judicial Council decides by majority vote to postpone the hearing.

- **Complainant**
  The complainant shall be offered the opportunity to participate in the hearing without directly facing the respondent. If so requested, the Judicial Council Chair shall make appropriate arrangements. For example, the room may be partitioned so that the complainant and the respondent do not see each other, or arrangements may be made for the Complainant to participate by video conference or other means. The respondent and the complainant shall have the opportunity to hear the testimony, have questions asked of the other party during the hearing process, and to hear responses

- **Judicial Council Matters**
  No member of Judicial Council shall join or rejoin deliberations after a hearing has begun. No member may be excused from a hearing once it has begun except for good cause and by a majority vote of the other members present, and then only if such action does not violate the quorum provisions. No member of Judicial Council who has not been present for the entire hearing shall participate in the decision or in subsequent discussion of sanctions

- **Witnesses**
  Witnesses may participate in a hearing by physical presence, telephone conference, or video conference. Only one witness shall be allowed in a Judicial Council hearing at any one time. Advisors may also be called as a witness during a hearing. Witnesses, unless they are also serving as an advisor, may only be present during the hearing when they are

called to testify.

iii. **Disruptive Behavior**

No actions shall be taken in a Judicial Council hearing which would impede the orderly conduct of the hearing. Disruption of the Judicial Council is a violation of this Policy. The Chair may call for a recess of the hearing in the case of disruptive conduct, and the Chair may remove from the hearing witnesses, advisors, respondents, and complainants, for repeated disruptive behavior. The hearing may proceed if parties to the hearing are removed for repeated disruptive behavior.

iv. **General Hearing Process**

Normally, the hearing conforms to the following order of procedure:

- Presentation of the written charge from the Dean of Students Office, questions from Judicial Council members to the Dean of Students designee and/or the complainant(s) regarding the complaint.
- Statements of witnesses on behalf of the complainant(s); questions from Council members to the witnesses.
- Statement of the respondent; questions from Council members to the respondent.
- Statements of witnesses on behalf of the respondent; questions from Judicial Council members to the witnesses.
- At the option of the Council, a second round of questioning of the complainant(s) and any supporting witnesses a majority of the Council wishes to hear in rebuttal.
- At the option of the Council, a second round of questioning of the respondent and any supporting witnesses a majority of the Council wishes to hear in rebuttal.
- Close of the hearing.
- Deliberation. Judicial Council hearing deliberations shall be closed to all parties of the hearing and shall include only Council members participating in the present hearing and the Dean of Students staff representative.

v. **Recess**

The Chair may at any time recess a hearing to provide for gathering additional information or simply to provide a break in the hearing or deliberation. A

recess may be called to suspend a hearing to resume at a later date.

vi. **Record Keeping**
A verbatim record (such as a digital recording) shall be made of every Judicial Council hearing for the purposes of appeal review only. This verbatim record shall be kept in the Dean of Students Office and shall remain confidential. The digital record shall be destroyed after the deadline for appeal has passed, or , after the final decision is made in the case of an appeal.

vii. **Questioning**
All questions during the hearing shall be asked by or to Judicial Council members. The purpose of the hearing is not to conduct a trial but to gain as full and fair an account as possible about the alleged violation and to determine whether a violation of this Policy has occurred. The respondent and the complainant(s) shall have the right to suggest questions to the Chair to be asked by Judicial Council members, but only Judicial Council members shall directly question the respondent, complainant, or the witnesses. The Chair, in consultation with the Judicial Council, may modify the question process to facilitate the proceedings. The Chair may exclude irrelevant and unduly repetitious information.

viii. **Closed Hearings**
The hearing shall be closed to the public and outside spectators.

d. Decisions and Sanctions

i. **Standard of Proof**
The decisions of the Judicial Council shall be based on a standard of a preponderance of the evidence. In other words, the Judicial Council must show that it is more likely than not that the student is responsible for the alleged misconduct.

ii. **Consideration of Information**
The decisions of the Judicial Council shall be based solely upon information introduced at the hearing before the Council. The direct statement of a witness, including the complainant, the alleged victim, and the respondent may be taken as evidence of any act. Statements made by any witness must be evaluated for bias, plausibility, credibility, and consistency along with other available information. Any relevant information may be admitted if it is the

type on which reasonable persons are accustomed to rely in the conduct of serious affairs. Unruly, irrelevant or unduly repetitious information may be ruled out of order by the Chair.

iii. **Sanctions**

If the Judicial Council finds that a violation of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures has occurred, Judicial Council will determine the appropriate sanctions.

The sanctions may include remedial or corrective actions as warranted. In determining appropriate sanctions when violations of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures are addressed, the College attempts to take an educational response. Students found responsible for misconduct under the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures are assigned educational sanctions appropriate to the situation. Sanctions are fashioned in such a manner that will redirect behavior that is incongruent with the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures, encourage responsible judgment and ethical reasoning, protect the community's rights and property, and discourage similar misconduct as deemed appropriate based upon the nature of the violation. Upon a finding of responsibility of a violation for sexual harassment, dating violence, domestic violence, sexual assault or stalking, the College reserves the right to impose any of the following sanctions:

- Warning--A written notification that a violation of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are for a designated period of time, typically one calendar year. Warnings are recorded for internal purposes. A student who receives a warning is still considered in good standing at the College, with the warning being disclosed only with the student's written consent

- Conduct Probation—A written notification that indicates a serious and active response to a violation of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures Probation is for a designated period of time and includes the probability of more severe sanctions, including

suspension or expulsion from the College, if found responsible for additional violations of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures or Code of Student Conduct.

- Educational and/or Restorative Activities — Imposition of one or more restorative remedies to encourage a Respondent to develop insight about the prohibited conduct, learn about the impact of that prohibited conduct on the Complainant and the College community, and identify how to prevent that prohibited conduct in the future. This may include community service, mandatory participation in training, education and/or prevention programs related to the prohibited conduct, and/or educational program engagement regarding relevant behavior such as substance use.

- Loss of privileges—Denial of the use of certain College facilities or the right to participate in certain activities, events, and programs or to exercise certain privileges for a designated period of time. This includes contact restrictions, access to certain areas of campus, and College sponsored events.

- Residential Adjustments—Relocation or removal from campus residence halls for a specified period of time. This can include room reassignment, restrictions on access to specific halls, and removal of a student from all College operated housing. The College may take such action for remedial rather than disciplinary purposes.

- College Suspension—The separation of a student from the College for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required and will be included in the notification of suspension.

  During the period of suspension, the student may not participate in College academic, co-curricular or extracurricular activities and may be barred from all property owned jointly or individually by any of The Claremont Colleges. Students who are suspended may not be on campus without specific, written permission of the Dean of Students.

  Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for additional violations of the Discrimination, Harassment, and Sexual

Misconduct Policy and Procedures or Code of Student Conduct. A Student Affairs hold is placed on the student's record during the period of suspension. The hold will be lifted once the period of suspension has expired and the Dean of Students has confirmed that other conditions of sanctions have been met. When the hold is lifted, the complainant and respondent will be notified by the Title IX Coordinator.

- Expulsion—Expulsion is the permanent separation of the student from the College. Students who have been expelled may not be on campus without specific, written permission from the Dean of Students.

In considering the appropriate sanction(s), Judicial Council should be guided by a number of considerations, including:

1. the severity, persistence or pervasiveness of the prohibited conduct;
2. the respondent's prior discipline history including any prior determination of responsibility for the same or similar conduct;
3. how the College has sanctioned similar incidents in the past;
4. the nature and violence (if applicable) of the conduct at issue;
5. the impact of the conduct on the complainant, and their desired sanctions, if known;
6. the impact of the conduct on the community, its members, or its property;
7. whether the respondent has accepted responsibility;
8. whether the respondent is reasonably likely to engage in the conduct in the future;
9. The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
10. any other mitigating or aggravating circumstances, including the College's core values.

Judicial Council should also consider other remedial actions that may be taken to address and resolve any incident of discrimination or harassment and to prevent the recurrence of any discrimination, including strategies to protect the complainant and any witnesses from retaliation; other steps to address any impact on the complainant, any witnesses, and the broader student body; and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

At this phase of deliberation only, the Office of Student Affairs will provide the Council with historical information on the past conduct record of the respondent and the history of sanctions in similar cases. No information regarding prior disciplinary action (with the exceptions noted in VII.E of this policy may be disclosed by the Dean of Students or designee during a hearing process, until and if the Council makes a decision that the student violated College policy.

i. **Voting**
The decisions of the Judicial Council and its imposition of sanctions shall be reached in closed session by a majority vote. The Chair shall vote only in case of a tie.

ii. **Notification of Decision**
The respondent shall be notified in writing, within five class days following the hearing, of the Judicial Council's decision and recommended sanctions, if any. Written notification shall include a summary of the reasons for the decision, an explanation of any sanctions imposed, and notification of appeal options. In cases of sexual misconduct, the complainant will be provided a copy simultaneously of the same. In cases of sexual harassment other than sexual misconduct and harassment or discrimination that is not based on gender, the complainant will be notified of the outcome and any sanctions that directly relate to the complainant. Furthermore, the College will offer counseling services and academic support to all parties involved.

iii. **Completion of Sanction**
When a sanction requires a period of time for completion, the deadline for completion shall be specified. The respondent must report to a designee of the Dean of Students when the student has completed the sanction. The case is not complete until the sanction has been completed and cleared by the Dean of Students Office. The Judicial Council will not monitor or reconsider a sanction once it is imposed. Failure to complete required sanctions is a violation of this Policy and may result in additional sanctions under this Policy.

e. Appeals Procedure
All appeal cases brought before and heard by the Judicial Council shall be final and not subject to appeal. Cases heard by the Judicial Council that are not appeal cases, and Administrative Review cases with a finding on responsibility, are subject to the

following appeal procedures. On specific grounds, both the respondent and complainant may appeal the determination of responsibility or sanctions(s). Appeals must be made in writing and must be submitted to the Vice President of Student Affairs within five class days of written notification to the student of the Judicial Council's decision. The Vice President of Student Affairs will notify and provide a copy of the appeal to the other party within three class days upon receipt of an appeal. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five class days from receipt of the appeal.

i. **Grounds of Appeal**
Grounds of appeal include violations of the student's rights as set forth in this Policy, insufficient or compelling new evidence, and/or severity of the sanction.

ii. **Determinations**
The appeal consideration will be conducted in an impartial manner by the Vice President for Student Affairs and the Associate Dean of Faculty with the responsibility for diversity in Academic Affairs. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing, copies of documents submitted during the hearing, and the written appeal and written response (if any). Review of these materials shall be for one or more of the following purposes:

- **New Evidence**
  To consider whether there is sufficient new evidence that could affect the finding of the hearing and that was unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing.

- **Fairness**
  To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, was in conformity with prescribed procedures, and gave the complainant a reasonable opportunity to prepare and present evidence that a violation occurred and the respondent reasonable opportunity to prepare and present a rebuttal of these allegations.

- **Sufficient Evidence**
  To determine whether the decision reached regarding the charged student was based on a preponderance of the evidence.

- **Appropriateness of Sanctions**
  To determine whether the sanction(s) imposed was appropriate for the violation.

The Vice President of Student Affairs and the Associate Dean of Faculty shall confer in making a decision on appeal. In order to modify a decision, modify sanctions, or return the case to Judicial Council, the Vice President of Student Affairs and the Associate Dean of Faculty must concur. If not, the original decision and sanction(s) stands.

In the case of new evidence, they can return the case to Judicial Council to assess the weight and effect of the new information and render a determination after considering the new facts.

In the case of procedural error that materially affected the outcome of the hearing (related to Fairness or Sufficient Evidence above), the Vice President of Student Affairs and the Associate Dean of Faculty will return the case to Judicial Council for additional review or forward the case for a new hearing, which may be heard by an alternate hearing panel if they find that to be appropriate.

iii. **Decision Notification**
No more than ten class days from the date the response is submitted or the final date for submission of the response (whichever is earlier), the Vice President of Student Affairs shall communicate the decision on the appeal to the respondent, the complainant, and the Judicial Council Chair. If the imposed sanction is modified in any way, the Vice President of Student Affairs shall communicate that fact and the reasons for making such a modification to the respondent, the complainant, and the Judicial Council Chair, the decision on the appeal shall be final.

f. Confidentiality
All information pertaining to investigations and hearing proceedings is confidential and shall comply with the Family Educational Rights and Privacy Act.

g. Community Notification

Within five class days after completion of a judicial hearing and appeal (if any), the Judicial Council may publicly inform the Pitzer community (and, in cases involving complainants from the other Claremont Colleges, the home colleges of said complainants) of its decision, sanctions imposed, and the action on appeal (if any). In cases in which the respondent has been found in violation of the Discrimination, Harassment, and Sexual Misconduct Policy and Procedures, publicity (including the name of the student) shall be at the discretion of the President. In cases in which the respondent was found not to have violated the code, such publicity shall be at the discretion of the respondent.

h. Records of Disciplinary Action

1. Records of Judicial Council decisions and sanctions shall become part of the student's disciplinary files (those maintained in the Dean of Students Office) and shall be kept for a period of seven (7) years after the student's graduation or separation from the College.
2. Judicial Council proceedings shall continue against an accused student if the student withdraws from the College after being notified of a conduct complaint.
3. No student shall be graduated while a complaint brought against the student is pending before Judicial Council. No student shall be graduated without first fulfilling the terms of a disciplinary sanction.
4. The Dean of Students Office shall be responsible for enforcing disciplinary sanctions.
5. Any student on whom a sanction has been imposed may include in their student record a written response concerning the decision and sanction.
6. Notification of expulsion from the College for disciplinary reasons will be noted on the academic transcript.

PROCEDURES IF A FACULTY MEMBER IS THE RESPONDENT

Upon receipt of a complaint, the Complaint Officer will consult with the Complainant. If the Complainant requests confidentiality or requests that the complaint not be pursued, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. However, such a request for confidentiality may limit the College's ability to respond to the complaint. The College may also weigh the Complainant's request for confidentiality against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same individual, the Respondent's rights to receive information about allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act ("FERPA"), and other factors otherwise required by applicable

law. The College thus may decide to begin an investigation despite a request from the Complainant not to pursue the complaint, in cases where either issues of campus safety, or independent legal obligations to investigate or to protect the rights of other members of the community, pertain. The investigators (collectively the "Investigators") will meet with the Complainant to review the complaint, related policies, and these complaint procedures. The Investigators will also identify support resources and interventions or interim measures available to the Complainant.

1. **Complaints of Sexual Harassment:** The Title IX Coordinator shall be advised of any complaints of Sexual Harassment received by Complaint Officers. The Title IX Coordinator will, with the advice and consent of FEC, select three faculty investigators from the pool of trained investigators.

2. **Complaints of Harassment and Discrimination, other than Sexual Harassment**: the Complaint Officer will consult with both the Title IX Coordinator and FEC, and will, with the consent of FEC, select three faculty investigators from the pool of trained investigators. The investigators (collectively the "Investigators") will meet with the Complainant to review the complaint, related policies, and these complaint procedures. The Investigators will also identify support resources and interventions or interim measures available to the Complainant.
    a. The Complaint Officer may, after speaking with Complainant, determine that the conduct complained about clearly does not constitute harassment or discrimination and so inform the Complainant. The Complaint Officer may also determine that although the conduct does not constitute harassment or discrimination, if left unchecked it could develop into harassment or discrimination. In this case the Complaint Officer will speak with the individual(s) engaging in this conduct and/or take other steps to prevent such harassment or discrimination from occurring. In either case, FEC will be informed, in writing, of the judgment of the Complaint Officer, and FEC will make the final determination in regard to any remedies for conduct that is judged by the Complaint Officer to not have been harassment or discrimination.

3. The pool of trained investigators will include six faculty members jointly appointed by the Dean of Faculty and FEC. Faculty who enter the pool will remain in the pool for up to five years or until they serve on a case. Faculty will temporarily leave the pool when they take a leave from the College, whether a sabbatical leave or an unpaid leave. Faculty will not serve as investigators for a case between graduation and August 15 without financial compensation commensurate with the time required of them in this time period.

4. The Complainant and Respondent will each have the opportunity to dismiss at least one of the investigators, and can submit, to FEC, reasons for dismissing more than one. If FEC finds the case for dismissing more investigators compelling, and insufficient investigators

are available in the pool, the Dean and FEC will add faculty to the pool, providing them the training they need on a timely basis.

5. Every complaint will be investigated promptly and thoroughly. In conducting an investigation, the Investigators will be sensitive to the possibility of retaliation by the Respondent as the result of the initiation of an investigation. The Investigators will conduct interviews as needed with all appropriate individuals, including the Complainant and Respondent, and will gather any pertinent evidentiary materials.

6. The Investigators will normally complete their investigation within 60 calendar days, except in instances where there are a great number of witnesses, the investigation commences in close proximity to a holiday, break, or the end of an academic term, or other circumstances compel a longer timeframe for the investigation. After concluding their investigation, the Investigators will write an Investigation Report summarizing witnesses interviewed, evidentiary materials gathered, determination concerning any potential violations of College policies, and recommendations for remedies.

7. For all Sexual Harassment complaints, the Investigators will submit for review the Investigation Report to the Title IX Coordinator and the Vice President for Academic Affairs. For all other complaints, the Investigators will submit for review the Investigation Report to the Assistant Vice President of Human Resources and the Vice President for Academic Affairs. The Title IX Coordinator/Assistant Vice President of Human Resources or Vice President for Academic Affairs may refer back to the Investigators any questions concerning the report's contents or conclusions. After the Investigators successfully answer or resolve pertinent questions or concerns, or if the area Vice President agrees with the Investigators' conclusions, the Vice President for Academic Affairs will prepare a Statement of Alleged Violation which will summarize if the alleged conduct did or did not occur and if the Respondent is or is not responsible for violating College policy. The Vice President for Academic Affairs will also propose the remedies and/or sanctions to be imposed and include them in the Statement of Alleged Violation.

8. The Vice President of Academic Affairs will meet with the Complainant and Respondent, separately, to discuss the content of the Statement of Alleged Violation, and to provide them with copies of the document along with copies of the Investigators' report. The Vice President will be responsible for redacting, or providing summaries of portions of the report, to the extent needed to maintain the identity of witnesses in regard to specific testimony, to the extent that is not otherwise publically visible; any such alterations will be the minimum needed to preclude the identification of a witness. To protect the integrity of the investigation and potential hearing process, these documents should be kept confidential by the parties involved and not shared with witnesses or persons not involved

in the matter. However, complainants and respondents are not prohibited from sharing these documents with family, counsel, or a support person/advisor as defined in paragraph [insert], below. Neither the Complainant nor the Respondent are required to meet with the Vice President of Academic Affairs, and may decline to do so.

9. The Complainant and Respondent have the opportunity to respond, in writing, to the Statement of Alleged Violation within a set time period. The parties will have ten (10) business days after meeting with the Vice President of Academic Affairs, or after the Statement is provided in instances where they decline to meet with the Vice President of Academic Affairs, to submit a written response to both the Vice President of Academic Affairs and Title IX Coordinator.

10. After that period of 10 business days, all of the relevant documents will be forwarded to FEC. FEC will then determine which aspects of the Statement of Alleged Violation, inclusive of the proposed remedies and/or sanctions

11. Either the Complainant or Respondent may appeal adverse rulings of FEC to the President, based on one of two reasons: improper procedural issues or new evidence (defined in section IV. D). Sanction(s) or other interim measures may be imposed pending the outcome of any appeal filed as well as during the ten (10) day period in which an appeal may be filed. The Title IX Coordinator and Assistant Vice President of Human Resources will be notified by the President of any such response.

12. **President's Actions on Appeal**
    a. If a determination is made by the President that an appeal is warranted due to "improper procedural issues," then the initial investigative panel will be dismissed and a new one will be convened.
    b. If a determination is made by the President than an appeal is warranted due to "new evidence," then the case will be returned to the initial investigative panel for further investigation, building on the initial investigation as appropriate.

13. **Interim Measures:** The College may take interim measures deemed necessary in response to an allegation in order to protect an individual's rights and personal safety and the safety of the College community. All such interim measures against a faculty member will be proposed to FEC, which will determine whether to implement them before they began, except in cases in which the President and Vice President for Academic Affairs determine that there is a clear and present danger to safety of community members or an immediate need to protect an individual's rights. In cases, where the President and Vice President for Academic Affairs act without prior approval of FEC, they will refer their decisions to FEC, within one week, for FEC to review and either confirm, modify, or overturn.

Such measures include, but are not limited to, an interim suspension (immediate, temporary suspension pending the outcome of complaint process), a no contact order (an order that an individual refrain from direct or indirect contact with another person or persons), restrictions on access to campus or areas of campus, and/or appropriate changes in academic schedule. Interim measures may include reporting the matter to the local police. Failure by the Respondent to adhere to the parameters of any interim measure is a violation of College policy and may lead to additional disciplinary action.

Such interim measures may be imposed:

- In instances where it is determined that the Respondent poses a potential threat to another;
- To ensure the safety and well-being of members of the College community and/or preservation of College property;
- To ensure the Respondent's own physical or emotional safety and well-being; or
- If the Respondent poses a threat of disruption or interference with the normal operations of the College.

14. **Support Person/Advisor**: The Complainant and Respondent may each have a support person present with them at all meetings and any hearing associated with a complaint and in which the respective individual is participating. The support person must be a current member of the Claremont Colleges community and shall not have involvement in the underlying case. The support person may attend, but shall not participate in, meetings or the hearing. Because this is an administrative process, legal counsel will not be permitted, except when required by applicable law. In such cases an attorney will only be permitted in a non-participatory advisory role for the Complainant and/or Respondent at that individual's expense.

PROCEDURES IF A STAFF MEMBER OR THIRD PARTY IS A RESPONDENT

1. Upon receipt of a complaint, the Complaint Officer will consult with the Complainant. If the Complainant requests confidentiality or requests that the complaint not be pursued, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. However, such a request for confidentiality may limit the College's ability to respond to the complaint. The College may also weigh the Complainant's request for confidentiality against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same individual, the Respondent's rights to receive information about allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act ("FERPA"), and other factors otherwise required by applicable law. The investigators (collectively the "Investigators") will meet with the Complainant to review the complaint, related policies, and these complaint

procedures. The Investigators will also identify support resources and interventions or interim measures available to the Complainant.

a. **Complaints of Sexual Harassment:** The Title IX Coordinator and the Assistant Vice President of Human Resources shall be advised of any complaints of Sexual Harassment received by Complaint Officers. The Title IX Coordinator will select two investigators from a pool of trained investigators.

b. **Complaints of Harassment and Discrimination, other than Sexual Harassment**: The Title IX Coordinator and the Assistant Vice President of Human Resources shall be advised of any complaints of Harassment and Discrimination, other than Sexual Harassment. The Complaint Officer will consult with the Title IX Coordinator regarding the selection of the appropriate investigators. The investigators (collectively the "Investigators") will meet with the Complainant to review the complaint, related policies, and these complaint procedures. The Investigators will also identify support resources and interventions or interim measures available to the Complainant.
    i. The Complaint Officer may, after speaking with Complainant, determine that the conduct complained about does not constitute harassment, discrimination, or retaliation and so inform the Complainant. The Complaint Officer may also determine that although the conduct does not constitute harassment, discrimination, or retaliation, if left unchecked it could develop into such conduct. In this case the Complaint Officer will speak with the individual(s) engaging in this conduct and/or take other steps to prevent such harassment or discrimination from occurring and may be remanded to the area Vice President and Human Resources for disciplinary action.

c. The pool of Investigators will include:
    i. Two Staff members from the Human Resources Office
    ii. Two staff members from the Office of the Dean of Faculty
    iii. One staff member from SCR
    iv. Two staff members from the Office of Student Affairs

2. Every complaint will be investigated promptly and thoroughly. In conducting an investigation, the Investigators will be sensitive to the possibility of retaliation by the Respondent as the result of the initiation of an investigation. The Investigators will conduct interviews as needed with all appropriate individuals, including the Complainant and Respondent, and will gather any pertinent evidentiary materials.

3. The Investigators will normally complete their investigation within 60 calendar days, except in instances where there are a large number of witnesses, the investigation commences in close proximity to a holiday, break, or the end of an academic term, or other circumstances compel a longer timeframe for the investigation. After concluding their investigation, the Investigators will write an Investigation Report summarizing witnesses interviewed, evidentiary materials gathered, determination concerning any potential violations of College policies, and recommendations for remedies.

4. For all Sexual Harassment complaints, the Investigators will submit for review the Investigation Report to the Title IX Coordinator and the Vice President corresponding to the Respondent's area. For all other complaints, the Investigators will submit for review the Investigation Report to the Assistant Vice President of Human Resources and the Vice President corresponding to the Respondent's area. If the Vice President is the subject of the complaint, the Title IX Coordinator and Assistant Vice President of Human Resources will appoint a Vice President from a different office to perform these duties. The Title IX Coordinator/Assistant Vice President of Human Resources or Vice President may refer back to the Investigators any questions concerning the report's contents or conclusions. After the Investigators successfully answer or resolve pertinent questions or concerns, or if the area Vice President agrees with the Investigators' conclusions, the area Vice President will prepare a Statement of Alleged Violation which will summarize if the alleged conduct did or did not occur and if the Respondent is or is not responsible for violating College policy. The Vice President will determine the remedies and/or sanctions to be imposed and include them in the Statement of Alleged Violation.

5. The area Vice President will meet with the Complainant and Respondent, separately, to discuss the content of the Statement of Alleged Violation, and to provide them with copies of the document along with copies of the Investigators' report. To protect the integrity of the investigation and potential hearing process, these documents should be kept confidential by the parties involved and not shared with witnesses or persons not involved in the matter. However, Complainants and respondents are not prohibited from sharing these documents with family, counsel, or a support person/advisor as defined in section 10 below. Neither the Complainant nor the Respondent are required to meet with the Vice President, and may decline to do so.

6. The Complainant and Respondent have the opportunity to respond, in writing, to the Statement of Alleged Violation within a set time period. The parties will have ten (10) business days after meeting with the area Vice President, or after the Statement is provided in instances where they decline to meet with the area Vice President, to submit a written response to both the area Vice President and Title IX Coordinator. If the written response is a request for an appeal of the determination, it must be forwarded within the same ten (10) day period to both the President

and Title IX Coordinator. The ten (10) day period may be extended if the delivery of the Statement occurs in close proximity to a holiday, break, or the end of an academic term, or if exigent circumstances interfere with a party's ability to complete their response.

7. Either the Complainant or Respondent may appeal an adverse decision of the appropriate Vice President to the President of the College based on the two reasons: improper procedural issues or new evidence (defined in Reason for Appeals section below). Sanction(s) or other interim measures may be implemented pending the outcome of any appeal filed. The Title IX Coordinator/Assistant Vice President of Human Resources will be notified by the area Vice President of any such response.

    a. For any complaints that are not considered Harassment, Discrimination, and/or Retaliation, staff will follow the Appeal of Disciplinary Action Policy (available on the Human Resources web page or through the Human Resources office).

8. **Hearing Panel (Appeals Only)**
    a. If a determination has been made by the President that the appeal meets the criteria defined above, a three-person Hearing Panel will be convened by the President from a pool of available panelists within seven (7) business days from the receipt of the request for appeal. All members of the Hearing Panel will receive training on an annual basis at the beginning of each academic year. The composition of the Hearing Panel will be appointed by the President from the following pool and will be based on the status of the Complainant and the Respondent. The Hearing Panel pool will consist of:
        i. A staff member appointed by the Staff Council Representatives;
        ii. Up to three members of the investigator pool who were not involved in the investigation of the Complainant's claim
        iii. A student appointee from Judicial Council, in cases where a student is the Complainant
        iv. A member of the faculty appointed by the Faculty Executive Committee, in cases where a member of the faculty is the Complainant
        v. A student Complainant and/or Respondent may request that a student be placed on the panel. A Complaint Officer not involved in the initial investigation shall chair hearings before the Hearing Panel, but shall not vote. The Title IX Coordinator will serve as a non-voting advisor to the Chair.

    b. The Complainant and Respondent will be informed of the composition of the panel and have the opportunity to request and/or challenge the student member (as discussed

above). The Complainant and Respondent may also indicate at this point if they think any members of the panel have a conflict of interest. A conflict of interest occurs where an individual's personal objectives or interests are at odds with their judicial responsibilities. For example, if a member has also served as an advisor for a party to a complaint or has a close personal relationship with one of the parties, there may be a conflict of interest. The Chair will make the final determination as to whether or not such a conflict of interest exists and may consult with the Title IX Coordinator in making its determination. Individuals removed from the panel as a result of a challenge based on an allegation of a conflict of interest will be replaced by another member of the pool by the President.

c. The Hearing Panel will review the Investigators' Report, the Statement of Alleged Policy Violation, and the request for an appeal within ten (10) days of their selection to the Hearing Panel. The Hearing Panel may refer back to the Investigators or the area Vice President any questions concerning the contents or conclusions of the investigation materials or may ask additional questions of the Complainant and/or Respondent as part of the hearing.

    i. If the panel determines that "new" evidence that did not come to light during the investigation has been presented during the hearing, the panel may adjourn the hearing for a period that the panel deems appropriate to enable the Complainant and/or Respondent to respond to such evidence. Evidence is considered "new" only if the panel believes the evidence is relevant and important and could not with a reasonable effort have been discovered earlier by the party.

d. An appeal is not intended to be a new investigation of the complaint. In most cases, an appeal is confined to a review of the written documentation and/or record of the investigation and pertinent documentation regarding the grounds for appeal. In the cases where additional questioning is needed, the hearings will be closed, except to the Respondents and Claimants, and the attendance of lawyers will not be permitted. Both the Respondent and the Claimant may have an advisor/support person from within the Claremont Colleges community, approved by the panel, at the hearing. The advisor may consult with the party but may not address the hearing panel. Once the hearings have ended and the process of deliberation has begun, meetings of the panel will be closed to all but panel members and the Title IX Coordinator. All proceedings will be confidential and will not be discussed outside the process. Any witnesses and advisors must keep the hearing proceedings strictly confidential. To protect the integrity of the investigation and hearing process, the parties should also keep the hearing proceedings

confidential. However, Complainants and Respondents are not prohibited from sharing details of the hearing proceedings with family, counsel, advisor/support person, or other advisors of their choosing. The Hearing Panel may only find responsibility for claims or pieces of claims that appear on the Statement of Alleged Policy Violations prepared by the Area Vice President.

e. The Hearing Panel will prepare a Final Determination Report and submit it to the President within ten (10) business days of completing deliberations. The determination of the Hearing Panel will be the College's final and binding document for the resolution of the complaint.

f. The President will meet with the Complainant and Respondent, separately, within ten (10) business days of receiving the Final Determination Report from the Hearing Panel, to communicate the final determination of the College. Neither the Complainant nor the Respondent are required to meet with the President and may decline to do so. The area Vice President will proceed with enacting or retracting any remedies and/or sanctions identified in the Final Determination Report immediately following the meetings with the President or within five (5) days if either the Complainant or Respondent refuses to meet.

9. **Interim Measures**: The College may take whatever measures are deemed necessary in response to an allegation in order to protect an individual's rights and personal safety and the safety of the College community. Such measures include, but are not limited to, an interim suspension (immediate, temporary suspension pending the outcome of complaint process), a no contact order (an order that an individual refrain from direct or indirect contact with another person or persons), restrictions on access to campus or areas of campus, and/or appropriate changes in academic schedule. Interim measures may include reporting the matter to the local police. Failure by the Respondent to adhere to the parameters of any interim measure is a violation of College policy and may lead to additional disciplinary action.
    a. Such interim measures may be imposed:
        i. In instances where it is determined that the Respondent poses a potential threat to another;
        ii. To ensure the safety and well-being of members of the college community and/or preservation of College property;
        iii. To ensure the Respondent's own physical or emotional safety and well-being; or
        iv. If the Respondent poses a threat of disruption or interference with the normal operations of the College.

10. **Support Person/Advisor:** The Complainant and Respondent may each have a support person present with them at all meetings and any hearing associated with a complaint and in which the respective individual is participating. The support person must be a current member of the Claremont Colleges community and shall not have involvement in the underlying case. The support person may attend, but shall not participate in, meetings or the hearing. Because this is an administrative process, legal counsel will not be permitted, except when required by applicable law. In such cases an attorney will only be permitted in a non-participatory advisory role for the Complainant and/or Respondent at that individual's expense.

REASON FOR POSSIBLE APPEAL

A. From Decisions of the Appropriate Vice President Concerning Cases of Harassment, including Sexual Harassment, Discrimination and Retaliation

Either the Complainant or Respondent may appeal an adverse ruling of the appropriate Vice President to the President of the College. An appeal is not intended to be a new investigation of the complaint. In most cases, an appeal is confined to a review of the written documentation and/or record of the investigation and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for the President to substitute their judgment for that of the Investigators or the appropriate Vice President merely because the President disagrees with the finding and/or sanction(s). Appeal decisions are to be deferential to the Investigators, and the Vice Presidents, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

Complaints that are not considered Harassment and/or Discrimination (as defined in section 1.b.1), staff will follow the Appeal of Disciplinary Action Policy.

Written notice of intention to appeal and written reasons for the appeal shall be provided within ten (10) business days of the Vice President's decision.

The decisions made by an appropriate Vice President are generally final. Appeal of the decisions may be made on only two grounds. Either or both may be cited in the appeal.

1. **Improper Judicial Procedure.** The party may appeal if the procedures outlined in the Discrimination and Harassment policies are violated. The President shall consider:
    a. Whether provisions of the policies were violated in such a clear manner as to deny the respondent consideration of their position during the hearing.
    b. Whether the panel, through negligence or lack of impartiality, overlooked or flagrantly ignored information which would have led to a different finding concerning the alleged violation of the Discrimination and Harassment policies.

If the President accepts an appeal made on the grounds of improper judicial procedure, the President shall order the creation of a new hearing panel. The President may provide specific directives or explanations for the guidance of the hearing panel.

2. **New Evidence.** During the standard hearing process, sufficient time is allowed to gather all available evidence. However, in extraordinary circumstances a party may appeal if new evidence becomes available. The President must consider:
   a. Whether the evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing; and
   b. Whether the evidence would have led to a different conclusion had it been available.

   If the President answers in the affirmative to both of these questions, the President will grant the appeal and send the case to a hearing panel for reconsideration and may provide specific directions or explanations for the guidance of the hearing panel.

In certain extraordinary circumstances and in consultation with the appropriate Vice President, the Title IX Coordinator may request the President to review a case on the grounds of fairness and precedent. If such an appeal is granted, the case shall be heard by a hearing panel.

Written notice of any appeal decision shall be provided to both parties, the Title IX Coordinator/Assistant Vice President of Human Resources, and the appropriate Vice President, normally within 30 days after the appeal request has been submitted by a party, unless unforeseen events or unusual circumstances compel a longer review period. Sanction(s) or other interim measures may be implemented pending the outcome of any appeal filed. The Hearing Panel's decisions concerning all appeals are final.

Sanction(s) or other interim measures may be implemented pending the outcome of any appeal filed. A request may be made to the President for special consideration in exigent circumstances, but the presumptive stance of Pitzer College is that the sanctions will stand. In cases where the appeal results in reinstatement to the College or of privileges, all reasonable attempts will be made to restore the individual to their prior status, recognizing that some opportunities lost may be irretrievable.

V. Appointment and Duties of a College Complaint Officer

The office responsible for the category of the Respondent (i.e. student, faculty, or staff) normally will be in charge of the investigation. It will be the responsibility of each Complaint Officer to:

a. Administer and conduct discrimination and harassment investigations (not involving allegations of sexual misconduct) pursuant to this policy;
b. Maintain and monitor confidential records relating to complaints brought under this policy;
c. Initiate formal or informal resolution procedures as appropriate.

The Complaint Officers shall also have the authority to:

a. Coordinate with the other Complaint Officers an on-going, campus-wide educational program designed to help all members of the Pitzer College community understand, prevent, and combat harassment and discrimination;
b. Oversee the dissemination of this policy;
c. Suggest training courses and seminars as part of the informal resolution process;
d. Initiate follow-up with respect to cases that have been resolved; and
e. Provide annual reports to the President and to the whole Pitzer College community on efforts against harassment and discrimination at the College.

VI. Record Retention

Records of investigations and hearings are maintained by the College as indicated below.

1. **Students**: For Complainants and Respondents, who are students, the records will be maintained for five (5) years past the student's graduation or if the student leaves the College before graduation, for five (5) years past their original expected graduation date.

2. **Faculty or Staff**: For Complainants and Respondents who are faculty or staff, the records will be maintained for five (5) years past the conclusion of the investigation and any hearing, or the end of employment with the College, whichever of these is later.

VII. Special Provisions

A. **Attempted Violations**: In most circumstances, the College will treat attempted conduct as if that conduct had been completed.
B. **College as Complainant:** As necessary, the College reserves the right to initiate a complaint, to serve as Complainant, and to initiate complaint proceedings without a formal complaint by the subject of the alleged misconduct.
C. **Alcohol and substance use:** The use of alcohol or other drugs will never function as a defense for any behavior that violates College policy.
D. **Past Sexual History:** The past sexual history of a party will generally not be admissible by the other party in an investigation or hearing unless such information is determined to

be highly relevant by the Title IX Coordinator. If the party believes the past sexual history of the other party is relevant to the investigation and/or hearing they must submit a written request to the Title IX Coordinator explaining the nature of the information and why the information is relevant to the investigation and/or hearing. The Title IX Coordinator will review the request and render a decision within two (2) business days.

E. **Respondent's Prior Conduct History:** Any previous College policy violation(s) by the Respondent are generally not admissible as relevant evidence about the present allegation. However, the Title IX Coordinator or Complaint Officer may supply information about previous behavior and/or complaints to the Investigator(s), and appropriate hearing officers or panels:
    1. The Respondent was previously found to be responsible for a similar violation; or
    2. The information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

However, a Respondent's prior conduct will be taken into consideration by the appropriate Vice President, President and a panel (when applicable) when determining what sanction(s) to recommend or impose.

VIII. Rights of Parties Involved in a Proceeding Under These Policies

A. **Complainants** are afforded the following rights:
    1. To be treated with respect, dignity, and sensitivity throughout the process.
    2. To seek support services from the College, including those provided by Monsour Counseling and Psychological Services.
    3. For student Complainants, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). For all Complainants, the College will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know.
    4. To be informed of the College's policies and complaint procedures related to discrimination, harassment, sexual misconduct, and retaliation.
    5. To a prompt and thorough investigation of the allegation(s).
    6. To challenge the appointment of the Investigator or a Board member or request an alternate Vice President if a conflict of interest is present.
    7. To participate or decline to participate in the complaint process related to a discrimination, harassment, sexual misconduct, and/or retaliation complaint with the understanding that the process may continue without their involvement and that the Investigator and/or Board will determine an outcome with the information available to it.

8. To appeal the decision made by the Investigator, Title IX Coordinator or Board and sanction(s) determined by the appropriate Vice President in accordance with the procedures set forth above.
9. To be notified, in writing, of the case resolution – including the outcome of any appeal.
10. To report the incident to law enforcement and/or civil authorities if one wishes to do so.
11. To understand that information collected in this process may/could be subpoenaed for a criminal or civil proceeding.
12. To have a support person/advisor by the student, faculty or staff complaint procedures.

B. **Respondents** are afforded the following rights:

1. To be treated with respect, dignity, and sensitivity throughout the process.
2. To seek support services through the College, including through Monsour Counseling and Psychological Services.
3. For student Respondents, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). For all Respondents, the College will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know.
4. To be informed of the College's policies and complaint procedures related to discrimination, harassment, sexual misconduct, and retaliation.
5. To a prompt and thorough investigation of the allegation(s).
6. To challenge the appointment of the Investigator, a member of the Board or request an alternate Vice President if a conflict of interest is present.
7. To participate or decline to participate in the review procedure, with the understanding that the process will continue regardless, and the Investigator and/or Board will determine an outcome with the information available to it.
8. To appeal either the decision or sanctions of the appropriate Vice President in accordance with the procedures set forth above.
9. To be notified, in writing, of the case resolution – including the outcome of the appeal.
10. To report the incident to law enforcement and/or civil authorities if one wishes to do so.
11. To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.

12. To have a support person/advisor as defined by the student, faculty or staff complaint procedures.

IX. Alternative Resolution Options

In some circumstances, in addition to the resolution procedures discussed above in Section IV, the College may choose an alternative form of resolution to the one provided in this Document. In these instances, the College will attempt to gain approval from both parties whenever possible. This alternative process will adhere to Title IX standards.

A. **Mediation:** This informal procedure is intended to resolve actual or perceived instances of harassment and discrimination through agreement and mutual understanding between the parties involved without the need for more formal action by the College. Informal resolution will normally be completed within four weeks although mediation, if required, may take longer.

After the Complaint Officer or other investigator completes an investigation, both parties may agree to attempt an informal resolution of a charge of harassment or discrimination. If the Complaint Officer determines that such an informal process is appropriate under the facts and circumstances of the case, one or more of the following, or similar, methods may be utilized:

a. A meeting of the Complaint Officer, the Complainant, and the Respondent; and/or
b. A meeting between the Complaint Officer and the Respondent; and/or
c. A recommendation of training courses or seminars for either principal; and/or
d. Referral of the case to a mediator who has both legal and/or personnel relations experience. The mediator will discuss the issues with both principals and seek appropriate actions by the principals involved to reach an acceptable resolution. Mediation must be agreed to by both parties. Mediation is not an option for resolution in cases involving allegations of sexual assault.

At the conclusion of an informal procedure which results in the parties and the Complaint Officer agreeing the charge has been successfully resolved, each party will be asked to sign an acknowledgment that the informal procedure was performed with their agreement and resulted in a resolution of the charge that was satisfactory to each party.

The details of any conditions agreed to by either party (e.g. counseling, the avoidance of a particular behavior) may be included in this agreement. Signing the acknowledgment form is the final step in the informal resolution process and is entirely voluntary. There will be no adverse consequences for anyone who declines to participate in the informal resolution procedure or who participates in an informal resolution procedure and then subsequently

declines to sign the acknowledgment of resolution. The signed acknowledgment will be kept in the confidential files of Human Resources and available to its Complaint Officers.

If either party declines to sign the acknowledgment of an agreement, the informal procedure will be deemed unsuccessful.

X. The College's External Reporting Obligations

A. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act")

1. **Statistical Reporting**: Certain College officials have a duty to report certain misconduct for federal statistical reporting purposes ("Clery Act"). 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 Fire Safety and 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: staff in the Office of Student Affairs, 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 victim and may be done anonymously.
2. **Timely Warning**: Complainants 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 harm or danger to members of the College community. For purposes of the Timely Warning requirement, the College will not disclose a Complaint'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.

B. FERPA

1. The outcome of a campus hearing is part of the educational record of the Respondent, if they are a student, and the employee record if they are a faculty or staff member. 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:

a. The Complainant(s) in a non-consensual sexual contact/intercourse incident have the right to be informed of the finding, and sanction(s) of the investigation or hearing, in writing, without condition or limitation.
b. The Complainant(s) 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.
c. The Clery Act permits the College to release publicly the name, 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 Complainant in any of these offenses regardless of the outcome.

C. **Disclosure to Victims of Crimes of Violence Policy Statement**

Pitzer College will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States code), or a non-forcible sex offense (incest or statutory rape), the report on the results of any disciplinary proceeding conducted by Pitzer College 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.

Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by Pitzer College.

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:

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly communicate their intentions to you.
2. Understand and respect personal boundaries. Do not pressure a potential partner.
3. DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent and you should stop.
4. 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.
5. Don't take advantage of someone's drunken, drugged, or otherwise incapacitated state, even if they did it to themselves.
6. 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.
7. Understand that consent to some form of sexual behavior does not automatically equal consent to any other form of sexual behavior.
8. 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 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.

1. If you have sexual limits, make them known as early as possible.
2. If you do not want to engage in a particular activity, tell the other person "NO" clearly and firmly.
3. Try to remove yourself from the physical presence of a sexual aggressor, if you can do so safely.
4. If someone is nearby, ask for help or if it is safe to do so, text or call someone.
5. 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.
6. 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.

Frequently Asked Questions: Sexual Assault and Misconduct

Below are some of the most commonly asked student questions regarding sexual misconduct, including sexual assault, dating/domestic violence, and stalking.

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, all 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 victim. 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/victim) have to pay for counseling/or medical care?**
   Students can access TCC Counseling Service, and the Counseling Service 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: https://services.claremont.edu/student-health-services/

3. **Will my parents or guardian be told?**
   Unless you are under 18 years old, no; not unless you tell them. Whether you are the Complainant or the Respondent, the College's primary relationship is to you, the student, and not to your parent or guardian. However, we strongly encourage you to communicate with your parents when you are in distress whether for medical, behavioral, or academic reasons. Moreover, the College has an obligation to and will contact your parents if we believe your health or safety is at risk or if your status at the College is at risk (due to residential or College suspension or expulsion). In addition, College officials will speak with your parents directly at your request.

4. **Do I have to name the alleged perpetrator?**
   Yes, if you want the College to pursue its complaint procedures as outlined in this Document.
   No, if you choose to respond informally and do not file a formal complaint. You should consult

the confidentiality provisions set forth in the Document to better understand the College's legal obligations depending on what information you share with different College officials. Complainants should be aware that not identifying the alleged perpetrator may limit the College's ability to respond comprehensively.

Report is continued on next page.

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/alleged victim. If there is a hearing, the College does provide alternative testimony options.

6. **What do I do if I am accused of sexual misconduct?**
   DO NOT contact the Complainant. 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 complaint procedures for addressing sexual misconduct complaints. You may also want to seek confidential counseling through the counseling center or seek support through off campus services in the community. See below regarding legal representation.

7. **What about legal advice?**
   Complainants do not need private legal counsel to pursue criminal prosecution because representation will be handled by the District Attorney's office. However, it is the Complainant's choice whether or not to retain an attorney and you may want to retain an attorney if you are considering filing a civil action. Respondents may want to retain legal counsel given the potential for criminal and/or civil action. Legal counsel may only participate in College proceedings as a support person to their respective party and at that individual's expense.

8. **What about accommodations for safety and wellbeing, such as room changes?**
   The College provides written notification to students and employees (including faculty) about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for survivors of sexual assault, dating/domestic violence, and stalking both within the College and Consortium, and in the community.

   Written notification is also provided to victims about their options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or other protective measures.

   The College is obligated to comply with a student's reasonable request for a change in the student's living situation, academic schedule, or other reasonable accommodation following a

report of sexual misconduct to the Title IX Coordinator or other Responsible Employee. The responding party ("Respondent") also is entitled to reasonable accommodations.

A party may request a room change through the Title IX Coordinator, who will facilitate with a Dean of Campus Life room change to the first available, suitable room. Involuntary changes to a living situation (e.g. if a Complainant wants the Respondent to move), will only be instituted if determined to be a necessary interim measure in the event of a formal complaint.

Other accommodations or assistance available to the parties include:

- No contact orders;
- 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;
- Assistance in filing a police report;
- Assistance with financial aid;
- Assistance with visa or immigration status or related issues;
- Other accommodations as necessary for health and safety.

9. What should I do about preserving evidence of a sexual assault?

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 120 hours (although the sooner the better for collection of evidence), though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the emergency room, before washing yourself or your clothing. The Sexual Assault Nurse Examiner, a nurse who is specially trained to collect evidence in cases of alleged sexual assault, at Pomona Valley Hospital Medical Center (1798 N. Garey Avenue, Pitzer, CA 91767, 909-865-9500) is usually on call 24 hours a day, 7 days a week. If you decide to seek medical attention and wish to have evidence collected, contact the emergency room and request that they call a SANE nurse.

The hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence.

You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. If you would like someone from the College staff to accompany you to the hospital, contact Campus Safety at 909-607-2000 and ask them to contact the On-Call Dean. An On-Call Dean is available whenever the College offices are closed to assist students in emergency situations. In addition, the Advocates for Survivors of Sexual Assault are a student support resource.

If you go to the hospital, local police will be called, but you are not obligated to talk to the police or to pursue prosecution. Collecting evidence can assist the authorities in pursuing criminal charges, should you decide later to do so at a later date. Collecting evidence will not obligate you to any course of action.

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.

13. **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.

14. **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, an Advocate for Survivors of Sexual Assault, or a rape crisis hotline.

Advocates for Survivors of Sexual Assault are a trained student group who are available through a pager system to assist students who have experienced sexual assault or misconduct on a 24/7 basis (909-607-1778). While the Advocates do not enjoy a legal confidentiality privilege as the other College officials listed above, they are considered to be confidential resources and not mandated reporters.

What to Do if You Have Experienced Sexual Misconduct, Including Sexual Assault

If you have been a victim 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.

1. **Get away from your attacker and to a safe place as soon as possible.** Call 911 or Campus Safety (909-607-2000).

2. **Seek medical attention** to assess and treat any injuries, screen for pregnancy and any sexually transmitted infections, and collect evidence (if you consent to do so). If you decide to seek medical attention, contact the emergency room at **Pomona Valley Hospital Medical Center** (1798 N. Garey Avenue, Pomona, CA 91767, 909-865-9500) in advance and request that they call a Sexual Assault Nurse Examiner (SANE), a nurse who is specially trained to collect evidence. A SANE nurse is usually on call 24 hours a day, 7 days a week. Evidence can be collected up to 96 hours after the incident. If you have changed clothing since the incident, bring the clothing you had on at the time with you to the hospital in a clean paper bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital.

   You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. If you would like someone from the College staff to accompany you to the hospital, contact Campus Safety at 909-607-2000 and ask them to contact the On-Call Dean.

   Advocates for Survivors of Sexual Assault are a trained student group who are available through a pager system to assist students who have experienced sexual assault or misconduct on a 24/7 basis (909-607-1778). While the Advocates do not enjoy a legal confidentiality privilege as the other College officials listed above, they are confidential resources and not mandated reporters.

   If you go to the hospital, the police will be called, but you are not obligated to talk to the police or to pursue prosecution. Collecting evidence will not obligate you to any course of action but can assist the authorities in pursuing criminal charges should you decide later to do so later.

3. **Seek support**: Don't be afraid to ask for help and support; feelings of shame, guilt, fear, and shock are normal. Call a trusted friend or family member or one of the on and off campus resources listed below:

   Title IX Coordinator: Corinne Vorenkamp (Broad Center 212, 909-607-2958).

   On-Call Deans (For assistance after business hours and weekends): contact the On Call Dean through Campus Safety at 909-607-2000.

   Advocates for Survivors of Sexual Assault: 909-607-1778 (See above).

   EmPower Center: 909-607-2689; 1030 Dartmouth Ave

   Monsour Counseling and Psychological Services: 909-621-8202 during normal business hours. For assistance after hours, contact the on-call therapist through Campus Safety at 909-607-2000.

   Student Health Services: 909-621-8222 during normal business hours. For assistance after hours, contact the on-call doctor through Campus Safety at 909-607-2000.

   Crisis Hotlines:

   Project Sister Sexual Assault 24/7 Crisis Hotline (Claremont, CA):
   800-656-4673
   909-626-HELP (909-626-4357)

   National Sexual Assault 24/7 Crisis Hotline (RAINN):
   800-656-HOPE

4. **Talk with the Title IX Coordinator about your options.** The Title IX Coordinator will review your options and support resources both on and off campus. Regardless of when the incident occurred it is never too late to speak with someone regarding support resources and your other options.

Sex Offender Registration – Campus Sex Crimes Prevention Act
Megan's Law

Since 2004, the public has been able to view information on sex offenders required to register with local law enforcement under California's Megan's Law. Previously, the information was available only by personally visiting police stations and sheriff offices or by calling a 900 toll-free number. The law was given final passage by the Legislature on August 24, 2004 and signed by the Governor on September 24, 2004.

California has required sex offenders to register with their local law enforcement agencies since 1947. California's Megan's Law provides the public with certain information on the whereabouts of sex offenders so that members of our local communities may protect themselves and their children. Megan's Law is named after seven-year-old Megan Kanka, a New Jersey girl who was raped and killed by a known registered sex offender who had moved across the street from the family without their knowledge. In the

wake of the tragedy, the Kankas sought to have local communities warned about sex offenders in the area. All states now have a form of Megan's Law. This information is available on the Internet at https://www.meganslaw.ca.gov/.

Dating Violence, Domestic Violence, Sexual Assault, and Stalking Prevention Programs

Pitzer College is committed to preventing all forms of sex discrimination and harassment, including sexual violence. Pitzer College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. All incoming students and new employees are required to participate in and complete training designed to help prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches. Pitzer College has a robust bystander prevention program (Teal Dot), and also offers ongoing prevention programs throughout the year on these topics.

The Office of Student Affairs in conjunction with the Title IX Office is primarily responsible for sexual violence prevention programs in collaboration with many student organizations, departments at Pitzer, and The Claremont Colleges Services. Together, these offices offer a variety of year-round programming focusing on primary prevention of sexual and gender-based violence. They also offer frequent programs focused on secondary prevention, such as workshops and trainings offered throughout the year (and required for Residential Life staff) on how to support a survivor of sexual assault in a trauma-informed way, and tertiary prevention such as trauma-informed yoga and art healing programs.

Below is a list of some of the primary prevention trainings and programs at the College between January 1, 2020 – December 31, 2020.

Prevention Programming for First-Year Students

Prevention programming for first-year students in 2020 consisted of the following primary prevention program:

EVERFI Understanding Sexual Assault for Undergraduates: Mandatory online sexual violence prevention education program, which all new students are encouraged to completed before Orientation and required to complete before course registration. Students complete Part 1 of each course, and after a 45-day intersession, complete Part 2 of the course.

Prevention Programming for Employees & Specific Mandatory Prevention Training

Teal Dot Bystander Engagement Training

Another central component of the College's ongoing prevention programs for students, staff, and faculty is the Teal Dot Bystander Engagement Training. The training is a 3-hour session that equips participants to recognize potentially dangerous situations and to safely intervene to prevent and reduce dating violence and sexual assault on campus. Sessions are offered at Pitzer and across The Claremont Colleges throughout the academic year, with robust participation across the campuses. The sessions are

led by trained groups of peers (student-led groups for students; staff/faculty-led groups for staff/faculty), with some sessions open to all.

There were four Teal Dot sessions offered across The Claremont Colleges in 2020, as well as one one-hour "Train-the-Trainer" sessions for students, staff, and faculty to prepare them to lead future Teal Dot trainings.

Undergraduate student sessions, open to students from all campuses within The Claremont Colleges (including Pitzer College) were offered on the following dates in 2020:

> February 13, 2020 (at Harvey Mudd College); February 28, 2020 (at Pitzer College); March 5, 2020 (at the Claremont Collegiate Apartments)

A staff/faculty session was offered to all staff and faculty members of The Claremont Colleges on February 7, 2020.

A Train-the-Trainer session for future Teal Dot trainers was held on February 14, 2020 for faculty, staff and student leaders.

Mandatory Employee Training

All new hires to Pitzer College are assigned the following interactive, online, training upon hire and asked to complete the course within 60 days:

Preventing Harassment and Discrimination: Non-Supervisors with Title IX/Clery Module: Prepares faculty and staff to cultivate and maintain a workplace culture resistant to discrimination, harassment, and retaliation. Faculty and Staff will be equipped with the information and skills that promote intervention, empathy, and allyship. This course includes a section specific to requirements under Title IX and the Clery Act.
Preventing Harassment and Discrimination: Supervisors with Title IX/Clery Module: Prepares leaders to cultivate and maintain a workplace culture resistant to discrimination, harassment, and retaliation. Faculty and staff will be equipped with the information and skills that promote intervention, empathy, and allyship. This course includes a section specific to requirements under Title IX and the Clery Act.

The following programs are mandatory for certain student employee positions at Pitzer College and The Claremont Colleges:

Building Supportive Communities: Clery Act and Title IX - This course takes a close look at the issue of sexual harassment, including sexual assault, relationship violence, and stalking, in higher education.
Responding to and Reporting Disclosures of Sexual Misconduct – This in-person training by the Title IX Coordinator provides an overview of sexual assault, dating/domestic violence, and stalking;

best practices for effectively communicating in a supportive manner and providing resources to students who disclose these harms; and student staff responsibilities to timely report these disclosures to the Title IX Office. There are also opportunities for students to practice these skills in small group settings.

The following training is required by Pomona-Pitzer athletes and staff members:

EVERFI Sexual Assault Prevention (Athletes & Coaches): Mandatory online sexual violence prevention education program for Pomona-Pitzer Athletes and Staff, which all athletes and coaches must complete prior to first date of competition. Student athletes and staff complete Part 1 of each course, and after a 45-day intersession, complete Part 2 of the course. This program allows Pomona-Pitzer athletics to be in compliance with the NCAA Board of Governor's Policy on Campus Sexual Violence enacted in 2017.

Additional Prevention Trainings and Programs

Below is a list of some of the other prevention trainings and programs that were offered at the College or The Claremont Colleges between January 1, 2020 – December 31, 2020:

Title IX Office and EmPOWER Center International Student Session (January 16, 2020): This mandatory training for international students provided information about consent, sexual assault, dating/domestic violence, and stalking. It also covered information about bystander intervention and reporting options, including support measures through the Title IX Office, as well as confidential support resources including the EmPOWER Center.

Pitzer Title IX Office and EmPOWER Center Transfer Student Session (January 18, 2020): This session for Pitzer transfer students covered information about reporting options, including support measures through the Title IX Office, as well as confidential support resources including the EmPOWER Center.

Pitzer Advocates Training with EmPOWER Center (February 16, 2020): This 1-hour training was provided by the EmPOWER Center to the Pitzer Advocates that discussed campus and community support resources, reporting resources, as well as how to support a student who has disclosed experiencing sexual assault, domestic violence and/or stalking. The Pitzer Advocates are a student group of individuals seeking to support and foster community and allyship for survivors of sexual assault, sexual harassment, domestic violence, hate crimes, or related experiences.

Heart of Gold Film Screening (February 20, 2020): Heart of Gold film screening to build awareness about the prevalence of sexual assault, the impact it has on survivors, why it is often so hard for survivors to come forward and share their story, and ways to prevent child sexual abuse and sexual assault.

Restorative Yoga (February 25, 2020): This hour-long tertiary prevention (wellness) activity took place at Pitzer College's Gold Student Center and was open to all students at The Claremont Colleges. The activity was presented by the EmPOWER Center and also provided information about EmPOWER Center support and educational/training services.

Zines, Poetry, Colleges and More: An Evening for Healing and Self-Care (March 6, 2020): A two-hour event presented by the EmPOWER Center to provide support and resource information for survivors of sexual assault.

EmPOWER Center Community Assistant Orientation Training Session (August 7, 2020): This session was offered to Pitzer international students and shared information about EmPOWER Center support and educational/training services.

Pitzer Advocates Training with EmPOWER Center (August 11, 2020): This 1-hour training was provided by the EmPOWER Center to the Pitzer Advocates and provided an overview of campus and community support resources, reporting resources, as well as how to support a student who has disclosed experiencing sexual assault, domestic violence and/or stalking. The Pitzer Advocates are a student group of individuals seeking to support and foster community and allyship for survivors of sexual assault, sexual harassment, domestic violence, hate crimes, or related experiences.

EmPOWER Center Keck Summer Science Immersion Program Session (August 13, 2020): This session was offered to Pitzer international students and shared information about EmPOWER Center support and educational/training services.

EmPOWER Center New Student Orientation Student Support Services Session (August 14, 2020): This session was offered to Pitzer international students and shared information about EmPOWER Center support and educational/training services.

Restorative Yoga (October 2020): This hour-long tertiary prevention (wellness) activity took place at Pitzer College's Gold Student Center and was open to all students at The Claremont Colleges. The activity was presented by the EmPOWER Center and shared information about EmPOWER Center support and educational/training services.

EmPOWER Center Healthy Relationships Workshops (October 1 and November 12, 2020): This workshop was offered to all students at The Claremont Colleges.

Wellness Wednesday: Pitzer Resources (October 28, 2020): During this weekly student support series, resources available to students were discussed including the EmPOWER Center and Title IX office.

Restorative Yoga (October 30, 2020): This hour-long tertiary prevention (wellness) activity took place at Pitzer College's Gold Student Center and was open to all students at The Claremont Colleges. The activity was presented by the EmPOWER Center and provided information about EmPOWER Center support and educational/training services.

Center for Pacific Asian Family (CPAF) and EmPOWER Center Event: Culture, Consent and Power (November 2020): This one-hour session was open to all students of The Claremont Colleges and focused on sexual assault prevention.

Restorative Yoga (November 13, 2020): This hour-long tertiary prevention (wellness) activity took place at Pitzer College's Gold Student Center and was open to all students at The Claremont Colleges. The activity was presented by the EmPOWER Center and shared information about EmPOWER Center support and educational/training services.

Resident Assistant Programming: Due to the impact of COVID-19, the following limited programming, facilitated by Resident Assistants took place in 2020:

> **7C Violence Prevention & Advocacy Bulletin Board (January 18, 2020):** This bulletin board informs about Violence Prevention on the Pitzer campus and The Claremont Colleges resources. Particularly, provides information about the EmPOWER Center.
>
> **Mead X Sexual Health Resources Bulletin Board (January 26, 2020):** This bulletin board provides students with a plethora of information about Sexual Health Resources on the 5C campuses (the undergraduate campuses within The Claremont Colleges). Information regarding healthy relationships, upcoming dates and deadlines, posters and signs of solidarity with LGBTQ+ community, words of encouragement, and information on consent were also included.
>
> **Sexual Violence Prevention and 5C Resource Support Door-to-Door (February 13, 2020):** Resident Assistants (RAs) dropped off resource packets to residents in the residence halls.

Awareness and Support Programs

In addition to the prevention programs above, there are regular, ongoing support services and options for those impacted by dating/domestic violence, sexual assault, and stalking. These include:

Passive Educational Bulletin Boards in Residence Halls: Resident Assistants developed educational bulletin boards to create awareness and promote prevention on topics ranging from healthy relationships, Title IX resources, and confidential versus non-confidential resources.

Confidential Support for Survivors of Sexual Assault (Year-Round): Hosted by the EmPOWER Center, this program provides year-round confidential support for survivors of sexual assault, dating/domestic violence, stalking, and sexual harassment (and for their friends and family) – individual counseling, support groups, drop-in hours, and confidential advocate available.

Campus Security Policies, Crime Prevention and Safety Awareness Programs

Pitzer College has established a number of policies and procedures related to ensuring a reasonably safe campus community. These policies include:

Behavioral Intervention & Threat Assessment Teams

In order to extend our efforts on emergency preparedness and prevention, Pitzer College has established the Pitzer Intervention Team (PIT), which serves as the centralized coordination team for discussion, assessment and action regarding students exhibiting behaviors including, but not limited to, distress, community disruption, and/or danger to self or others. Committed to proactive, early intervention, the PIT supports students directly and through consultation with campus partners. When necessary, the PIT also assesses risk of harm to the College community and coordinates appropriate action, including, but not limited to, engaging the multidisciplinary College Threat Assessment Team to evaluate the potentially threatening incident or behaviors and ensure the safety of individual students, and the College at large. The multi-disciplinary Threat Assessment Team is comprised of members from around the College community, including, but not limited to, Human Resources, Campus Safety, the Office of Student Affairs, Academic Affairs, and Monsour Counseling. For further information, please contact the Office of Student Affairs at 909-621-8241.

Weapons Policy

The possession, carrying and use of weapons, ammunition, or explosives is prohibited on College owned or controlled property. The following items are absolutely prohibited in the residence halls, and in vehicles anywhere on campus. These items include, but are not limited to, guns (including BB guns, pellet rifles, paint guns and other weapons which propel projectiles), ammunition, knives, switchblades, swords, other bladed weapons, fireworks, and any objects that can be used for blunt force. These items are prohibited even if they are intended for decoration, recreation, or ceremonial use. In addition, combustibles in containers, such as gasoline cans or camping fuel, are never allowed in the residence halls. Failure to comply with the College weapons policy will result in disciplinary action against violators.

State of California Department of Justice Victim's Bill of Rights

Your Rights as a Crime Victim:

As a victim of crime, you have rights. Also, you can expect to receive information, practical and emotional support, and be able to participate in the criminal justice process. These standards were created to make sure that you are treated with dignity and respect at all times, regardless of your gender, age, marital status, race, ethnic origin, sexual orientation, disability or religion. The Victim's Bill of Rights Act of 2008: Marsy's Law (Proposition 9) is available at http://oag.ca.gov/victimservices/content/bill_of_rights. Additional victim's services regarding the

criminal process is available from the California Secretary of State. Please click on the following website for additional information: http://oag.ca.gov/victimservices.

Marsy's Law significantly expands the rights of victims in California. Under Marsy's Law, the California Constitution article I, § 28, section (b) now provides victims with the following enumerated rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To provide reasonable notice of and to reasonably confer with the prosecuting agency, **upon request**, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, **upon request**, to be notified of and informed before any pre-trial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, **upon request**, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, **upon request**, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. To receive, **upon request**, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. To be informed, **upon request**, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. To restitution.

14. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
15. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
16. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
17. To the prompt return of property when no longer needed as evidence.
18. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, **upon request**, of the parole or other release of the offender.
19. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
20. To be informed of the rights enumerated in paragraphs (1) through (16).

For more information about your detailed rights or to file a complaint if you believe your rights have been violated, please contact: The State of California Department of Justice Victims' Services Unit at https://oag.ca.gov/victimservices/contact. Source: State of California Department of Justice Office of the Attorney General "Victims' Bill Of Rights retrieved from http://oag.ca.gov/victimservices/content/bill_of_rights .

Student Conduct

The Office of Student Affairs Mission Statement

Student Affairs advances Pitzer's Mission and Core Values by providing student-centered support services and an engaging co-curricular program. We are committed to the holistic development of students, challenging students to live with integrity, and empowering students to be active participants in their own experience.

The Code of Student Conduct

Pitzer College has a high respect for individuality among its students and acknowledges the rights to explore, clarify, and adopt individual values. The College makes no attempt to stand in loco parentis or to be responsible for the total life of its students. The College does, however, have the responsibility of encouraging an atmosphere where students, staff and faculty can effectively pursue the goals of education and community living. All students are responsible for their own behavior and how this behavior impacts the community. The Code of Student Conduct seeks to protect the rights of the individual and the rights of the community with fairness, integrity and respect for the goals of all.

The Pitzer College Code of Student Conduct sets out definitions of rules and fair procedures within the Pitzer community. As members of this community, students are required to abide by all the policies and procedures of Pitzer College and The Claremont Colleges as well as all local, state and federal laws. It is

each student's responsibility to be aware of the content of the Code of Student Conduct as well as other policies of the College, which are published in the Student Handbook.

This Code is reviewed periodically by the Judicial Council, which is comprised of at least five student members, at least five faculty members, and at least five members of the staff to reflect changes in community standards and is then adopted by College Council.

Disciplinary authority for the Code of Student Conduct originates in the Board of Trustees, the President and the By-Laws of the College. The Judicial Council has authority to conduct hearings on charges of violations of the Pitzer College Code of Student Conduct, while the Office of Student Affairs is responsible for the administration of residential life policies and for enforcing the disciplinary policies of the College. Decisions made by the Judicial Council or an administrative review are generally final. However, an appeal may be made on specified grounds by the respondent, and in sexual misconduct and sexual harassment cases, by the complainant as well. The sanctions imposed by the student conduct process will remain in place unless and until the appeal is successful and the sanctions are overturned.

The Code of Student Conduct is in effect on all College property and may also address off campus student misconduct.

Whether through administrative or Judicial Council action, the College reserves the right to impose sanctions against students for conduct that may violate any federal, state, or local law on or off campus, even though such crimes may also be tried in the local courts. When a student is charged with a legal violation and College disciplinary action is also taken, campus proceedings may be carried out prior to, simultaneously with or following civil or criminal proceedings. The College's proceedings are not bound by any determinations of fact or law made in any civil or criminal proceedings. In most cases the Office of Student Affairs will also assign developmental and educational interventions designed to promote greater awareness and improved decision-making for students and to further deter future misconduct.

In instances where there is reasonable cause to believe a student is an immediate threat to the safety of their person, other persons or property, or is an immediate threat to or disruption to essential campus operations, the Office of Student Affairs may assign an Interim Suspension and/or other interim measures, designed to protect the health and safety of the community.

Any individual or entity may submit reports alleging student misconduct to the Office of Student Affairs or designee at the campus where the incident occurred.

Pitzer College is obligated to provide all students with the College regulations, policies, and procedures governing student conduct. Pitzer College policies and procedures, including the Code of Student Conduct is available in the Student Handbook available on the Pitzer College website at https://www.pitzer.edu/student-life/student-handbook/. If you have additional questions, special needs, or wish to request a hard copy of this information, please contact the Office of Student Affairs at Pitzer College. The Student Records Policy may be found on the Pitzer College Registrar's website at https://www.pitzer.edu/registrar/.

Definition of Terms

1. The term "charge" means a written statement of the provisions of the Student Code alleged to be violated and the factual circumstances surrounding the alleged violation.
2. The term "College" means Pitzer College.
3. The term "College-owned property" includes land, buildings, facilities and other property owned jointly or individually by any of The Claremont Colleges or property of any facility or institution owned by or affiliated with The Claremont Colleges.
4. The term "complainant" refers to the individual(s) initiating a complaint of a violation of the Code of Student Conduct, which may or may not result in a charge.
5. The term "complaint" means the set of circumstances or events reported to or being investigated by the Dean of Students Office, which may or may not lead to a written charge.
6. The "Dean of Students" is the official or the designees of the College appointed by the Pitzer College President and empowered by the Judicial Council through the College By- Laws to be responsible for administration of the Code.
7. The term "faculty member" means any person hired by Pitzer College and appointed by recommendation of the Faculty Executive Committee to conduct classroom or teaching activities.
8. The term "intercollegiate policy" means any of the several jointly adopted policies of The Claremont Colleges, which guide but do not supersede the procedures and policies of Pitzer College
9. The term "Judicial Council" means the group of both faculty members appointed by the Pitzer College Faculty Executive Committee, staff members appointed by the Staff Council, and student members elected by the student body of Pitzer College, who are authorized to hold hearings to determine whether a student has violated the Code of Student Conduct and to impose sanctions.
10. The term "judicial proceeding" means the procedures of a student disciplinary action, (either a Judicial Council hearing or Administrative Review) after a formal charge of a specific alleged violation of the Code of Student Conduct is made.
11. The term "may" is used in the permissive sense.
12. The term "member of The Claremont Colleges community" includes any person who is a student, faculty, or staff member, College official or any other person employed by the College(s).
13. The term "policy" is defined as the written regulations of the College as found in, but not limited to, the "Code of Student Conduct," the Student Handbook and the College Catalogue.
14. The term "respondent" refers to the person against whom an alleged violation of the Code of Student Conduct is charged.
15. The term "shall" is used in the imperative sense.
16. The term "student", for the purposes of the Code of Student Conduct, means an individual for whom the College maintains student records, and who a) is enrolled in or registered in an academic program or course of the College; b) has completed the immediately preceding term and is eligible for reenrollment, including the recess periods between academic terms; or c) is on

an approved leave of absence. The Pitzer Code of Student Conduct also applies to a) applicants who become students, for offenses committed as part of their application process; b) applicants who become students, for offenses committed on campus and/or while participating in College related events or activities that take place following a student's submittal of the application through their official enrollment; and c) former students for offenses committed while a student.

Judicial Authority

A. Investigation and Resolution of Disputes

1. Investigation

   The Dean of Students is responsible for enforcement of the Code of Student Conduct and for ensuring that the rights of all students are upheld. When a complaint is made against a student, the Dean of Students shall conduct an investigation to determine if the alleged violation(s) has merit. If the alleged violation(s) is found to have merit, it will be addressed through different measures depending on the severity of the case. Any student against whom there might be a charge of a violation of the Code of Student Conduct has all the rights enumerated in Section VI of this code. In addition to these rights, the Dean of Students will provide the student(s) who is (are) being investigated or charged with access to the Code of Student Conduct.

2. Resolution of Disputes

   A student charged with violating the Code of Student Conduct has the right to have a hearing before the Judicial Council for any alleged violation. However, in cases of alleged minor violations, complaints can often be resolved without a full Judicial Council hearing. Generally, there are three levels of disciplinary action depending on the seriousness of the alleged violation. Additionally, there are circumstances when mediation may be the appropriate resolution procedure.

   a. Residential Life

      Complaints about student behavior and reports of alleged violations of residential life policies, such as noise policy, guest policy, pets, room changes, furnishings, etc. normally are first addressed by Office of Student Affairs staff. Such complaints are reviewed by a Residence Director and/ or Associate Dean of Students and examined in a conference with the student(s). Attempts at conflict mediation and reconciliation as well as resolution by imposition of sanctions for admitted violations may make unnecessary a formal judicial proceeding and bringing a charge. Resolution may entail a variety of responses, including no action, a warning, an educational or community service assignment, a fine, residential probation, restitution or some combination, depending on the severity of the case. A respondent may appeal the decision of the residence life staff to the Dean of

Students. The appeal must be made in writing, and must be made within five class days of written notification to the student of the residence life staff member's decision. Grounds for appeal include violations of the student's rights as set forth in the Code of Student Conduct, insufficient or compelling new evidence, and/or severity of the sanction.

b. Administrative Review

In the event of repeated complaints regarding the same person or in cases of somewhat more serious alleged violations, but where the potential sanction would not usually be suspension or expulsion, the respondent has the choice of either an administrative review within the Dean of Students Office or to have the case heard by the Judicial Council. An administrative review offers privacy and possibility of negotiation of the case. If the student chooses an administrative review, the student does not have the right to a hearing before Judicial Council for the same alleged violation(s). If the student decides to have the case reviewed by Judicial Council, a charge is issued and a date and time is set for the Judicial Council hearing.

If the respondent chooses to have an administrative review, the Dean of Students will notify the respondent in writing of the alleged violation(s) including the specific circumstances or behaviors alleged to have violated that policy or regulation. The review will include individual interview(s) with the respondent, the complainant, the alleged victim, any witnesses and the review of other documentation or materials relevant to the case. Advisers to the respondent, complainant, or alleged victim may be consulted beforehand, but will not be permitted to be present during the administrative review. The official who conducts the review will make a decision based on a preponderance of the evidence. That is, is it more likely than not that the respondent(s) is responsible for violating the Code of Student Conduct.

i. Finding of Responsibility

When a student is found responsible for a violation through an administrative review, the Dean of Students Office may impose sanctions. The range of sanctions that may be imposed includes, but is not limited to: community service, educational sanctions, referral to drug or alcohol counseling or rehabilitation, warning, probation, monetary fines, restitution, revoking of on-campus privileges (including on-campus housing), but does not include expulsion or suspension from the College. The respondent will be notified in writing of the results of the review.

When a violation of the Code of Student Conduct is determined in an administrative review and sanction is imposed by the Dean of Students Office, appeal, if any, is submitted to the Vice President of Student Affairs. (See Section VII. E.). Grounds of appeal include violations of the student's rights as set forth in the Code of Student Conduct, insufficient or compelling new evidence, and/or severity of the sanction.

ii. Admitted Violations

When a student chooses the administrative review option and admits to the charge and to responsibility for a violation of the Code of Student Conduct (and it does not warrant suspension or expulsion), the Dean of Students Office may impose sanctions. If the student is not satisfied with the sanctions, the student can appeal to the Judicial Council for review of the appropriateness of the sanctions only.

All appeal cases brought before and heard by the Judicial Council shall be final and not subject to appeal to the President.

c. Judicial Council

Cases in which the possible sanction could be suspension or expulsion from the College or cases in which the student has chosen to have the case reviewed by Judicial Council will be referred directly to the Judicial Council by the Dean of Students Office (See Section VII for complete information on the Judicial Council hearing procedures).

Note: If a hearing to consider an alleged violation(s) is submitted to the Judicial Council, whether because it is chosen by the respondent or referred by the Dean of Students Office, the hearing procedures described in Section VII below will apply. In either case, preparation of charges and notification of the Judicial Council Chair will be the responsibility of the Dean of Students Office.

d. Mediation

Under circumstances of student behavior leading to conflict between two or more persons, mediation may be the recommended method of recourse. Mediation is intended to allow the parties involved to discuss their respective understandings of the incident through the assistance of a trained professional. Mediation is designed to encourage each person to be honest and direct with the other and to accept personal responsibility where appropriate. Its goal is to facilitate the resolution of the incident to the satisfaction of both parties involved and to produce a written agreement that is binding on both parties.

Mediation is not a procedural option for cases of sexual misconduct. Requests for mediation should be filed with the Dean of Students by the complainant and/ or respondent and both parties must agree to enter into mediation. In addition, the Dean or their designee must agree that mediation is a desirable method for resolution of the case. All parties have to agree to the choice of the mediator. If the process proves unsatisfactory at any time during the mediation before an agreement is reached, the complainant may pursue other courses of action, such as filing a formal complaint against the respondent with the College.

The only parties present at the mediation session(s) are the individuals involved in the incident, an adviser of their choosing, and an experienced, trained, or licensed non-student mediator. The parties shall be offered the opportunity to participate without physically facing each other, and if so requested, the mediator shall work out an acceptable arrangement. The mediator will listen to the parties and work with them to develop a written agreement on the key issues emerging from the incident(s), which may include an activity or restraints on behavior by which one or both parties agree to abide following the mediation. The outcome will be communicated to the Dean of Students or their designee within five class days. The written agreement will be kept in both students' discipline files located in the Office of Student Affairs and may be used for purposes of sanctioning in subsequent judicial matters.

Continued on next page.

Proscribed Conduct

Violations of the Code of Student Conduct include:

A. Academic Dishonesty

Any member of the Pitzer community who is aware of academic dishonesty by a student has the responsibility to try to halt it, either by intervening immediately, or by speaking with the person committing it and by reporting it to the Dean of Students Office for possible referral to Judicial Council. If an instructor concludes that the standards of academic honesty have been disregarded, it is that instructor's responsibility to make the information available to the student, to report the incident to the Dean of Students Office and to tell the student that a report is being made. The faculty member may handle the case and impose any academic penalty including failure in the course. The faculty member should report the outcome to the Dean of Students Office. If a student disputes the incident or the severity of the penalty, the student may have a hearing before Judicial Council (See Faculty Decision Student Appeal below).

1. Cheating
   No Pitzer student may intentionally use or attempt to use unauthorized materials, information, or study aids in an academic exercise or examination.

2. Claiming Credit Falsely
   Intentional fraud, in which a student seeks to claim credit for the work or effort of another without authorization or uses unauthorized materials or fabricated information in any academic exercise. Academic dishonesty can include forgery of academic documents, intentionally impeding or damaging the academic work of others or assisting other students in acts of dishonesty.

3. Coercion of Grading or Evaluation of Coursework
   Threatening personal or professional repercussions or discipline against an instructor to coerce the instructor to change a grade or otherwise evaluate the student's work by criteria not directly reflective of coursework.

4. Facilitating Academic Dishonesty
   intentionally or knowingly helping or attempting to help another to violate this code of academic integrity.

5. Multiple Submissions
   Multiple submissions includes, but is not limited to, the resubmission in identical or similar form by a student of any work which has been previously submitted for credit, whether at Pitzer or any other school, college, or university in one course to fulfill the requirements of a second course, without the informed permission/consent of the instructor of the second course. It also includes the submission for credit of work, in

identical or similar form, in concurrent courses, without the permission/consent of the instructors of both courses.

6. Plagiarism
   No Pitzer student shall appropriate the work of another of another – for example, parts of passages of another's writings, the ideas and language of another, the artistic compositions of another – and pass them off as their own work. Students may not use extracts from books, journals, or other sources without citation.

Faculty Decision Student Appeal

A student who wishes to challenge a faculty's determination in violation of academic dishonesty or the severity of the penalty may appeal to the Judicial Council. The appeal must:

- Be made in writing within thirty calendar days of the faculty's notice to the student;
- State specific grounds for any claim that the finding of responsibility was unwarranted or the penalty unjust; and
- Exception - students going abroad or on leave of absence have thirty calendar days from the beginning of the semester upon their return for an appeal if the review hearing is not able to be completed within the semester of the occurrence.
- Be delivered to the Office of Student Affairs.

A Dean will work with the Judicial Council Chair to notify the faculty of the student's appeal. Evidence and arguments relevant to the appeal will be presented to the Judicial Council, faculty member and the petitioning student. The appeal hearing will follow normal Judicial Council hearing procedures as outlined in the Code.

Under normal circumstances, the review hearing should be scheduled for a date not fewer than 5 or more than 25 class days from the time of the petitioner's formal appeal. The Judicial Council shall inform both the petitioner and the faculty member of the time, place and date of the review hearing.

Under extreme circumstances, either the respondent or the complainant may request waiver of the time limit for a hearing in writing to the Judicial Council Chair. A decision on the request will be made by the Judicial Council. All parties will then be notified of the date, time and location of the rescheduled hearing.

All academic appeal cases brought before and heard by the Judicial Council shall be final and not subject to appeal to the President. Decisions of the Judicial Council, on appeal, may differ from and/or include sanctions imposed by the faculty member.

B. Knowingly aiding another person in any violation of the Code of Student Conduct

No student shall knowingly aid another person in the violation of any rules contained in the Student Handbook.

C. Misuse, theft, or abuse of College computer time or accounts

D. Offenses against persons and property:

1. Harassment
   a. General Harassment

      Unlawful harassment is conduct that creates an intimidating, offensive, or hostile working or academic environment, or that interferes with work or academic performance based on a person's protected status, including race, color, national origin, ancestry, sex (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity and expression, age, religion, physical or mental disability, medical condition, marital status, veteran status, family care leave status, or other status protected by antidiscrimination and anti-harassment statutes, such as Titles VII or IX of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the California Fair Employment and Housing Act. Such harassment can be physical, verbal, or visual. Harassment can be committed by employers, coworkers, fellow students, and third parties. Generally, statements and/or conduct legitimately and reasonably related to the College's mission of education do not constitute harassment. (Refer to the Discrimination and Harassment Policies and Procedures for the complete policy.)

   b. Sexual Harassment

      Sexual harassment may be either "quid pro quo" harassment, that is sexual advances or requests for sexual favors where submission or rejection is used as the basis for making employment or educational decisions affecting an individual; or "environmental" harassment, where the individual is subjected to a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere with an individual's work or education, or to affect adversely an individual's living conditions. Occasional compliments that are generally accepted as not offensive or other generally accepted social behavior, on the other hand, do not constitute sexual harassment. Sexually harassing conduct need not be motivated by sexual desire. (Refer to the Discrimination and Harassment Policies and Procedures for the complete policy.)

2. Hazing Policy
   a. Policy Statement

Hazing can be psychologically and/or physically harmful to individuals, can damage organizations and teams, and undermines the educational mission and values of Pitzer College. Hazing is strictly prohibited by Pitzer College policy and California state law (Sections 32050 (245.6) and 32051 of the California Education Code and Section 48900 q of the California Penal Code). No student, College employee or volunteer, student organization, or athletic team, shall conduct or condone hazing activities. Violations of this policy will result in disciplinary action. If you have knowledge of hazing or potential hazing activities you should contact the Dean of Students Office who will investigate and take action to stop the conduct.

b. Definition

Any act or the creation of a situation that tends to endanger the mental or physical health or safety of a student; an act or the creation of a situation which tends to humiliate or degrade a student; or an act or creation of a situation which destroys or removes public or private property when these are part of initiation, admission into, affiliation with or continued membership in a group or organization. An act or a situation becomes hazing when an organization creates the dangerous, illegal, or humiliating situation and exposes students to it.

A level of coercion is often involved in hazing; an individual being hazed may not feel they can opt out of participation because of peer pressure or a desire to belong or "fit in" to the group. Because of the socially coercive nature of hazing, this definition of hazing applies whether or not the participants consent to such activity or perceive the activity as "voluntary."

Hazing does not include actions or situations that are part of officially sanctioned and supervised College activities such as athletic training and conditioning.

An individual can be responsible for violating this policy for soliciting, directing, aiding, or otherwise participating actively or passively in activities which violate this policy.

c. Examples

Hazing activities often involve alcohol; however, activities need not involve alcohol to violate this policy. Common examples of behaviors that can be hazing include, but are not limited to, the following:

- Shaving, tattooing, piercing or branding
- Engaging in or simulating sexual acts
- Threatening to physically restrain someone or actually restraining them
- Assigning unreasonable chores or acts of servitude
- Causing excessive exercise, sleep deprivation or excessive fatigue
- Interfering with an individual's personal hygiene
- Requiring the wearing of specific apparel or acting in a way that is conspicuous and may cause the individual embarrassment or ridicule
- Degrading or humiliating games and activities, including paddling
- Activities that would unreasonably interfere with students' other activities or obligations (academic, extracurricular, family, religious, etc.)
- Physical threats or abuse of any kind including throwing objects or substances at an individual
- Encouraging or requiring a person to consume alcohol, drugs, or foreign or unusual substances, including consumption of large quantities
- Encouraging the use of alcohol or illegal drugs
- Forcing a student into a violation of the law or College policy such as indecent exposure, theft, or trespassing

The College will use a "reasonable person" standard when evaluating such conduct and its potential effects. The determination of whether a particular activity constitutes hazing will depend on the circumstances and context in which that activity is occurring. Some key questions which are used to evaluate whether an activity is hazing include:

- Was a person or group being singled out because of their status with the group or team?
- Was there a risk of physical or psychological discomfort or harm as a result of the activity? Was the activity demeaning, abusive or dangerous?
- Was there a level of coercion and/or peer pressure involved? How easily was someone able to opt out of the activity?
- Did the current members refuse to do what the new members were asked to do?
- Did the activity or activities interfere with the participants' other activities or obligations (academic, extracurricular, family, religious, etc.)?
- Was alcohol involved?
- Was there a sexual element to the activity?
- Did any of the activities violate College policy or federal, state or local law?

d. How to Avoid Hazing

There are many positive ways to welcome new members into a group or team. Team coaches or the Dean of Students staff can assist you in identifying such activities which can help build cohesiveness and foster teamwork. When you are considering an activity associated with membership in an organization or team ask yourself: Would you feel comfortable describing the activity to others (parents, grandparents, College official, law enforcement, etc.)? If you would be hesitant to describe the activity to others then the activity may constitute hazing and the group would be best served in participating in a different activity.

3. Interference with College Activities

   No Pitzer student shall act in an unauthorized way to make impossible the satisfaction of any physical condition necessary for the success of any authorized activity on College-owned property (by College-owned property we understand property owned jointly or individually by any of The Claremont Colleges, or property of any facility or institution owned by or affiliated with the Colleges.) Note: The intent of this policy is not to supersede the College Demonstration Policy as outlined in the handbook.

4. Physical Assault

   No Pitzer student shall assault, hit, punch, or otherwise physically injure any person.

5. Property Offenses

   No Pitzer student shall steal, embezzle, damage, or endanger the property or otherwise violate the property rights of others while on College-owned or operated property. This includes the properties owned and operated by any Claremont College.

6. Stalking

   Stalking is a course of conduct directed at a specific person that would cause a reasonable person to: (1) feel fear for their safety or the safety of others, or (2) suffer substantial emotional distress. Stalking includes behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten their safety, mental health, or physical health. (See the Discrimination and Harassment Policies and Procedures for the complete Stalking Policy.)

7. Threatening or Endangering Conduct

   No Pitzer student shall threaten or endanger the safety and/or well-being of any person.

8. Weapons

Possession, use, storage, or manufacture of firearms, ammunition, explosives, knives (for which its primary manufactured purpose is not for food use or preparation) and other weapons capable of causing bodily injury are prohibited on campus.

E. Providing false information

No Pitzer student shall knowingly provide false information in relation to the implementation or enforcement of any College policies, rules or regulations. This includes, but is not limited to, forging instructor or adviser signatures or add-drop sheets or petitions, giving false or misleading information to College employees and committees, and knowingly giving false testimony to Judicial Council in the course of a hearing.

F. Refusal of Compliance

No Pitzer student shall fail to present identification or comply with reasonable directions of a College official or other Claremont College official acting in the performance of their duties while on College property.

G. Sexual Misconduct

1. Non-consensual sexual contact is:
   - any intentional sexual touching,
   - however slight,
   - with any object or body part,
   - by a person upon a person,
   - that is by force or without consent.

   Sexual contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

2. Non-consensual sexual intercourse is:
   - any sexual intercourse however slight,
   - with any object or body part,
   - by a person upon a person,
   - that is by force or without consent.

   Intercourse includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

3. Intimate Partner Violence: The following alleged conduct will be addressed through the Complaint Procedures outlined in this document when the conduct is gender-based.
    a. Dating violence (as defined by the Violence Against Women Act) is violence committed by a person
        i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
        ii. where the existence of such a relationship shall be determined based on a consideration of (1) the length of the relationship, (2) the type of the relationship, and (3) the frequency of interaction between the persons involved in the relationship.
    b. Domestic violence (as defined by the Violence Against Women Act) is the use of physical, sexual or emotional abuse or threats to control another person who is a current or former spouse or other intimate partner. It includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that personal acts under the domestic or family violence laws of the jurisdiction.
4. Sexual Exploitation: Sexual Exploitation is a form of sexual misconduct which occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
    i. Invasion of sexual privacy;
    ii. Prostituting another person;
    iii. Non-consensual video or audio-taping of sexual activity;
    iv. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
    v. Engaging in voyeurism;
    vi. Knowingly transmitting a sexually transmitted infection, a sexually transmitted disease, or HIV to another person;
    vii. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
    viii. Sexually-based stalking.

5. Sexual Assault: "Sexual assault" (as defined by the Violence Against Women Act) means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Generally, a sexual assault has been committed when an individual engages in sexual activity without the effective consent of the other individual involved. Sexual activity is any touching of a sexual or other intimate part of a person for the purpose of gratifying sexual desire of either party. This includes coerced touching of the actor by the victim as well as the touching of the victim by the actor, whether directly or through clothing.

   Consent Defined: Effective consent is clear, knowing and voluntary. 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 and clear permission regarding willingness to engage in (and the conditions of) sexual activity. In order to give effective consent, one must be of legal age and have the capacity to give consent. The legal age of consent in the state of California is 18 years.

   - Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity.
   - A previous relationship or prior consent does not imply consent to future sexual acts.
   - Consent can be withdrawn. Thus, even if a person agreed to sexual interaction or continued sexual interaction, that person has the right to change their mind, irrespective of how much sexual interaction may have already taken place.

6. Force and Coercion: Consent obtained through force is not effective consent. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force includes the use of threats, intimidation (implied threats) and/or coercion to produce consent. Coercion is unreasonable pressure for sexual activity ("Have sex with me or I'll hit you." "Okay, don't hit me; I'll do what you want."). Coercive behavior differs from seductive behavior based on the type of pressure used to get consent. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

   Note: There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force, however, is not demonstrated by the absence of resistance.

7. Capacity/Incapacitation: Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing effective consent

(e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). Sexual activity with someone who one should have known to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (i.e. by alcohol or other drug use, unconsciousness, asleep, or blacked out), constitutes a violation of this policy.

a. Incapacity due to alcohol or other substances: Because alcohol or other drug use can place an individual's capacity to consent in question, sober sex is less likely to raise such questions. Being under the influence of alcohol or other drugs does not in and of itself indicate incapacitation. When alcohol or other drugs, including date rape drugs (such as Rohypnol, Ketamine, GHB, etc.), are involved, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (the who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Administering a date rape drug to another individual is a violation of this policy.

b. Incapacitation due to other reasons: This policy also covers a person whose incapacity results from mental or physical disabilities, sleep, unconsciousness, or involuntary physical restraint.

8. Violating College policies and relevant laws described in the Student Handbook

   This includes, but is not limited to, policies on:

   1. Alcoholic beverages: See the College Alcohol and Drug Policy section of this handbook and the section on state and local alcohol laws.

      a. Students are always encouraged to seek immediate and appropriate assistance and medical attention in alcohol or other drug related emergencies.

      b. Students that experience an alcohol and/or other drug related hospitalization will not be subject to punitive measures; this does not preclude educational or rehabilitative measures.

      c. Students who appropriately and cooperatively assist another student in receiving medical attention will not be subject to disciplinary proceedings for their actions.

   2. Computer use policy: See Computer User Agreement

3. Fire and safety: See Fire Safety Regulations

4. Illegal drugs: See College Alcohol and Drug Policy section of the Pitzer College Student Handbook

5. Other College or Claremont Colleges Policies

6. Outdoor Art: See Public Art Policy

Special Powers

A. Campus Emergency Policy
The President of Pitzer College, and in the President's absence the Dean of Faculty or Vice President for Administration, shall have authority to make appropriate decisions regarding any emergency that may arise on campus and to employ such means including the employment of counsel for this purpose.

B. Interim Suspension
Any student who, in the judgment of the Dean of Students or their designee, presents a clear and present danger to the health, safety, and/or welfare of the College community is subject to suspension from the College by the Dean of Students or their designee on an interim basis, pending a hearing by the Judicial Council. Such a suspension does not prejudge that a violation has occurred. Interim suspension will be followed by speedy access to a full and fair hearing.

1. Appeals
A student whom a Dean of Students or their designee has placed on interim suspension pending a hearing may appeal such suspension to the President. The President shall issue their decision on such an appeal to the student in writing.

2. Circumstance for Lifting of Interim Suspension
Should Judicial Council in a hearing find that no violation of the Student Code occurred, the interim suspension shall be lifted.

C. Search of Rooms
Pitzer College respects the privacy of members of the College community. However, the College reserves the right to conduct searches of residence hall rooms if reasonable cause exists to believe that (1) activity is taking place which is detrimental to the health, safety, or welfare of the Pitzer College Community, or (2) that activity is taking place which constitutes a violation of the Code of Student Conduct.

Determination of reasonable cause is to be made by the Dean of Students or their designee. Every effort will be made to have present the student whose room is being searched. In addition, rooms may be entered for routine cleaning services and/or to inspect or repair plumbing, electrical, heating and cooling systems, or room furnishings.

D. Violations of Law
Whether through administrative or Judicial Council action, the College reserves the right to impose sanctions against students for conduct that may violate any federal, state, or local law on or off campus, even though such crimes may also be tried in the local courts. When a student is charged with a legal violation and College disciplinary action is also taken, campus proceedings may be carried out prior to, simultaneously with or following civil or criminal proceedings. The College's proceedings are not bound by any determinations of fact or law made in any civil or criminal proceedings.

The College Judicial Council

A. Jurisdiction

The Judicial Council shall hold hearings, make determinations of fact and impose sanctions on any Pitzer College student determined to be in violation of the Code of Student Conduct. The Judicial Council shall have appellate jurisdiction in academic dishonesty cases and in administrative review cases where the student has admitted to violating the Code.

1. Complaints: Any person may bring a complaint against a Pitzer student to the Pitzer Dean of Students Office. The Dean of Students Office will attempt to resolve the case, if possible, including in some instances offering the respondent the option of having an administrative review (see Section II.A.2.b). If the complaint cannot be resolved, or if the respondent or the Dean of Students elects a Judicial Council hearing, the Dean of Students will forward the case by preparing a written charge to the Judicial Council.
Note: Complaints by students against faculty and staff follow different processes depending on the type of complaint. For instance, complaints against faculty and staff members involving allegations of harassment, sexual violence, or discrimination follow the complaint procedures outline in the Discrimination and Harassment Policies and Procedures. Office of Student Affairs staff can be very helpful in directing students to the appropriate policy when filing complaints.

2. Intercampus complaints: When Pitzer students are on the campus of another of The Claremont Colleges, they are expected to respect the regulations of that College as well as those of their own College. If a student of another College violates the regulations of the host College, judicial action may be brought against that student at their home college. The name

of any students concerned, along with all pertinent information, will be sent to the Dean of Students of the College involved.

3. Notice: In cases coming before the Judicial Council, the Dean of Students Office shall formulate the charge, which shall be a written statement giving the relevant regulation or policy that has been allegedly violated and the specific behavior or sequence of behaviors alleged to have violated that regulation or policy. The respondent will receive written notice of any violation according to the procedures outlined in Section VII.B.

4. Temporary actions: As a temporary measure, the administration of the host College may, at its own discretion, prohibit a student from coming onto its campus until judicial proceeding at the student's home college is complete. Such a prohibition shall be communicated to the student through that student m home college at the request of the host College.

Students alleged to have violated the Code of Student Conduct can expect that all procedures outlined in the Code will be followed. Students and Student Clubs/Organizations can access the complete Code of Conduct and procedures at https://www.pitzer.edu/student-life/student-handbook/.

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).

When it is determined that a residential student is missing from the College, staff at Pitzer College, in collaboration with local law enforcement, will be guided by this Missing Student Notification Policy and related procedures.

Provisions

Students who reside in on-campus housing are strongly encouraged to identify a confidential person to be contacted if it is determined that the student has been missing for more than 24 hours, and to register that person's emergency contact information through their Student Portal, annually. Students are asked to update any changes to the contact information, on an annual basis through their Pitzer student portal. This information is only accessible to College employees who are authorized campus officials and will not be disclosed to others, with the exception of law enforcement personnel in the furtherance of a missing student investigation. If a student is determined to have been missing for 24 hours, the College in consultation with Campus Safety will, within 24 hours, notify the appropriate law enforcement agency, and, if the missing student is under 18 years of age, and not an emancipated individual, the College and/or Department will also notify a custodial parent or guardian. Anyone over 18 years of age may choose not to register a contact. Should a student not formally declare a separate Missing Student Contact, the student's Emergency Contact on record will be notified in the event that a student is determined to have been missing for 24 hours.

If a member of the College community believes that a student who resides in on-campus housing is missing, it should be reported to the On-Call Dean, and/or the Department of Campus Safety so that appropriate action can be taken.

The appropriate Student Affairs representative, or other individual learning that a student is missing, will file a formal missing student report with Campus Safety, or, the Claremont Police Department. Currently, Pitzer College uses confidential missing student contact and/or emergency contact information supplied by the students to notify individuals of the missing student no later than 24 hours after the time that Pitzer College determines the student is missing.

In accordance with Pitzer College procedures, it should be noted that Pitzer College will inform each residential student that Pitzer College will notify the appropriate local law enforcement agency or Campus Safety, when a student has gone missing, unless the local law enforcement agency was the entity that made the determination that the student was missing. This notification will be made no later than 24 hours after the time that the student is determined missing, and;

If the campus law enforcement personnel or Campus Safety department has been notified that a student has gone missing, and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours, Pitzer College staff will initiate emergency contact procedures as outlined in Pitzer College's Student Handbook.

Pitzer College's missing student investigative procedures include the following:

- Students at Pitzer College will receive email notification that a student has been missing for more than 24 hours.
- Require an official Missing Person Report relating to the College residential student to be referred immediately to Campus Safety.
- If nonresidential, Campus Safety will contact local law enforcement in the city that the student resides.
- If through investigation of an official report, Campus Safety determines a student has been missing for more than 24 hours, they will:
- Notify the local police.
- Contact the emergency contact individuals provided by the student.
- If a student is under 18 years of age, and not an emancipated individual, immediately contact the custodial parent(s) or legal guardian(s) of the student, in addition to the student's confidential missing student contact person.

Daily Crime 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/ (report at the bottom of the page). Any member of The Claremont Colleges and members of the public may also view the Clery Daily Crime Log at Campus Safety during normal business hours at 150 E. 8th Street 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.

Crime Prevention and Safety Awareness Programs

In an effort to promote safety awareness, Pitzer College collaborates with The Claremont Colleges Campus Safety to maintain a strong working relationship with the community. This relationship includes offering a variety of safety and security programs and services and crime prevention programming for students and employees. Some of the crime prevention and awareness programs and services offered that encourage community members to be responsible for their safety (and the safety of others) include:

- Campus Safety provides high visibility 24/7 patrols by vehicle, electric carts and on foot all campus streets, byways and interior areas to prevent and detect crime, responding to suspicious activity and crime reports. Pitzer College also continues to have a dedicated officer assignments for peak-period needs, including special events.
- Safety Escort Services: Campus Safety will respond to requests from students, faculty or staff seeking escort service to avoid walking alone through Pitzer or The Claremont Colleges at any time.
- Exterior and Interior Emergency Telephone Use: Emergency phones are located throughout the campuses for a direct, automatic connection to Campus Safety. Some phones have blue lights, while some phones are red or orange in boxes. The Campus Safety dispatcher has the phone locations and will dispatch an officer to the location when the phone is activated, whether the person speaks or not. People are asked to stay near the phone if possible and describe their urgent need while an Officer responds. Community members are encouraged to use emergency phones for danger, fire, medical emergency, crimes-in-progress, or suspicious activity.
- Fire Alarm System Response: Campus Safety Officers immediately report to the location if a fire alarm has gone off. While Campus Safety Officers respond to the immediate needs, other agencies, (e.g. police, fire, medical) will be directed to the location, as needed, by Campus Safety. Campus Safety Officers will clear the way and guide other emergency service providers to the exact location. Officers know the campus streets and buildings and are trained in first aid response. Campus Safety has a close working relationship with the Claremont Police Department, the Los Angeles County Fire Department, and local ambulance providers.
- Campus Safety provides security/crime prevention presentations to students and staff.
- Pitzer College installed self-locking doors to all exterior facing classroom doors so that they may be locked down immediately in the event of an outside threat.
- Provided various emergency training, including Active Assailant Training for Resident Life staff in collaboration with Campus Safety and their Safety Emergency Services Manager.
- The Office of Student Affairs participated in the creation of a Pitzer and 7 College Consortium Care Guide providing detailed instructions of how staff and faculty can help a student in distress

as well as an extensive list of Pitzer and 7 College Consortium Campus Resources and Crisis Lines. This guide was distributed widely to faculty and staff at the start of the Fall 2018 semester.

- Since 2016, Pitzer has become very actively involved with the JED Foundation, participating in their comprehensive, campus-wide evaluation and assessment of College mental health, substance use, suicide prevention procedures and protocols. These findings have allowed us as a campus to further strengthen our efforts and methods to more immediately identify students at risk, thus increasing proactive policies, procedures, programming and solutions to preserving the well-being of our campus community.
- Student leaders and Resident Assistants received Question Persuade Refer (QPR) training conducted by another trained professional in Student Affairs. The QPR mission is to reduce suicidal behaviors and save lives by providing innovative, practical and proven suicide prevention training. This program helps dispel myths, and identify warning signs and symptoms about self-harm and suicide ideation. Key components covered in QPR training: (1) How to Question, Persuade and Refer someone who may be suicidal; (2) How to get help for yourself or learn more about preventing suicide; (3) The common causes of suicidal behavior; (4) The warning signs of suicide; and (5) How to get help for someone in crisis.
- The Office of Student Affairs has proactively revised our College Behavioral Intervention and Threat Assessment Teams to provide a coordinated, comprehensive response in coordination with Campus Safety, the Claremont Police Department, and other community resources.
- Facility Surveys: Facilities staff conduct checks of exterior lighting, doors, windows, hardware and grounds.
- Free Bicycle Registration Programming: Campus Safety provides a free 10-year bike registry service (available at Campus Safety office from 8:00 a.m. to 5:00 p.m.)
- Free Safety Application for Smartphones: LiveSafe (https://colleges.claremont.edu/livesafe/) is a free personal safety mobile application for students, staff, faculty, and the community to engage in two-way conversation with Campus Safety. It allows users 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.
- Awareness is raised by emails to the community highlighting issues of concern facing The Claremont Colleges.
- Residence Hall Programming: Passive programs may include designing bulletin boards in the residence halls that promote safety and awareness, participation in bi-annual lighting walks of the campus, meet-and-greet with dedicated Pitzer Campus Safety Officers, Resident Assistant and residence hall floor meetings that emphasize the importance of not propping doors, not allowing in folks you are unfamiliar with, participating in fire drills each semester, and reporting all suspicious activity to Campus Safety immediately.
- During 2018, Pitzer College revised its Emergency Management Committee to establish a comprehensive team, including membership from (but not limited to) Human Resources, Campus Safety, Office of Communications, Office of the Dean of Faculty, Residence Life, and

the Office of Student Affairs. The team launched a College-wide fire drill evacuation and coordinated the College's participation in The ShakeOut Earthquake Drill tand both continue to take place, annually.

The Pitzer Emergency Management Committee will continue to work on advancing training, resources, preparedness for the College.

Pitzer College Alcohol and Drug Policy

Federal law requires Pitzer College to notify annually all faculty, staff, and students of the following:

The College prohibits the unlawful possession, use, manufacture or distribution of alcohol or controlled substances by students, faculty, staff, and guests in buildings, facilities, grounds or property controlled by the College or used as part of College activities. For students, this includes prohibiting the possession and consumption of any beverage containing alcohol in a residence hall room except by individuals who are twenty-one years or older. In addition, the smoking of any material is prohibited in all facilities at Pitzer College.

Policies Specific to Students

Any student who violates this policy is subject to disciplinary action including sanctions as outlined in the Code of Student Conduct in addition to any penalties resulting from violating local, state and or federal law. Disciplinary sanctions for students may include sanctions ranging from Disciplinary Warning, Disciplinary Probation, up to Suspension or Expulsion from the College. Students residing in College housing may also lose the privilege of living on campus for violating College rules and regulations or conditions of the housing contract. In most cases, the Office of Student Affairs will also assign developmental and educational interventions designed to promote greater awareness and improved decision-making for students and to further deter future misconduct.

Residence Life Alcohol Policy

In light of Pitzer's distinct educational objective that students develop "concern with the social consequences and ethical implications of knowledge and action," the College has put in place an alcohol and drug policy grounded in the individual and collective responsibility of each member of the Pitzer community. It is the College's intent that, "through examining the social consequences and ethical implications of the issues they explore, students learn to evaluate the effects of individual actions and social policies and take responsibility for making the world we live in a better place." This policy seeks to apply this philosophy to the social life of our own community.

As an institution of higher education, Pitzer College seeks to promote responsible decision-making on the part of all members of the College community, especially in choices, which affect their own health and safety and that of others. The irresponsible use and abuse of alcohol, drugs, and tobacco can result in serious health damage, such as liver disease, respiratory problems and brain damage. Misuse can lead to socially and morally unacceptable behavior such as driving under the influence, sexual violence and violation, impaired judgment with regard to safer sex practices, vandalism and property damage. Such behavior, in addition to being destructive to individuals, is destructive of the community environment that is a key element of Pitzer College.

Students are encouraged to take advantage of alcohol and drug education opportunities made available through college resources such as regular alcohol awareness workshops offered to Pitzer students

through TCC's Health Education Outreach. Additional resources are available for individual needs. Among those who have been trained and are prepared to provide information support and referrals are Resident Assistants, Residence Directors, and Deans within the Office of Student Affairs. Students may also wish to consult faculty advisers or the Office of the Chaplains. Monsour Counseling Center can arrange for professional assessment of substance use and abuse and can provide referrals for professional treatment. Students are urged to utilize the full range of services and resources that are thus made available to them.

In adopting and implementing its alcohol and drug policy, Pitzer College is complying with Public Law 101-226, the Drug Free Schools and Communities Act, which requires the College to have a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of any of its activities.

Pitzer College complies with Federal law regarding the use and possession of marijuana; therefore, marijuana use on campus is prohibited even if the student or their guest's use meets the qualifications of the California Compassionate Use Act. Documentation of medically prescribed marijuana will not exempt a student or their guest from complying with the College's Drug Policy.

In addition there are liability issues for both students and the College. Pitzer College community members, regardless of status, are subject to local, state and federal laws, as well as applicable campus policies, and in light of our educational objectives, are to exercise personal and collective responsibility in regard to these laws and campus policies. Faculty adherence is a matter for the Dean of Faculty. Staff adherence is a matter for the Assistant Vice President of Human Resources. Student adherence is the responsibility of the Dean of Students. The following College regulations on alcohol and drug use apply to students.

The College will, whenever possible, seek to use educational and rehabilitative methods to deal with problems related to drug and alcohol consumption. However, where alleged behaviors warrant, the College will not hesitate to use all sanctions available, including expulsion from the College. The range of sanctions is listed under the Code of Student Conduct.

Regulations Regarding Alcoholic Beverages

The illegal consumption of alcohol and drugs is not permitted at Pitzer College, or at College sponsored off-campus activities, and is subject to administrative or student conduct response. Furthermore, the College strongly discourages the irresponsible consumption of alcohol at the College and at College sponsored off- campus activities. The consumption of alcohol by students over 21 years of age is allowed at approved registered events and in the privacy of their own room, provided their behavior does not disturb and/or disrupt others or the community. **The following are the College's alcohol policies:**

1. Alcohol possession in residence halls is permitted only by students of legal age (21). Alcohol may be consumed only by legal-age students in students' rooms, or with the exception of special events, registered with the Dean of Students or his/her designee. Consumption of alcohol should not infringe on the rights of other students.

2. Students of legal age may not give or sell alcohol to students under the legal age to transport, possess or consume. Students under the legal age may not transport, possess, consume or purchase alcohol in any area of the residence halls.
3. Students under the legal age may not possess any empty alcoholic beverage containers in their residence hall rooms. The only exception is when a roommate is of legal age and owns the container.
4. Alcohol containers should not be displayed in areas visible to the public and are subject to disposal if observed.
5. Students may not possess or transport open containers of alcoholic beverages in public areas.
6. Students may not consume alcoholic beverages in public areas including, but not limited to: administrative and academic buildings, residence hall common areas including lobbies, living rooms, special purpose rooms, corridors, basements, stairwells, laundry and vending machine areas; and outdoor areas including sun decks, courtyards, parking lots, etc.
7. Large quantities of alcohol are prohibited at unregistered events, in private rooms and in residence halls (e.g. kegs, pony kegs, beer balls, etc.). Such quantities of alcohol and serving devices will be confiscated and will not be returned.
8. The 5-College Dry Week policy is in effect at the beginning of the Fall semester once early arrivals come to campus, throughout Orientation and the first week of classes. Being "dry" means alcohol may not be consumed or served on campus.
9. Games that are centered on alcohol focus on drinking large quantities of alcohol or promote irresponsible drinking are prohibited. Any devices or paraphernalia which aid in these games will be confiscated and will not be returned. These devices include, but are not limited to, beer pong or "Beirut" tables and cups and beer bongs or funnels.
10. Disorderly behavior related to alcohol use is prohibited. Hosts, sponsoring individuals and/or organizations are responsible and accountable for such behavior and that of their guest(s).
11. Any advertising for events, which indicates or implies that alcohol is to be served. The College requires the prior approval of all advertising for events by the Dean of Students or her/his designee.
12. The use of student activity funds to purchase alcoholic beverages is prohibited.
13. Tampering or altering a student ID's or using false ID is prohibited.

Regulations Regarding Drugs

The following are prohibited:

- The possession, use, cultivation, sale, or transfer of illicit drugs. Such drugs will be confiscated and may be destroyed.
- The selling or transfer of prescription drugs.
- The possession of drug paraphernalia, including pipes, needles or other devices or mechanisms used in the consumption of illicit drugs. Such paraphernalia will be confiscated and may be destroyed.
- Disorderly behavior related to drug use.

Registration of Special Events

See **Event Registration and Hosting Guidelines – Alcohol** for the alcohol policy for registered events through the Office of Student Affairs. Student-sponsored events or activities with alcohol must adhere to Event Registration and Hosting Guidelines located in the Student Handbook which can be accessed here: https://www.pitzer.edu/student-life/student-handbook/.

Policies Specific to Faculty and Staff

Consistent with its obligations under applicable laws, it is the policy of Pitzer College to maintain a drug and alcohol abuse free environment. All events involving the serving of alcohol in public areas in which individuals under age 21 will be in attendance, must be registered with the Office of Student Affairs.

The unlawful manufacture, possession, distribution, dispensation, sale, transportation, offer to sell, promotion, purchase and/or use of illicit drugs (as defined in schedules I through V of the Controlled Substances Act 21, U.S. Code 812, as amended) or unlawful alcohol on the Pitzer College campus, or at any off site activity sponsored by the College, is prohibited. 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 on the job. Controlled substances include, but are not limited to, such substances as marijuana, heroin, cocaine, barbiturates, amphetamines, and other narcotics.

Please consult Pitzer College's Drug Free Workplace Policy on Human Resource's Employee Conduct page for more information: https://www.pitzer.edu/human-resources/staff-handbook/employee-conduct/

California and Local Alcohol & Drug Laws

Each member of the Pitzer community is individually and personally responsible for compliance with the applicable provisions of the law of the State of California. The following codes are provided for your information:

Possession by a Person(s) Under 21 Years of Age

Any person under the age of 21 years who has any alcoholic beverage in their possession on any street or highway or in any public place open to the public is guilty of a misdemeanor (PC.25662).

In 1988 California amended Bus. & Prof. Code 25662. The amendment states that peace officers who lawfully enter premises may confiscate alcoholic beverages which are in plain view and possessed by or provided to underage persons at social gatherings. The gatherings must be open to the public, have ten or more underage persons in attendance, with those under 21 consuming alcoholic beverages and no supervision by the parent or guardian of one or more of the participants. Alcoholic beverages in open containers that are confiscated may be destroyed while those in unopened containers shall be impounded for no more than seven working days after which they too may be destroyed. Unopened containers may

be released within the seven days to the owner or resident of the property provided they are 21 years of age. (Bus. & Prof. Code 25662(b))

Sales/Furnishing Alcohol to a Minor

Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor (B & PC. 25658).

Any person under the age of 21 years who purchases any alcoholic beverage or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100), no part of which shall be suspended. The penalty is more severe under the Penal Code Section 272, which states if any person provides an alcoholic beverage to a minor person under 18 he/she will be contributing to the delinquency of a minor, which is also a misdemeanor. The maximum penalty for the violation of this code section is one year in the County Jail for each count and/or $1,000 fine for each count. It should be pointed out that each minor so provided with an alcoholic beverage is a separate count and may be charged by the District Attorney (PC. 272).

Sales to an Intoxicated Person

Every person who sells, furnishes, or gives alcohol to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor (25602).

False Evidence of Age and Identity

Any person under the age of 21 years who presents or offers to any license, his/her agent or employees, any written, printed, or photo static evidence of age which is false for the purpose of purchasing, attempting to purchase, or otherwise procuring or attempting to procure the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed, or photo static evidence of age and identity, is guilty of a misdemeanor and shall be punished by a fine of at least two hundred dollars, no part of which shall be suspended.

Possession in Motor Vehicle by Minor

No person under the age of 21 years shall knowingly possess, transport, or have under his/ her control in any motor vehicle any alcoholic beverage, unless such person is accompanied by a parent or legal guardian or is employed by a license under the Alcoholic Beverage Control Act (Division 9, commencing with Section 23000, of the Business and Professions Code), and is possessing, transporting or has such alcoholic beverage in a motor vehicle under his/her control during regular hours and in the course of his/her employment. If the vehicle used in any violation, as mentioned in the previous paragraph, is registered to such person under the age of 21 years, the vehicle may be impounded at the owner's expense for not less than one day nor more than thirty days for each violation (VC 23224).

Report is continued on next page.

Marijuana

Marijuana Possession

Health and Safety Code 11357

This is the California marijuana law that sets forth the rules for personal possession of marijuana. Possession for personal use of not more than 28.5 grams of marijuana (a bit more than an ounce) is legal in California as of November 9, 2016, for people age 21 and older. So is possession of up to 4 grams of concentrated cannabis (hashish).

Marijuana Cultivation

Health and Safety Code 11358 as amended by Proposition 64, allows most people who are 21 and over to cultivate up to six (6) marijuana plants. People under 21 who grow any amount of marijuana, though, are guilty of an infraction. People under 18 who cultivate marijuana illegally must attend drug counseling and perform community service. People 18 and over (but under 21) may be fined up to $100. And cultivating over six marijuana plants remains a crime. Most defendants who plant, cultivate, harvest, dry or process more than 6 living marijuana plants will be charged with a misdemeanor and face up to six (6) months in county jail and/or a fine of up to $500.

AND cultivating more than 6 marijuana plants can be charged as a California felony for the following defendants:

- People with serious violent felonies on their record;
- Registered sex offenders;
- Defendants who have two (2) or more prior convictions for cultivating more than six
- marijuana plants; and
- Defendants who violate certain California environmental laws in their marijuana cultivation activities.

Possession for Sale of Marijuana

Proposition 64 legalized the sale of marijuana--but only for businesses that obtain and operate in accordance with a state license (and possibly local licenses as well). As a result, possession of marijuana with the intent to sell it without a license remains a crime under HS. For most adult defendants, HS 11359 possession for sale without a license is a misdemeanor, carrying the following penalties:

Up to six (6) months in county jail, and/or

A fine of up to five hundred dollars ($500).

But marijuana possession for sale without a license is a felony if any of the following is true:

You have a prior conviction for one of a list of particularly serious violent felonies, including murder, sexually violent offenses, sex crimes against a child under 14, or gross vehicular manslaughter while intoxicated, or a sex crime that requires you to register as a sex offender;

You have two (2) or more prior misdemeanor convictions for marijuana possession for sale; or

You possessed marijuana for sale in connection with a knowing sale or attempted sale to someone under 18.

For these defendants, possessing marijuana for sale is punishable by 16 months, or two or three years in county jail.

Proof of intent to sell marijuana without a license is usually made by circumstantial evidence. Such evidence can include:

- a large quantity of marijuana,
- the presence of items such as baggies and scales,
- pot divided into multiple baggies or containers,
- the presence of cash and/or weapons, and/or
- the opinion of the arresting officer that the marijuana was for sale.

Transportation of Marijuana

Transportation for sale of marijuana under HS 11360 is punishable by two (2), three (3) or four (4) years in jail. Finally, transporting marijuana without intent to sell it, or giving marijuana away, is not a crime in California so long as both of the following are true:

You transport or give away not more than 28.5 grams of marijuana or eight grams of concentrated cannabis, and

Any people you give marijuana to are 21 years of age or older.

Possession of Drug Paraphernalia

It is unlawful to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a controlled substance or a controlled substance, which is classified as a narcotic drug (Sec. 11364).

Controlled Substances

Unauthorized Possession of Controlled Substances

Except as otherwise provided every person who possesses (1) any controlled substance (as classified) or (2) any controlled substance (as classified) which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in state prison for a period of not less than two years or more than ten years and shall not be eligible for release upon completion of sentence or on parole or any other basis until she/he has been imprisoned for a period of not less than two years in the state prison (Sec. 11350).

Possession for Sale of Controlled Substances

Except at otherwise provided every person who possesses for sale (1) any controlled substance (as classified) or (2) any controlled substance (as classified) which is a narcotic drug, shall be punished by imprisonment in the state prison for a period of not less than five years or more than fifteen years and shall not be eligible for release upon completion of sentence or on parole or any other basis until she/he has been imprisoned for a period of not less than two and a half years in the state prison (Sec. 11351).

Transportation of Controlled Substances

Except as otherwise provided, every person who transports, imports into this state, sells, furnishes, administers or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1) any controlled substance (as classified) or (2) any controlled substance (as classified) which is a narcotic drug unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence, or parole or any other basis until she/he has been imprisoned for a period of not less than three years in the state prison (Sec. 11352).

Possession with Intention to Manufacture Methamphetamine (PCP)

(PCP) Any person who possesses both methylamine and phenyhl-2propanone (phenylacetone) at the same time with the intent to manufacture methamphetamine is guilty of a felony and shall be punished by imprisonment in the state prison for between one and five years (Sec. 11383).

Federal law prohibits the possession and distribution of controlled substances, including marijuana, cocaine and heroin. Persons found guilty of possession of controlled substances face a federal civil penalty of $10,000 and a criminal sanction of $5,000 and not more than one year in jail. Federal criminal penalties for possession of controlled substances increase according to the amount possessed.

Drugs Risks and Consequences

- Alcohol and other drug use during pregnancy increases risk of physical harms to the fetus.
- Additional risks of harm may occur from toxic impurities present in street drugs.
- Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.
- Drugs taken by injection can increase the risk of infection (e.g. HIV, hepatitis, etc.) through needle contamination.
- For more information visit: www.drugabuse.gov

Drug and Alcohol Abuse Education Programs

Resources for Students

Pitzer College encourages its students to discuss safe alcohol use and/or the issues and problems associated with alcohol abuse, and provides a number of educational and outreach resources, support and programs. These include:

EVERFI AlcoholEdu: Mandatory online alcohol education program in which all new students are required to complete before course registration. Students complete Part 1 of the course, and after a 45-day intersession, complete part 2 of the course.

Strive2Thrive Program: Housed within the Office of Student Affairs, the Strive2Thrive Program is a health and well-being Pitzer program designed for students. During 2020 a Health and Education Outreach Facilitator with expertise in drug and alcohol abuse, recovery and prevention was hired. Due to the pandemic requiring campus closures, active work during the 2021-2022 academic year to resume planned initiatives and programs is underway.

Alcohol Alternative Programs: This programming is aimed at providing opportunities for students as opposed to spending time in places where they might be influenced by alcohol. Due to the impact of COVID-19 campus closure in March 2020, the following limited programming was facilitated by Residence Life in 2020:

- **Essential Oils Workshop | February 1, 2020**
- **Cards and Snacks | February 8, 2020**
- **Plant Party | February 22, 2020**
- **Playstation Competition | February 29, 2020**

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 and Narcotics Anonymous meetings, and referrals are available at the following offices:

Dean of Students Staff

Dean of Students
Scott Hall, 121
Phone: 909-621-8241
dean_student@pitzer.edu

Associate Dean of Students
Scott Hall, 122
Phone: 909- 607-3553
dean_student@pitzer.edu

Assistant Dean of Students and Case Manager
Scott Hall, 124
Phone: 909-607-7152
dean_student@pitzer.edu

Health Education Outreach Facilitator
Gold Student Center
kristin_williams@pitzer.edu

7C.Health TeleHealth Service from TimelyMD

https://timely.md/schools/index.html?school=7chealth&=
Accessible 24/7 to Pitzer Students

To protect students' privacy, information regarding a student during participation in any related program is treated as confidential.

Monsour Counseling and Psychological Services staff
Tranquada Student Services Center, 1st floor
757 College Way
Claremont, CA 91711
909-621-8202
909-607-2000 (after-hours emergency)
https://services.claremont.edu/mcaps/

Student Health Services staff
Tranquada Student Services Center, 1st floor
757 College Way
Claremont, CA 91711
909-621-8222
909-607-200 (after-hours emergency)
https://services.claremont.edu/student-health-services/

Resources for Faculty and Staff
Drug and Alcohol Abuse Prevention

Resource Program: The Employee Assistance Program is available to all benefits eligible employees and provides free and confidential counseling and referral services for alcohol and drug abuse.

Training/Education: During 2019, the Office of Human Resources at Pitzer College launched a survey of supervisors to better understand staff development needs, and conducted research to enhance employee development, wellness and training opportunities, including drug and alcohol abuse prevention. Scheduled to be launched in Spring 2020, due to continued COVID-19 planning and staffing limitations, training was postponed. However, Human Resources is working with their vendor to assist with additional and updated training options with an anticipated launch by end of Fall 2021 and Spring 2022 semesters.

Report continued on next page.

Crime Prevention Tips

While the Pitzer College campus is a reasonably safe environment, crimes do occur. In addition to the Clery Act crimes statistics below, other common crimes that occur on campus are outlined below:

Theft

Theft is a common occurrence on college campuses. Oftentimes this is due to the fact theft is a crime of opportunity. Confined living arrangements, recreation facilities, and many open classrooms and laboratories provide thieves with effortless opportunities. Occupants of the residence halls often feel a sense of security and home atmosphere and become too trusting of their peers, while others leave classrooms and laboratories unlocked when not occupied for short periods of time.

The theft occurring most often across The Claremont Colleges and certainly at Pitzer College is bicycle theft. We highly recommend that students, faculty and staff secure their bikes properly to a bike rack using a U-lock. The Green Bike Program sells the locks and teaches the proper technique for securing bicycles.

As part of The Claremont Colleges, it is extremely common to see someone you do not recognize, but assume is a member of the community. It is important to be very vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. We recommend using laptop locks. All desks in Pitzer, Atherton, Sanborn, East and West Halls contain a desk drawer with a locking mechanism. We recommend purchasing a padlock or other small locking device to secure medication, passports, cash, small electronics, etc. Doors should be locked at all times. The following is a list of suggestions to help you not fall victim of theft:

- Keep doors to residence halls, labs, classrooms locked when not occupied
- Do not provide access to unauthorized persons in the buildings or classrooms
- Do not keep large amounts of money with you.
- Lock all valuables, money, jewelry, checkbooks in a lock box or locked drawer
- Keep a list of all valuable possessions including the makes, models, and serial numbers
- Do not leave laptop computers or textbooks unattended in study rooms, classrooms, labs or libraries, even if it is for a short period of time
- Do not lend credit cards or identification cards to anyone
- Report loitering persons or suspicious persons to Campus Safety immediately; do not take any chances

Identity Theft

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involve fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account or credit card information.

- Persons involved in identity theft often use computers or other forms of media to assist them.
- There are measures you can take to prevent this from happening to you:

- Do not give anyone your personal information unless there is a reason to trust them and the release is for good reason.
- Never give your credit card information, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use of computer security software on computers and installation of firewalls are good.

Report continued on next page.

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 all police departments where Pitzer College owns or control property ensure that crimes reported directly to these police departments that involve the College are brought to the attention of Campus Safety.

Campus Safety and the Office of Student Affairs collect the crime statistics disclosed in the charts through a number of methods. Campus Safety 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. Campus Safety 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 student conduct authorities for respective violations, not the number of offenses documented.

Definitions of Reportable Crimes

Criminal Homicide
These offenses are separated into two categories: Murder and Non-negligent Manslaughter, and Manslaughter by Negligence.

Manslaughter by Negligence
The killing of another person through gross negligence.

Murder and Nonnegligent Manslaughter
The willful (nonnegligent) killing of one human being by another.

Sex Offenses
Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. **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.
B. **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.

C. **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
D. **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

Robbery
The taking or attempting to take anything of value from the care, 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
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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary
The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft
The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

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.

Liquor Law Violations
The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Abuse Violations
The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Weapons: Carrying, Possessing, Etc.
The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation,

possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Referred for campus disciplinary action (Liquor Laws, Drugs and Weapons Violations)|
The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Hate Crime
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:

Categories of Prejudice
Race
A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Gender
A preformed negative opinion or attitude toward a group of persons because those persons are 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.

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.

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.

Report continued on next page.

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.

Hate Crime Definitions

The Crimes of Larceny
Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property are also reported under Clery Act requirements if it is determined the victim was intentionally selected because of the perpetrators' bias against the victim.

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

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

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.

Dating Violence
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
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.

Stalking

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.

Crime Statistics Chart

Offense		Year	On-Campus	*Residential Facility	Non-campus Building or Property	Public Property
Criminal Homicide	*Murder and Non-negligent Manslaughter*	**2018**	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Negligent Manslaughter	**2018**	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
Sex Offenses	*Rape**	**2018**	15	14	0	0
		2019	5	5	0	0
		2020	1	1	0	0
	Fondling	**2018**	0	0	1	0
		2019	1	1	0	0
		2020	1	0	0	0
	Incest	**2018**	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Statutory Rape	**2018**	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
Robbery		**2018**	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
Aggravated Assault		**2018**	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
Burglary		**2018**	1	1	0	0
		2019	8	8	2	0
		2020	1	0	1	0
Motor Vehicle Theft		**2018**	0	0	0	0
		2019	0	0	0	0
		2020	0	0	1	0
Arson		**2018**	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
Hate Crimes	*Vandalism – Race Bias*	**2018**	0	0	0	0
		2019	1	1	0	0
		2020	0	0	0	0
	Intimidation – Ethnicity Bias	**2018**	0	0	0	0
		2019	1	0	0	0
		2020	0	0	0	0
	Intimidation – Religious Bias	**2018**	0	0	0	0
		2019	1	0	0	0
		2020	0	0	0	0

Other Offenses	Year	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	**2018**	0	0	0	0	29	28	0	0
	2019	0	0	0	0	47	46	0	0
	2020	0	0	0	0	1	1	0	0
Drug Abuse Violations	**2018**	0	0	0	0	17	16	0	0
	2019	0	0	0	0	31	29	1	0
	2020	0	0	0	0	1	1	1	0
Illegal Weapons Possession	**2018**	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0

VAWA Amendment Offenses

	Year	On-Campus	Residential Facility	Non-campus Building or Property	Public Property
Dating violence	**2018**	5	5	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Domestic Violence	**2018**	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Stalking	**2018**	3	2	0	0
	2019	1	0	0	0
	2020	1	0	0	0

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

**Statistics requested from the Claremont Police Department are included in the tables above. Claremont Police Department did not 'unfound' any crimes for Pitzer College in the reporting years 2018, 2019, or 2020.

Campus Map and Non-Campus Property

Below is a map of the Claremont Colleges depicting Pitzer College's on-campus and public property adjacent to campus Clery reportable geography (in orange.).

Campus Addresses
Atherton Hall, 1150 Pitzer Road, Claremont, CA 91711
East Hall, 1250 Pitzer Road, Claremont, CA 91711
East Sanborn Hall, 1070 Pitzer Road, Claremont, CA 91711
Mead Hall, 1051 Pitzer Road, Claremont, CA 91711
North Sanborn Hall, 1070 Pitzer Road, Claremont, CA 91711
Pitzer Hall, 1050 Pitzer Road, Claremont, CA 91711
Skandera Hall, 1250 Pitzer Road, Claremont, CA 91711
West Hall, 1250 Pitzer Road, Claremont, CA 91711
Claremont Collegiate Apartments (Building A), 1455 N. College Avenue, Claremont, CA 91711*
Claremont Collegiate Apartments (Building C), 1435 N. College Avenue, Claremont, CA 91711**

Additional non-campus property for Pitzer College not included on the campus map above includes the CASA Pitzer Program Center, Pitzer President's Residence, and specific study abroad sites in Botswana, Costa Rica, Ecuador, Nepal, Italy, Brazil, and Vietnam (see complete list below). Pitzer non-campus property also includes hotels, campgrounds, and locations where Pitzer students stay at on college-sponsored overnight trips.

Pitzer Non-Campus Property	
Botswana Study Abroad Site	Plot 2910 Pudulogo Cresent, Extension 10, Gaborone, Botswana
Brazil Study Abroad Site	Steve Biko Institute, Rua do Passo. número 4 segundo andar.Largo do Carmo Pelourinho, Salvador, Bahia Brasil. 40301380. Cep
CASA Pitzer Program Center	200 S. Euclid Avenue, Ontario, CA
Costa Rica Study Abroad Sites	Del Super Baru 600 metros al oeste, sobre la carretera que va a Dominical, segundo portón de bambú a mano derecho, Barú de Savegre, Costa Rica, América Central
	Curridabat, del Indoor Club 50 m oeste, 100 m norte, casa #7 color ladrillo, Costa Rica, América Central
Ecuador Study Abroad Site	Av. Eloy Alfaro 939 y Amazonas, Edif. Finandes, 2ndo piso, Of. 201, Quito, Ecuador S.A.
Italy Study Abroad Site	Via Taro, 3, 43125 Parma, Italy
Nepal Study Abroad Sites	Program House Suryabinayak Municipality, Ward no. 2, Balkot, Bhaktapur, Nepal
	Gaurishankar Rural Municnipality, Ward no. 9, Dolakha District, Province 3, Nepal
	Madi Rural Municipality, Ward no. 2, Kaski District, Gandaki, Nepal
Pitzer President's Residence	739 Harvard Avenue, Claremont, CA 91711
Vietnam Study Abroad Site	International School, Hue University, 04 Le Loi Street, Hue City, Vietnam

Annual Fire Safety Report

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for Pitzer College.

Definitions
The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act:

On-Campus Student Housing
A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

Fire
Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Building Evacuations, Fire Alarms, and Smoke Detectors
One approved fire drill per semester will be conducted in each residence hall. The Residence Life staff will discuss the evacuation plan and meeting locations during hall/floor meetings. The participation of everyone is required. Individuals refusing to evacuate a building during a fire alarm or other building evacuation will be cited by the Fire Marshall and/or College officials and are subject to disciplinary action. The removal of, or tampering with firefighting equipment is a violation of state law, and the setting off of "false" fire alarms endangers the lives and property of the Pitzer College community and is prohibited. This includes tampering with your smoke detector (removing batteries, etc.) or fire extinguisher. This violation of state law can result in a fine of up to $1000 and a possible jail term of up to one year. Disciplinary action will take place against an individual or group that violates this policy.

Fire Alarms, Building Evacuations and Campfires
The careless use of fire, the removal of or tampering with firefighting equipment and the setting off of "false" fire alarms endangers the lives and property of the Pitzer College community and is prohibited on its campus. This violation of state law is classified as a misdemeanor and can result in a fine of up to $1000 and a possible jail term of up to one year. Disciplinary action will take place against an individual or group that violates this policy. Individuals refusing to evacuate a building during a fire alarm or other building evacuation can be cited by the Fire Marshall and are subject to disciplinary action. Refer also to the section on fire safety regulations within the Pitzer College Student Handbook in the section on Residential Living.

Fire Sprinkler Systems
Fire sprinklers have been installed in all residential buildings except for Mead hall. Only the lower levels of Mead hall have fire sprinklers installed.

Tampering with the fire sprinklers is a fire code violation. *Any unauthorized modification to the fire sprinkler system is in direct violation of the LACFD and is subject to fine*s. Any and all damages associated with the sprinkler heads will result in vandalism charges to the student including the replacement of sprinkler heads, any water damage due to flooding, and the fire department response. Keep in mind that flooding may not be limited to a student's room and they could be responsible for damages to numerous rooms.

Halogen Light Policy
Pitzer College prohibits the use of halogen lamps. They are prohibited even if they are intended for decoration, recreation or ceremonial use.

Open Flames
Due to the danger presented by open flames, candles or any other flame may not be used on the Pitzer College campus unless they are used as part of a campus event and approved by the Office of Student Affairs.

State law allows for open campfires only under certain requirements, which can be facilitated through the Office of Student Affairs and Facilities. Under no circumstances will fires in the Arboretum/Outback be allowed, due to the highly flammable vegetation in the area.

Fire Safety Regulations

Any items mentioned in the Student Handbook which are prohibited may be confiscated and will not be returned if discovered by ResLife Staff.

1. Corridors, stairways, and exit doors are to be kept clear of obstructions at all times.
2. Electrical appliances such as toasters, hot plates, saunas, space heaters, microwaves larger than 1.0 cubic feet and refrigerators larger than 4.4 cubic feet are prohibited. Refrigerators should be energy star rated and must have adequate ventilation on all sides.
3. Multiple plug extension cords constitute a severe fire hazard and the danger of electrical shock. These items are prohibited in residence hall rooms when they are utilized for more than one appliance. Only the use of UL listed plug strips containing built-in fuses are permitted.
4. All candles, incense, halogen lamps, fireworks, smudging and oil-fueled lamps are prohibited. These items are prohibited even if they are intended for decoration, recreation or ceremonial use.
5. No flammable liquids are to be used or stored in the residence halls at any time.
6. Excessive amounts of combustibles such as paper products or textiles stacked in rooms, attached to and/or covering walls and ceilings, covering lights or used as room dividers are prohibited.
7. Nothing can be attached to or hung on the ceilings; this includes but is not limited to posters and tapestries.

8. Corridor decorations shall be made from non-flammable materials or treated with appropriate flame-retardant solutions. All trees, tree branches, and tree limbs must be treated with an approved flame retardant solution and have tags affixed certifying that they have been flame proofed.
9. The following are strictly prohibited: pipes, hookahs, water pipes, fireworks, and any glass or homemade smoking devices. If any of these items are found, they may be confiscated and will not be returned.
10. Under NO circumstances will fires be allowed on campus (this includes all activities related to fire such as, but not limited to, fire dancers, tiki torches, etc.). due to the highly flammable vegetation in the area.

Smoking Policy

Pitzer has adopted a smoke-free policy that includes all workplaces (including open and closed offices, classrooms and all residence halls); and all enclosed public areas (including the public areas of all the residence halls). Cigarette bins are located 25 feet from the residence halls and enclosed public areas.

Students living in the residence halls have the right to exist in a smoke-free environment. As a supplement to Pitzer's policy on smoking, the following guidelines are to be followed in the residence halls:

- Students living in the residence halls have the right to exist in a smoke-free environment. As a supplement to Pitzer's policy on smoking, the following guidelines are to be followed in the residence halls:
- Smoking is not permitted in individual rooms or bathrooms. This includes vaping.
- All public and common areas in the residence halls are non-smoking areas. These areas include, but are not limited to: all common rooms, living rooms, study areas, kitchens, sundecks, elevators, hallways (including exterior walkways), suite areas and Mead balconies.
- All residence halls are designated as nonsmoking and this includes a 25-feet perimeter around each residence hall.
- The following are strictly prohibited: pipes, hookahs, water pipes, and any glass or homemade smoking devices. If any of these items are found, they will be confiscated and will not be returned.

Explosives

Any items containing explosives are absolutely prohibited in the residence halls, and in vehicles anywhere on campus. These items include, but are not limited to fireworks. In addition, combustibles in containers, such as gasoline cans or camping fuel, are never allowed in the residence halls. These items are prohibited even if they are intended for decoration, recreation, or ceremonial use.

Furthermore, vehicles such as, motorcycles, motor scooters, motorbikes, and mopeds, cannot be parked or stored in student rooms or anywhere within the vicinity of residence halls or campus buildings and

(except those operated by Campus Safety and emergency vehicles on official business) are prohibited on the interior of campus, i.e., those areas not designated for vehicle traffic.

In regards to residence hall rooms, as outlined in the Pitzer College Student Handbook under Residence Life and Housing Policies and Procedures, nothing can be attached to or hung on the ceilings in residence hall rooms; this includes, but is not limited to posters and tapestries.

Fire Statistics for On-Campus Student Housing Facilities

The Office of Student Affairs maintains a Fire log that includes the nature, date, time and general location of every fire that occurs in an on campus housing facility. The log is available for inspection by contacting the Facilities Office, Monday through Friday during normal business hours.

Description of On-Campus Student Housing Fire Safety Systems: Residence Halls and Live-In Faculty/Staff Apartments

Pitzer College complies with all local, state and national fire regulations. All of Pitzer College residential buildings have fire alarms and have redundant suppression equipment that includes automatic sprinkler systems and manual fire extinguishers. Evacuation drills of all residential buildings are conducted each semester for a total of two evacuation drills per academic year. Due to the COVID-19 pandemic resulting in campus closures in March 2020, fire drills were conducted in Fall 2020 and not conducted during Spring 2020. 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 Pitzer College Facilities Department.

The addresses for all residence halls are listed below:

Atherton Hall, 1150 Pitzer Road, Claremont, CA 91711

East Hall, 1250 Pitzer Road, Claremont, CA 91711

East Sanborn Hall, 1070 Pitzer Road, Claremont, CA 91711

Mead Hall, 1051 Pitzer Road, Claremont, CA 91711

North Sanborn Hall, 1070 Pitzer Road, Claremont, CA 91711

Pitzer Hall, 1050 Pitzer Road, Claremont, CA 91711

Skandera Hall, 1250 Pitzer Road, Claremont, CA 91711

West Hall, 1250 Pitzer Road, Claremont, CA 91711

Claremont Collegiate Apartments (Building A), 1455 N. College Avenue, Claremont, CA 91711*

Claremont Collegiate Apartments (Building C), 1435 N. College Avenue, Claremont, CA 91711**

2018 Residence Hall Fire Log

Building Name	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to Fire	Property Damage Value ($)	Report Number
Pitzer Hall	0	0	0	0	0	0	0
Atherton Hall	0	0	0	0	0	0	0
North Sanborn Hall	0	0	0	0	0	0	0
East Sanborn Hall	0	0	0	0	0	0	0
Mead Hall	0	0	0	0	0	0	0
West Hall	0	0	0	0	0	0	0
East Hall	0	0	0	0	0	0	0
Building A* (Claremont Graduate)	0	0	0	0	0	0	0

*A small number of Pitzer students resided in housing facilities at Claremont Collegiate Apartments of Claremont Graduate University Building A beginning in August 2018. For this listed residential housing facility, no fires were reported in 2018.

2019 Residence Hall Fire Log

Building Name	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to Fire	Property Damage Value ($)	Report Number
Pitzer Hall	0	0	0	0	0	0	0
Atherton Hall	0	0	0	0	0	0	0
North Sanborn Hall	0	0	0	0	0	0	0
East Sanborn Hall	0	0	0	0	0	0	0
Mead Hall	0	0	0	0	0	0	0
West Hall	0	0	0	0	0	0	0
East Hall	0	0	0	0	0	0	0
Building A* (Claremont Graduate)	0	0	0	0	0	0	0
Building C** (Claremont Graduate)	0	0	0	0	0	0	0

*A small number of Pitzer students resided in housing facilities at Claremont Collegiate Apartments of Claremont Graduate University Building A beginning in August 2018. For this listed residential housing facility, no fires were reported in 2018.

**A small number of Pitzer students resided in housing facilities at Claremont Collegiate Apartments of Claremont Graduate University Building C beginning in August 2019. For this listed residential housing facility, one fire was reported in 2017 (1) unintentional cigarette fire caused property value damage in the amount of $34.99, and no fires were reported in 2018. No further information was available from Claremont Graduate University.

Report continued on next page.

2020 Residence Hall Fire Log

Building Name	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to Fire	Property Damage Value ($)	Report Number
Pitzer Hall							
Atherton Hall							
North Sanborn Hall							
East Sanborn Hall							
Mead Hall							
West Hall							
East Hall							
Building A* (Claremont Graduate)							
Building C** (Claremont Graduate)							

*A small number of Pitzer students resided in housing facilities at Claremont Collegiate Apartments of Claremont Graduate University Building A beginning in August 2018. For this listed residential housing facility, no fires were reported in 2018.
**A small number of Pitzer students resided in housing facilities at Claremont Collegiate Apartments of Claremont Graduate University Building C beginning in August 2019. For this listed residential housing facility, one fire was reported in 2017 (1) unintentional cigarette fire caused property value damage in the amount of $34.99, and no fires were reported in 2018. No further information was available from Claremont Graduate University.

Residence Hall Fire Safety Systems

Building Name	Year Built/Renovated	Fireproof Frame	Sq. Ft Protected	Wet/Dry	Fire Alarm
Pitzer Hall	2005	Metal frame	22,153	wet	yes
Atherton Hall	2005	Metal frame	17,821	wet	yes
North Sanborn Hall	2005	Metal frame	11,279	wet	yes
East Sanborn Hall	2005	Metal frame	17,771	wet	yes
Mead Hall	1966	Concrete	65,289	wet lower level	yes
West Hall	2012	Metal frame	35,178	wet	yes
East Hall	2012	Metal frame	35,178	wet	yes
Building A (Claremont Graduate)	2008	Metal frame	98,596	wet	yes
Building C (Claremont Graduate)	2008	Metal frame	98,596	wet	yes

Fire Safety Education and Training Programs for Students, Faculty and Staff

The Resident Assistants receive fire prevention and response training during Resident Assistant training each August. The training consists of a classroom instruction followed by hands on application of fire extinguishers. In addition, evacuation drills are conducted each semester.

Topics addressed during this training include:

- Fire prevention in the residence hall
- What to do in the event of a fire
- How to report a fire or other emergency

- Fire Incident Reporting
- Students, faculty and staff are instructed to call 909-607-2000 to report a fire emergency.

Non-emergency notifications (e.g. evidence that something burned) are made to:

Campus Facilities 909-607-2226 or the Office of Student Affairs 909-621-8241.

Plans for Future Improvements in Fire Safety

The College's Emergency Management Committee (EMC) is responsible for oversight of all emergency response and preparedness initiatives and Fire Safety falls under its jurisdiction. These initiatives are regularly reviewed and implemented by the Committee, including, but not limited to, Collegewide awareness and test notifications, annual residential and Collegewide fire drills. Given the success of the EMC's collaborative efforts, at this time we do not have any areas of improvement or changes to report.

Crime Prevention Tips

While the Pitzer College campus is a reasonably safe environment, crimes do occur. In addition to the Clery Act crimes statistics below, other common crimes that occur on campus are outlined below:

Theft

Theft is a common occurrence on college campuses. Oftentimes this is due to the fact theft is a crime of opportunity. Confined living arrangements, recreation facilities, and many open classrooms and laboratories provide thieves with effortless opportunities. Occupants of the residence halls often feel a sense of security and home atmosphere and become too trusting of their peers, while others leave classrooms and laboratories unlocked when not occupied for short periods of time.

The theft occurring most often across The Claremont Colleges and certainly at Pitzer College is bicycle theft. We highly recommend that students, faculty and staff secure their bikes properly to a bike rack using a U-lock. The Green Bike Program sells the locks and teaches the proper technique for securing bicycles.

As part of The Claremont Colleges, it is extremely common to see someone you do not recognize, but assume is a member of the community. It is important to be very vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. We recommend using laptop locks. All desks in Pitzer, Atherton, Sanborn, East and West Halls contain a desk drawer with a locking mechanism. We recommend purchasing a padlock or other small locking device to secure medication, passports, cash, small electronics, etc. Doors should be locked at all times. The following is a list of suggestions to help you not fall victim of theft:

- Keep doors to residence halls, labs, classrooms locked when not occupied
- Do not provide access to unauthorized persons in the buildings or classrooms
- Do not keep large amounts of money with you.
- Lock all valuables, money, jewelry, checkbooks in a lock box or locked drawer
- Keep a list of all valuable possessions including the makes, models, and serial numbers
- Do not leave laptop computers or textbooks unattended in study rooms, classrooms, labs or libraries, even if it is for a short period of time
- Do not lend credit cards or identification cards to anyone
- Report loitering persons or suspicious persons to Campus Safety immediately; do not take any chances

Identity Theft

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involve fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account or credit card information.

- Persons involved in identity theft often use computers or other forms of media to assist them.

- There are measures you can take to prevent this from happening to you:
- Do not give anyone your personal information unless there is a reason to trust them and the release is for good reason.
- Never give your credit card information, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use of computer security software on computers and installation of firewalls are good.

THE CLAREMONT COLLEGES

Title IX

Sexual Harassment Policy

Effective August 14, 2020

Revised February 15, 2021

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I. Introduction

The Claremont Colleges believe all members of our community – including students, faculty, and staff – should pursue their work and education in a safe environment, free from discrimination, harassment, and retaliation. The purpose of this Policy is to prevent and respond to Sexual Harassment, as defined within this Policy.

Sexual Harassment, as defined by this Title IX Sexual Harassment Policy (Policy), is prohibited within all of The Claremont Colleges.[1] The Claremont Colleges will respond promptly and effectively to reports of Sexual Harassment. Other forms of sexual discrimination, sexual harassment, and sexual exploitation that do not meet the definition of Sexual Harassment under this Policy, remain prohibited by each Institution in its individual policies.

This Policy addresses the member Institutions' (see below) 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 member Institutions use to resolve reports of such conduct.

Which Institutions have adopted this Policy? 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[2]:

- 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.

The Policy, while identical across TCC, is adopted and overseen by each individual Institution.

This Policy does not alter any institutional obligations under federal disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties and witnesses may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator or Human Resources

[1] Title IX Sexual Harassment now refers to specific forms of sexual misconduct (see Section IV). Conduct that does not meet the definition of Sexual Harassment, as defined by this Policy, may still be addressed through other policies and processes, such as those under the Institution's student codes of conduct, civil rights policies, discrimination and harassment policies, and/or any other applicable policy adopted by an individual Institution. Interrelated conduct that includes allegations of conduct prohibited by this Policy, as well as conduct outside of this policy, may be joined in one investigation and hearing, as outlined in Section IX.A.11.

[2] 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.

professional at any point before or during the Title IX Grievance Process. The Title IX Coordinator and/or Human Resources professional will submit any request for reasonable accommodation to the appropriate department for review and response. The Title IX Coordinator and/or Human Resources professional will not affirmatively provide disability accommodations that have not been specifically requested by an individual, even where the individual may be receiving accommodations in other institutional programs and activities.

Who does this Policy apply to? This Policy applies to any allegation of Sexual Harassment and/or Retaliation, brought against a student within TCC. Some Institutions also apply this Policy to matters involving staff and faculty. This Policy is applicable as follows:

TCC Institution	Allegations Against Students	Allegations Against Faculty	Allegations Against Staff
Claremont Graduate University	X	X	X
Claremont McKenna College	X		
Harvey Mudd College	X		
Pitzer College	X	X	X
Pomona College	X		
Scripps College	X	X	X

What is the purpose of this Policy? This Policy is enacted to comply with Title IX of the Educational Amendments of 1972 and its subsequent accompanying regulations. Title IX states:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student, staff, or faculty member's participation in our educational programs and opportunities.

On May 6, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 (the Final Rule). The Final Rule did a number of things, including:

- Specifically redefined "Sexual Harassment," (including forms of sex-based violence), for purposes of Title IX.

- Addressed how an educational institution must respond to reports of Sexual Harassment, as defined by the Final Rule.
- Mandated the grievance process an educational institution must follow before issuing disciplinary sanctions against a person accused of Sexual Harassment, as defined by the Final Rule.

Based on the requirements of the Final Rule, TCC implemented this TCC Title IX Sexual Harassment Policy effective August 14, 2020, and revised effective August 17, 2020, January 28, 2021, and February 15, 2021.[3]

This Policy outlines the 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.

How does this Policy impact other campus disciplinary policies? Only incidents that would qualify as Sexual Harassment, as defined by this Policy, will be investigated and, if appropriate, brought to a live hearing through the process defined below.

Each Institution covered by this Policy remains committed to addressing any violations of its policies, even those that do not meet the narrow standards defined under the Final Rule.

If alleged misconduct falls outside this Policy (including alleged misconduct discovered in the course of investigating conduct falling within this Policy), each Institution retains authority to investigate and adjudicate the allegations under their individual policies and procedures.

The elements and process established in this Policy, and as required under the Final Rule, have no effect on any other Institution policy or Code of Conduct. This Policy does not set a precedent for other policies or processes of the Institutions and may not be cited for or against any right or aspect of any other policy or process.

How does this Policy impact the handling of complaints? Institutions' existing Title IX Offices and reporting structures remain in place. This Policy changes the way the Title IX Offices handle reports alleging Sexual Harassment, as defined by this Policy.

Further, as outlined in Section XV., this Policy applies only to Sexual Harassment (as defined by this Policy) alleged to have occurred on or after August 14, 2020. Incidents of Sexual Harassment alleged to have occurred before August 14, 2020 will be investigated and adjudicated according to the process and definitions in place at the time of the alleged incident.

What is the difference between reporting and disclosing Sexual Harassment? Some individuals within TCC are <u>required</u> to report alleged misconduct, including Sexual Harassment, when they learn of the alleged behavior. Other individuals, including Confidential Resources, are <u>not required</u> to report Sexual Harassment. The information below provides additional clarification:

[3] Non-substantive, clarifying revisions were made on April 12, 2021.

- **Reporting Sexual Harassment.** Any person may report misconduct, including Sexual Harassment. The reporting party need not be the purported victim of the Sexual Harassment.

  Any person wishing to report Sexual Harassment may do so utilizing the contact information of the Title IX Coordinator for their individual Institution (Home 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. Any person can report alleged Sexual Harassment verbally or in writing.

  If an individual communicates with a Responsible Employee (defined in Section III) that they experienced or are aware of specific incidence(s) of alleged Sexual Harassment, that communication is considered a report of Sexual Harassment and the Responsible Employee is required to inform their Title IX Coordinator. The Responsible Employee is expected to keep information about any report in confidence, meaning they are not to share with anyone other than the Title IX Coordinator.

  If an individual communicates with their Title IX Coordinator that they experienced or are aware of specific incidence(s) of alleged sexual misconduct, harassment and/or discrimination, that communication is also considered a report of a possible Policy violation. The Title IX Coordinator is also obligated to keep information about a report in confidence to every extent possible by law.

  Upon receipt of a report of Sexual Harassment, the Institution is required to respond. This response **may** include the initiation of the Title IX Grievance Process.[4] Reports of Sexual Harassment do not automatically initiate the Title IX Grievance Process. The Title IX Grievance Process is only initiated upon receipt of a signed Formal Complaint, as defined in Section III.

- **Disclosing Sexual Harassment.** A disclosure is made when an individual communicates with a Confidential Resource (defined below) or someone who is not a Responsible Employee (defined below) about misconduct, including Sexual Harassment, that they either experienced or became aware of. A disclosure to a Confidential Resource will be kept confidential unless otherwise requested by the disclosing individual. A disclosure does not result in any formal report or initiation of the Title IX Grievance Process unless requested by the disclosing individual. Each Institution's Title IX Coordinator maintains a list of all Confidential Resources available to students, staff, and faculty.

  Accordingly, if an individual wishes to discuss alleged Sexual Harassment without initiating the Title IX Grievance Process, they may disclose the conduct to a Confidential Resource.

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 the members of each Institution's community shall contain a link to this Policy and the contact information for the Institution's Title IX Coordinator.

[4] "The Title IX Grievance Process" refers to the process initiated upon receipt of a Formal Complaint. The Title IX Grievance Process is explored in detail in Section IX.

II. Title IX Coordinator and TCC Title IX Process Administrator

Title IX Coordinator. Each Institution within TCC shall designate a Title IX Coordinator to oversee and ensure compliance with this Policy. Each Title IX Coordinator is responsible for ensuring compliance with Title IX and this Policy within their Institution.

The name and contact information (phone number, email address, and office address) for each Institution's Title IX Coordinator is as follows:

Institution	Title IX Coordinator	Email	Address
Claremont Graduate University	Jami Hinshaw Title IX and Clery Coordinator Alejandra Gaytan, Director of Human Resources Dr. Patricia Easton Executive Vice President and Provost	jami.hinshaw@cgu.edu (909) 607-1887 alejandra.gaytan@cgu.edu (909) 607-4404 patricia.easton@cgu.edu (909) 607-3318	160 E. 10th Street Harper Hall East Claremont, CA 91711
Claremont McKenna College	Lynzie DeVeres, Assistant VP for Diversity and Inclusion Title IX Administrator	ldeveres@cmc.edu (909) 607-8131 and (909) 607-2000	385 E. 8th Street Marian Miner Cook Athenaeum, Second Floor Claremont, CA 91711
Harvey Mudd College	Dr. Jennifer Alanis Title IX Coordinator	jalanis@hmc.edu (909) 607-3470	301 Platt Boulevard Platt Campus Center Claremont, CA 91711
Keck Graduate Institute	Brittany Raygoza Title IX and Clery Coordinator	brittany_raygoza@kgi.edu (909) 607-9649	535 Watson Drive Building 535, Room 30 Claremont, CA 91711
Pitzer College	Corinne Vorenkamp Title IX Coordinator	titleix@pitzer.edu (909) 607-2958	1050 N. Mills Avenue Broad Center, Room 212 Claremont, CA 91711

Institution	Title IX Coordinator	Email	Address
Pomona College	Mike Manalo-Pedro Associate Dean	Mike.Manalo-Pedro@pomona.edu (909) 607-8270	333 N. College Way Alexander Hall: Suite 113 Claremont, CA 91711
Scripps College	Sara Miller Title IX Coordinator	titleix@scrippscollege.edu (909) 607-7142	919 North Columbia Avenue McAlister Center, Lower Level Claremont, CA 91711

Each Institution's Title IX Coordinator, or their designee, serves as the primary point of contact for individuals from their campus involved in the Title IX Grievance Process.

TCC Title IX Process Administrator. The TCC Title IX Process Administrator (referred to as the "TCC Title IX Administrator") oversees the Title IX Grievance Process for TCC. As outlined throughout this Policy, the TCC Title IX Administrator is responsible for a variety of tasks, including, but not limited to, the following:

- Managing the Title IX Grievance Process across the six above-listed Institutions.
- In consultation with the Title IX Coordinators, evaluating and assigning Investigators, Hearing Officers, and Appeal Authorities in the Title IX Grievance Process.
- Confirming and documenting the training of all individuals involved in the Title IX Grievance Process.

The TCC Title IX Administrator can be reached at: TitleIXAdmin@claremont.edu

III. Relevant Terms

Advisor: An Advisor is an individual who provides guidance to the Complainant or Respondent throughout the Grievance and Alternative Resolution process, as set forth in this Policy. Each party is entitled to one Advisor through every stage of the Grievance process (including the Alternative Resolution process, when applicable). A party can select an Advisor of their choice at any time in the process. An Advisor can be any person, including an attorney, who is not otherwise a party or a witness.

A party does not have to have an Advisor during the investigation and Alternative Resolution process. TCC will not provide any party with an Advisor during the investigation process. However, as outlined below, each party is required to have an Advisor during the hearing. If a party has not already obtained an Advisor prior to the start of the hearing, the party's Home Institution's Title IX Coordinator will be responsible for ensuring their respective Respondent and/or Complainant is appointed an Advisor at no fee or charge to the party. TCC will not pay for, nor will TCC reimburse any party for the cost of, an Advisor selected by the party.

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.D.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.

Support Person: A Support Person is an individual who provides emotional support to a Complainant or Respondent throughout the Grievance and Alternative Resolution process, as set forth in this Policy. Parties are entitled to one Support Person through every stage of the Grievance and Alternative Resolution process.

The Support Person may never speak on behalf of a party or otherwise disrupt any meetings or hearings in any manner. See Section IX.A.7 for a full description of the Support Person's role. TCC reserves the right to exclude a Support Person who does not abide by these procedures.

Complainant: A Complainant is an individual alleged to be the victim of conduct that could constitute Sexual Harassment, as defined by this Policy. 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.

Confidential Resource: A Confidential Resource is a campus- or community-based resource that has the duty of confidentiality. The duty of confidentiality is an obligation on the part of the resource provider to keep a person's information private and confidential unless consent to release or share the information is provided by the disclosing person. Each Institution's Title IX Coordinator maintains a list of Confidential Resources.

There are two types of Confidential Resources at TCC:

- ***Confidential Resources with the legal privilege of confidentiality.***

  Communications with these resources have legal protections from disclosure in court. These resources also possess professional obligations (the duty of confidentiality) to hold such communications in confidence and they cannot divulge information about an individual seeking their services to a third party without that individual's consent. There are established limits to confidentiality and these must be communicated to the individual seeking services.

  Examples include, but are not limited to: Chaplains, Monsour and Project Sister Counselor at EmPOWER. **Some** campus Advocates are Confidential Resources with legal privilege – please check with your individual Institution for a definitive list of confidential resources with legal privileges.

- ***Institution-designated Confidential Resources.***

  Communications with these resources do not have legal privilege and as such are not provided legal protections from disclosure in court. These individuals and/or offices do possess professional obligations (the duty of confidentiality) to hold communications in confidence and they cannot divulge information about an individual seeking their services to a third party without that individual's consent.

  In addition to established limits to confidentiality that must be communicated to the individual seeking services, Institution-designated Confidential Resources also have limited reporting responsibilities

federally mandated by the Clery Act. Under the Clery Act, their reporting obligation arises when they become aware of information or allegations of criminal behavior and must report the information regarding an incident to the Institution's Clery Coordinator. They do not have to report identifying information about the individuals involved in an incident. Institution-designated Confidential Resources are not obligated to inform the Title IX Coordinator of a report/disclosure unless requested by the individual seeking their services.

Examples include, but are not limited to: the EmPOWER Center and the Director at the Queer Resource Center (QRC).

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 sexual activity, and the physical conditions of sexual activity (e.g., use of a condom).[5]

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 or subsequent sexual relations between them, should never by itself be presumed to be an indicator of consent.

- Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity.
- Consent can be withdrawn at any time.
- Previous relationships or prior consent does not imply consent to future sexual acts; this includes "blanket" consent (i.e., permission in advance for any/all actions at a later time/place).
- It is the obligation of the person initiating the sexual activity to obtain consent.
- 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.
    - Force: violence, compulsion, or constraint physically exerted by any means upon or against a person.
    - 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.
- A person who does not want to engage in sexual activity is not required to resist or to verbally object.
- Withdrawal of consent can be manifested through conduct and need not be a verbal withdrawal of consent (e.g., crying, pulling away, not actively participating, uncomfortable or upset facial expressions).

[5] "Condom stealthing" refers to a person's knowing or intentional removal of, or failure to use, a condom during sexual activity without the consent of the other person(s), when consent to the sexual activity was conditioned on the use of a condom.

- Consent may not be given by an individual who has not reached the legal age of consent under applicable law.

Affirmative Consent cannot be given by a person who is asleep, unconscious, or incapacitated. A person with a medical or mental disability may also lack the capacity to give consent. The definition of incapacitation follows.

Incapacitation. A person is unable to consent when incapacitated due to the influence of drugs, alcohol, or medication so that the person could not understand the fact, nature, or extent of the sexual activity.

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 unable to consent (e.g., asleep or unconscious).

Incapacitation may result from the use of alcohol or drugs. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.

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; and/or,
- Capacity to appreciate the nature and the quality of the act.

A Respondent must either have known, or reasonably should have known, that a Complainant was unable to consent to sexual activity under any of the following circumstances:

- The person was asleep or unconscious;
- The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity; or,
- The person was unable to communicate due to a mental or physical condition.

It shall not be a valid excuse that the Respondent believed the Complainant consented to sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent; and/or,
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

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" refers to all the operations of TCC, including, but not limited to: in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by TCC. It also includes off-campus locations, events, or circumstances over which TCC exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by TCC.

Conduct that does not occur within TCC's Education Programs or Activities, as defined by this Policy, including conduct that takes place off-campus or within a TCC study abroad program, may still be addressed through other policies and processes, such as those under the Institution's student codes of conduct, civil rights policies, discrimination and harassment policies, and/or any other applicable policy adopted by an individual Institution.

Formal Complaint: A document – including an electronic submission – filed and signed by a Complainant (or with other indication that the Complainant is the person filing the Formal Complaint) or signed by the Title IX Coordinator, alleging Sexual Harassment against a Respondent that occurred within TCC's Education Programs r Activities, and requesting initiation of the procedures consistent with this Policy to investigate the allegations.

Any individual may make a report of Sexual Harassment. This individual is known as a Reporting Party. If the Reporting Party is not the Complainant, the Title IX Coordinator may initiate and sign the complaint. 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.[6]

Individuals can report alleged Sexual Harassment verbally or in writing.

Reporting Party: An individual who makes a report of alleged Sexual Harassment, as defined by this Policy. This can be any person, including an individual unassociated with TCC. A Reporting Party is not considered a Complainant for purposes of this process.

Respondent: A Respondent is an individual who has been reported to have engaged in conduct that could constitute Sexual Harassment, as defined by this Policy. An individual does not have to be enrolled or employed

[6] The Complainant need not initiate nor sign the Formal Complaint (see definition of "Complainant" in Section III., above) to be designated a Complainant.

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.

Responsible Employee: Responsible Employees are TCC employees who, upon receipt of a disclosure or report of Sexual Harassment, are required to report the alleged conduct to the Institution's Title IX Coordinator. Responsible Employees will maintain confidentiality to the greatest extent possible and will only relay the disclosed or reported information to the Title IX Coordinator or designee.

A Responsible Employee is defined by each Institution. Please refer to your Home Institution for their definition of this term.

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 VI. of this Policy.

Violence: For purposes of this Policy, violence can be physical violence or patterns of abusive behavior.

- *Physical violence*: Physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior.

- *Patterns of Abusive Behavior:* This may consist of, or include, non-physical tactics such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance.

Conduct by an individual in defense of self or another is not violence under this Policy. If either party asserts that they acted in defense of self or another, the Adjudicator (see Section IX.D.) will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.

IV. Sexual Harassment and Retaliation

Only allegations of Sexual Harassment, alleged to have occurred within TCC's Education Programs or Activities, and Retaliation (as defined by this Policy) are addressed under this Policy. Sexual Harassment and Retaliation, as defined by this Policy, are prohibited within all of TCC. TCC will respond promptly and effectively to reports of Sexual Harassment and/or Retaliation, as outlined in this policy. *Other forms of sex discrimination, sexual harassment, and sexual misconduct remain prohibited by each Institution in its individual policies.* [7]

This section provides the definitions of Sexual Harassment and Retaliation, for purposes of this Policy.

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

[7] 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 student codes of conduct, civil rights policies, discrimination and harassment policies, and/or any other applicable policy adopted by an individual Institution.

a) An employee of TCC 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*).

   - Complainant's statement that they found the conduct to be unwelcome is sufficient to constitute "unwelcome conduct."

b) 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 Programs or Activities.

   - "Unwelcome conduct" depends on a variety of factors and must be evaluated in light of the known circumstances.

   - "Severe, pervasive, and objectively offensive" 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.

c) Sexual assault (as defined in the Clery Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

   - 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 the state 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 their safety or the safety of others; or,
- Suffer substantial emotional distress.

Retaliation. No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes Retaliation.

V. 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 student codes of conduct, civil rights policies, discrimination and harassment policies, and/or any other applicable policy adopted by an individual Institution.

Each Institution maintains individual policies addressing sexual misconduct, harassment, and discrimination. These policies might address conduct constituting sexual misconduct, sexual harassment, and/or sex discrimination, 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, may be addressed using the processes established in those individual policies.[8]

VI. Supportive Measures

Supportive Measures are designed to restore or preserve equal access to a Complainant's and Respondent's educational program or activity without unreasonably burdening the other party.

The Complainant's Home Institution Title IX Coordinator shall, upon becoming aware of alleged Sexual Harassment, promptly contact the Complainant if their identity is known to discuss the availability of Supportive Measures as well as other rights and options in accordance with the Institution's policies. Supportive Measures shall be offered to the Complainant regardless of whether they wish to file a Formal Complaint. In implementing any Supportive Measures, the Title IX Coordinator shall consider the Complainant's wishes.

The Respondent's Home Institution Title IX Coordinator shall offer Supportive Measures to a Respondent upon notification to the Respondent that there has been a Formal Complaint, or earlier as appropriate if a Respondent is aware of a potential complaint against them.

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. For complaints involving parties from more than one Institution, each party's Home Institution Title IX Coordinator shall promptly notify the other party's Home Institution Title IX Coordinator of any Supportive Measures implemented on behalf of a party or witness. This information will not be shared with the other party unless it specifically impacts that party. If there is disagreement about whether information about a specific supportive measure for one party will be shared with the other party, the parties' Home Institution Title IX Coordinators shall confer with the TCC Title IX Administrator.

Supportive 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;

[8] Where allegations made in a Formal Complaint include both conduct that falls under this Policy and conduct that is outside of this Policy but is interrelated to Policy-covered conduct, the allegations may be joined. If the allegations under this Policy and under an Institution's other policies are joined, during the hearing direct cross-examination by a Party's Advisor will be limited to questions relating to the allegation of conduct falling under this Policy. Determinations as to when a question is appropriate to be posed by a party's Advisor or through the Hearing Officer shall be made at the sole discretion of the Hearing Officer.

- Leaves of absence;
- Increased security and monitoring of certain areas of campus; and,
- Other similar measures determined by the parties' Home Institution Title IX Coordinator(s) based on the specific facts of each case.

VII. Emergency Removal

In certain circumstances, a Respondent's Home Institution may remove a Respondent from an education program or activity before the completion of the Title IX Grievance Process. Such removal will only occur on an emergency basis. The Complainant's Home Institution Title IX Coordinator or designee shall be consulted and given the opportunity to participate in every step of the emergency removal process, including participating in all communications, meetings, and correspondence regarding the individualized safety and risk assessment. An emergency removal is not equivalent to a determination of responsibility, nor is it a sanction for alleged behavior. The Respondent's Home 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 Respondent's Home Institution determines there is an emergency situation. This determination occurs only after the Respondent's Home 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.[9]
- **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.
- **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.** The Respondent's Home Institution will provide the Respondent with a sufficiently detailed notice, notifying the Respondent of the identified emergency threat of physical safety or harm. The

[9] 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 the Institution's student codes of conduct, civil rights policies, discrimination and harassment policies, and/or any other applicable policy adopted by an individual Institution.

Respondent is not entitled to a full evidentiary hearing (as set forth in Section IX.D.) to challenge an emergency removal.

VIII. Administrative Leave (Employees Only)

An Institution may place a non-student, employee Respondent on administrative leave during the pendency of the Title IX Grievance Process. A student who is also an employee can be placed on administrative leave with respect to their employment, but administrative leave cannot impact their educational access.

An employee can be placed on administrative leave only after a Formal Complaint has been filed against a Respondent and the Title IX Grievance Process has begun. Administrative leave is intended for situations that do not qualify for Emergency Removal as outlined in Section VII.

Each Institution has its own process for administrative leave. The Complainant's Home Institution's Human Resources Professional or Title IX Coordinator will work in coordination with the Respondent's Home Institution Human Resources Professional or Title IX Coordinator to facilitate the administrative leave process.

IX. Title IX Grievance Process

The Title IX Grievance Process is initiated upon the receipt of a Formal Complaint. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the Education Programs or Activities of TCC within the United States, including as an employee.[10]

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. In these circumstances, the Title IX Coordinator will inform the Complainant of this decision in writing. The correspondence will include notice that the Complainant need not participate in the process further, but will receive all notices issued under this Policy and Title IX Grievance Process.

Nothing in the Title IX Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Throughout the Title IX Grievance Process, the Complainant's and Respondent's Home Institution Title IX Coordinators, as well as the TCC Title IX Administrator, will work closely and cooperatively together. They will maintain open communication during all phases of the Title IX Grievance Process, including the investigation, hearing, and appeal stages.

TCC does not make determinations of responsibility prior to the completion of the Title IX 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 Title IX Grievance Process.

TCC, not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing whether a violation of this Policy has occurred.

[10] For Complainants who do not meet these criteria, the Institution will review the allegations under other existing policies.

A. General Information

1. Standard of Evidence

TCC will utilize a "Preponderance of the Evidence" standard in evaluating all allegations of Sexual Harassment (as defined by this Policy). "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. Initial Meetings and the Intake Process

Initial Meetings. A Complainant may meet with their Home Institution's Title IX Coordinator for the purposes of discussing their reporting options, Supportive Measures, etc. Below is a summary of the topics the Complainant's Home Institution's Title IX Coordinator will address during initial meetings 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 Title IX Grievance Process.

The Title IX Grievance Process is initiated upon receipt of a Formal Complaint.

Intake Process. Upon receipt of such a Formal Complaint, the Complainant's Home Institution's Title IX Coordinator will engage in the 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 might take place during the Title IX Coordinator's initial meeting with the Complainant, or it might take place during a subsequent meeting. The Intake Process commences when a Complainant has decided to make a Formal Complaint, and/or when the Institution has been provided sufficient information to proceed with a complaint signed by the Title IX Coordinator.

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.

The Complainant's Home Institution's 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.

The Complainant's and Respondent's Home Institution Title IX Coordinators will jointly make an initial determination of whether the Title IX Grievance Process is applicable to the Formal Complaint, as outlined in Section IX.B., below.

3. Timing

Absent extensions for good cause, the entire Title IX Grievance Process should be completed within 90 to 100 business days from the issuance of the Notice of Allegations to the Respondent(s), which shall occur upon initiation of the Title IX Grievance Process. This includes the investigation, hearing, and any appeal process. A thorough investigation and/or procedurally proper hearing and appeal may necessitate one or more extensions

for good cause. Extension requests will be evaluated and denied or granted by the TCC Title IX Administrator. The TCC Title IX Administrator will provide notice to both parties of any timeline extensions.

Failure to complete the Title IX 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.F.) must also include an explanation as to how the delays materially impacted the outcome of the Title IX Grievance Process.

4. 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 TCC's investigation.

5. 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.

TCC is permitted to share confidential information amongst 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 TCC's responsibility to maintain a safe environment for its community. Complete confidentiality cannot be guaranteed.

6. 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. Parties may be accompanied by a Support Person (see below) in addition to an 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 in Section IX.D.7. 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, the party's Home Institution will provide the party with an Advisor during the hearing, if the party has not already obtained an Advisor.

7. Support Persons

Parties may elect to be accompanied by a Support Person during the hearing process, in addition to an Advisor. 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 this Policy.

8. Accepting Responsibility

At any time prior to the commencement of a hearing, a Respondent may waive the right to a hearing and instead accept responsibility for the alleged Policy violation. A Respondent may do so by providing the TCC Title IX Administrator with a signed, written notice, stating the Respondent accepts responsibility for the alleged violation and waives the right to a fact finding hearing on this issue. If a Respondent accepts responsibility in writing in advance of a hearing, the Complainant and Adjudicator shall be provided a copy of the waiver and a hearing will be conducted only on the question of sanctions. Each party retains all rights with regard to sanctioning.

The parties will be given an opportunity to be heard at the sanctions hearing, including but not limited to the submission of impact statements. The parties may be accompanied by their Advisors, but questioning of parties or witnesses by Advisors will not be permitted. The parties will receive simultaneous written notification of the decision regarding sanctions and remedies, which may be appealed according to the process described in Section IX.F.

9. Closure

Not all reports of alleged Sexual Harassment constitute a report of prohibited conduct that may be resolved through this Policy.

TCC must 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 TCC (including buildings or properties controlled by officially 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 was 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 in or employed by TCC; or,
- 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. The Respondent's Home Institution may continue to investigate the allegations as a potential violation of another policy. If the Respondent's Home Institution elects to continue the investigation outside of this 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.F. 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.

10. Amnesty

Any individual (including a witness or a third party) who shares information in the interest of any individual's health and safety will not be subject to disciplinary action by TCC for student conduct policy violations that occur around the time of the alleged prohibited conduct, including their own personal consumption of alcohol or other drugs at or near the time of any incident, provided they did not harm another or place the health or safety of any other person, or the community, at risk. TCC may suggest an educational conference where support, resources, and educational counseling options may be discussed and potentially required with a learning action plan for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.

11. Consolidation of Formal Complaints and Allegations

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 in consultation with the parties' Home Campus Title IX Coordinator(s). If the TCC Title IX Administrator determines consolidation is appropriate, they must send notice to all involved parties.

Where allegations made in a Formal Complaint include both conduct that falls under this Policy and conduct that is outside of this Policy but is interrelated to Policy-covered conduct, the allegations may be joined. If the allegations under this Policy and under an Institution's other policies are joined, during the hearing direct cross-examination by a Party's Advisor will be limited to questions relating to the allegation of conduct falling under this Policy. Determinations as to when a question is appropriate to be posed by a party's Advisor or through the Hearing Officer shall be made at the sole discretion of the Hearing Officer.

12. Interpretation

This Policy is intended to be self-explanatory. The Adjudicator (defined in Section IX.D.2) is responsible for interpretation of policy definitions of prohibited conduct. Should a disagreement arise over interpretation of another area of this Policy, exclusive authority to interpret the Policy lies with the TCC Title IX Administrator. Any such interpretation shall be final. In reaching a final interpretation, the TCC Title IX Administrator shall consult with the Title IX Coordinators, unless not feasible or practicable.

B. Step One: Initiation of the Title IX Grievance Process

The Complainant's and Respondent's Home Institution Title IX Coordinators will jointly make an initial determination of whether the Title IX Grievance Process is applicable to the Formal Complaint. The Title IX Coordinators will make a reasonable determination as to whether or not the following elements are met:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in TCC's Education Programs or Activities; and,
4. The alleged conduct, if true, would constitute Sexual Harassment, as defined in this Policy.

If the Title IX Coordinators disagree whether these elements are met, the Title IX Coordinators agree to confer with the TCC Title IX Administrator, who will make the final determination.

If it is determined all of the elements are met (either through consensus by the Title IX Coordinators or review by the TCC Title IX Administrator), TCC will initiate the Title IX Grievance Process.

Initiation of the Title IX Grievance Process. If it is determined (through the process above) that the Formal Complaint will proceed under this Policy, the TCC Title IX Administrator will initiate the Title IX Grievance Process.[11]

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 Section IX.H). If either party declines to participate in the Alternative Resolution Process, the Title IX Grievance Process will proceed, as set forth in this Section.

In instances where a Formal Complaint is signed by the Title IX Coordinator, the person alleged to be harmed (the Complainant) will still retain all rights of a Complainant in this process, if they should choose to exercise them, including the choice to participate or not participate at any step of the process and in receiving notification of the outcome.

Finally, in instances where it is determined a Formal Complaint will not proceed under this Policy, the parties may appeal the determination using the procedures outlined in Section IX.F.

1. 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);

[11] 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 student codes of conduct, civil rights policies, discrimination and harassment policies, and/or any other applicable policy adopted by an individual Institution.

- 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;
- An outline of the Title IX Grievance Process, including any available Alternative 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 TCC will not make a determination of responsibility until the conclusion of the Title IX 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 statement that the parties may have a Support Person of their choice;
- A statement urging the parties to maintain discretion as to the details of the matter, both in recognition of the sensitive nature of the matter, and to ensure they do not influence other individuals' statements;
- 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 conduct codes.

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.

C. Step Two: Investigation Process

1. Designation of the Investigator

The TCC Title IX Administrator, in consultation with the parties' Home Institution's Title IX Coordinators, will designate an Investigator to conduct a fair, thorough, and impartial investigation. After the Notice identifying the assigned Investigator has been sent to the parties, the parties will have five (5) business days to object to the selection of the Investigator for an actual conflict of interest or bias. The TCC Title IX Administrator will consider and resolve any objections to the selection of an Investigator.

The Investigator will have had appropriate training in the definitions of Sexual Harassment, bias, the scope of TCC's education programs and activities, the investigation and hearing processes, the Alternative Resolution Process, and investigative report writing.

2. Investigation

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 the 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. Parties may provide the Investigator with any evidence they believe to be relevant, including expert and polygraph evidence. It is ultimately the role of the Adjudicator (Section IX.D.) to determine what weight, if any, to give to the evidence gathered. 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 not gather evidence or ask questions related to the parties' sexual predisposition or prior sexual behavior unless:

- The evidence and/or questions are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant;
- They concern specific incidents of the Complainant's or Respondent's prior sexual behavior with respect to one another and are offered to prove or disprove consent (with the understanding that consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity and that previous relationships or prior consent does not imply consent to future sexual acts);
- The sexual history is relevant to explain an injury; and/or,
- The sexual history is relevant to show a pattern of behavior.

The Investigator will not gather sexual history as it pertains to a party's reputation or character.

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. The Investigator may only record investigative interviews with the consent of each individual being recorded. 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's interview in-person and under supervision by a TCC representative.

Investigation recordings will be maintained for seven (7) years after the conclusion of the Title IX Grievance Process, the Respondent's graduation, separation from TCC, or separation from Institutional employment, whichever is latest.[12]

4. Evidence Review

Before issuing the final Investigation Report, the TCC Title IX Administrator will provide a preliminary Investigation Report 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.

[12] Interviews that take place via videoconference, and are recorded, may include both an audio and visual recording. Both recordings shall be retained in the same manner as other grievance materials, in accordance with Section X.

5. Final Investigation Report

At the conclusion of the Evidence Review Process, the Investigator will prepare a final written Investigation 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 gathered 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 Investigation 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).

The TCC Title IX Administrator will provide the parties with a final copy of the Investigation Report, including all attachments, at least ten (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. Each party will receive a copy of the other party's written response to the Investigation Report.

D. Step Three: Hearing

Upon receipt of the final Investigation Report, the TCC Title IX Administrator will evaluate the evidence gathered and determine if the Title IX Grievance Process is still applicable to the Formal Complaint. The TCC Title IX Administrator will consider if the following elements are met:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in TCC's education program or activity; and,
4. The alleged conduct, if true, would constitute Sexual Harassment, as defined in this Policy.

If the TCC Title IX Administrator determines that the required elements are met, the matter shall proceed to a hearing. A hearing will be held in which an Adjudicator will make credibility determinations, findings of fact on disputed facts, and findings of policy on the relevant Policy the Respondent is alleged to have violated. In reaching findings, the Adjudicator may consider the final Investigation Report, all evidence gathered by the Investigator, and testimony provided at the hearing.

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 Adjudicator will not draw any adverse inference solely from an individual's decision to not participate in the hearing, although this decision may impact the information available to the Adjudicator in reaching their decision. However, the Adjudicator may draw adverse inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

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.

The Adjudicator will permit breaks, as needed, throughout the hearing. All participants in the hearing will behave in a respectful manner, as outlined in TCC's Rules of Decorum. The Rules of Decorum will be shared with the parties, their Advisors, and Support Persons prior to the hearing. The Adjudicator has the discretion to remove any participant or observer who is not conducting themselves according to the Rules of Decorum.

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, in consultation with the parties' Home Institution's Title IX Coordinators, will designate 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, bias, the Alternative Resolution Process, and hearing decision writing.

Additionally, the Adjudicator will be trained on the following:

- Any technology to be used at the hearing; and,
- Issues of relevance of questions and evidence, including 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. 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/or 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 witness' 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 identity of the Adjudicator;
- 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.[13] 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 Title IX Grievance Process, the Respondent's graduation, separation from TCC, or separation from Institutional employment, whichever is latest.

6. Separation of Parties

Hearings may be conducted with any or all parties, witnesses, and other participants appearing virtually, with technology enabling participants to simultaneously see and hear one another, or with parties physically present in the same geographic location.

As standard practice, the parties will be physically separated during the hearing and participate virtually unless both parties request otherwise. The Adjudicator is responsible for making a final decision about the location of the parties during the hearing.

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.

[13] Hearings that take place via videoconference may include both an audio and visual recording. Both recordings shall be retained in the same manner as other grievance materials, in accordance with Section X.

The Adjudicator will permit each party's Advisor to ask the other party or parties and any witnesses relevant questions, including questions challenging credibility. This questioning will be conducted directly, orally, and in real-time by the party's Advisor and never by a party personally. The questions must be relevant to the hearing scope, not be repetitive of information already gathered, and/or not be harassing of any individual providing testimony.[14] 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 for this determination on the record. The Adjudicator also has the authority to pause questioning by an Advisor at any time to ask follow-up questions, or as otherwise deemed necessary. All determinations made by the Adjudicator are final, including determinations on questioning.

Should a party choose not to question a party or witness, the party shall affirmatively waive their right to question through a written or oral statement to the Adjudicator either before or during the hearing. A party's waiver of their right to question an individual providing testimony does not eliminate the ability of the Adjudicator to consider the testifying individual's statements made during the hearing and/or to the Investigator.

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

Parties are required to have an Advisor present during the hearing, even if the party does not wish to ask questions of any individual testifying. If a party does not have an Advisor at the commencement of the hearing, that party's Home Institution will provide the party with an Advisor trained in the hearing process and in the development and posing of relevant questions. The party must utilize the Advisor provided by their Home Institution for purposes of 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.

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.

[14] If the Hearing involves allegations of conduct falling outside this Policy, the party's Advisor may only directly ask questions of the other party or parties or witnesses that relate to the conduct falling under this Policy. The party's Advisor may propose questions related to other, non-covered Policy conduct, by submitting them in writing to the Hearing Officer. The Hearing Officer will evaluate the questions and ask the questions they deem relevant, non-repetitive, and non-harassing.

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.E. The TCC Title IX Administrator will also provide copies of the statements to the parties' Home Institution Title IX Coordinators. 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.

[redacted][15]

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.E. – Sanctioning.

If the Adjudicator does not find a violation of Policy (and the Appeal process, as outlined in Section IX.F has concluded), the Adjudicator will finalize the Hearing Decision and submit the Hearing Decision to the TCC Title IX Administrator.[16]

The final Hearing Decision will include the following:

- The allegations allegedly constituting Sexual Harassment, as defined by this Policy;

[15] The sentence removed from the Policy set specific parameters on what an Adjudicator could not consider related to party and witness statements. Those parameters were mandated by a provision of the Final Rule. On July 28, 2021, a federal court district court ruled the provision mandating the now-removed sentence was "arbitrary and capricious." On August 24, 2021, the Department of Education released guidance, notifying institutions that the Department will cease enforcement of that particular provision of the Final Rule and that postsecondary institutions are no longer subject to the provision. In accordance with Section XIII of this Policy, the language was struck.

[16] If there is no finding of a Policy violation, no sanctions will be issued.

- A description of the procedural steps taken from receipt of the Formal Complaint through the determination;
- Findings of fact;
- Policy findings;
- Rationale for each finding;
- Sanctioning determination (if applicable); and,
- Rationale for the sanctioning determination (if applicable).

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, including the permissible bases for appeal, 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.F.).

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

E. Step Four: Sanctioning

This section sets forth the procedures to be followed should the Adjudicator find that a Policy violation(s) occurred. This section applies to instances involving both student and employee Respondents.

In cases involving employee Respondents, the TCC Title IX Administrator will refer the matter to the Title IX Coordinator of Respondent's Institution for sanctions and appeals.

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 and the appropriate Administrator of each parties' Home Institution. The parties' Home Institutions may submit written recommendations related to sanctions. The parties' Home Institutions 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.D.8. If the parties did not provide written statements in accordance with Section IX.D.8., above, they will not be provided an additional opportunity to submit a written statement to the Adjudicator.

The Adjudicator will decide if remedies are appropriate in order to restore or preserve equal access to the party's education and/or employment. Such remedies may include the same individualized services described as "Supportive Measures." However, unlike Supportive Measures, remedies need not be non-disciplinary or non-punitive, and need not avoid burdening the Respondent.

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. The Adjudicator shall give significant weight to the written Institution recommendations in issuing a sanction. The factors an Adjudicator may consider include, but are not limited to:

Severity of the violation: 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

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.

Possible sanctions are as follows:

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.

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 within TCC.

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 extracurricular 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's 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 residence, 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 be referred back to the Respondent's Home Institution for appropriate review and response. 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 of One, Two, Three, Four, Five, Six, Seven, or Eight Semesters: Separation from the Institution for one, two, three, four, five, six, seven, or eight semesters. 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.

For student Respondents, the Respondent's Home Institution's Title IX Coordinator is responsible for ensuring completion of the sanction. For employee Respondents, the Respondent's Home Institution's designated official is responsible for ensuring completion of the sanction.

F. Step Five: Appeal Rights

A Complainant or Respondent who is not satisfied with the determinations made as to proceeding with a Formal Complaint under this Policy, closure of a Formal Complaint under this Policy, and/or the Policy findings or sanctions imposed at the completion of the hearing process may submit an appeal to the TCC Title IX Administrator. The TCC Title IX Administrator, in consultation with the parties' Home Institution's Title IX Coordinators, will identify an appropriately trained Appeal Authority to review and make a determination of the appeal(s).

When the TCC Title IX Administrator identifies an Appeal Authority, they will provide written notice of the individual's identity to the parties. After the Notice identifying the assigned Appeal Authority has been sent to the parties, the parties will have two (2) business days to object to the selection of the Appeal Authority for an actual conflict of interest or bias. The TCC Title IX Administrator will consider and resolve any objections to the selection of an Appeal Authority.

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.

1. Appeal Grounds

Each party has a right to appeal:

- The dismissal of a formal complaint or any included allegations;
- A determination regarding responsibility; and/or,
- Any sanctions.

To appeal, a party must electronically submit their written appeal to the TCC Title IX Administrator within five (5) business days of the notice of the decision being appealed. The appeal must state the grounds for the appeal.

A party may appeal based on one or more of the following grounds:

Procedural Error: There was a procedural error(s) which materially affected the outcome of the matter (i.e., failure to follow the process outlined in this Policy). The appealing party must describe in their appeal how the procedural error impacted the outcome.

Conflict of Interest: The Title IX Coordinator, TCC Title IX Administrator, Investigator(s), and/or Adjudicator(s) had a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general, 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 determination 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.

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

The submission of an appeal pauses the implementation of any sanctions during the pendency of the appeal(s). Supportive Measures remain available during the appeal process.

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, TCC Title IX Administrator, or the Title IX Coordinator from either parties' Home Institution.

The Appeal Authority will have had appropriate training in the definitions of Sexual Harassment and sexual misconduct, bias, the scope of TCC's education programs and activities, the investigation and hearing processes, the Alternative Resolution Process, and appeal decision writing.

3. 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.

4. Appeal Clarification

If the Appeal Authority needs clarification on any point raised in the appeal, they may make a written request for clarification from the appealing party, through the TCC Title IX Administrator. The appealing party may respond in writing. The TCC Title IX Administrator will transmit the written communications to the Appeal Authority. The Appeal Authority may not communicate directly with either party. The TCC Title IX Administrator will provide copies of the written communications to the non-appealing party and to the parties' Home Institution Title IX Coordinators.

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 determination of responsibility.

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 to do 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 ten (10) business days of the submission of an appeal response from the non-appealing party (or the deadline for the non-appealing party to submit a response). 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 that the matter is closed.

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

G. 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(s) to the Dean of Students or designated official within the Respondent's Home Institution. The Dean of Students or designated official 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.

For student Respondents, the Respondent's Home Institution's Title IX Coordinator is responsible for ensuring completion of the sanction(s). For employee Respondents, the Respondent's Home Institution's designated official is responsible for ensuring completion of the sanction(s).

H. Alternative Resolution Process

TCC recognizes some parties may want resolution of their matter through an Alternative Resolution Process, instead of through the Title IX Grievance Process. Accordingly, parties can mutually agree to resolve a complaint through an Alternative Resolution Process, instead of undergoing the Title IX Grievance Process. Generally speaking, these resolution options are less time intensive than an investigation and live hearing, while still

affording parties an opportunity to actively participate in a process led by their Home Institution for resolution of their complaints.

Alternative Resolution is not available in situations involving a student Complainant and an employee Respondent(s). Any allegation of Sexual Harassment made by a student against an employee must proceed under the Title IX Grievance Process. Alternative Resolution is available when there is a student Respondent and/or when both involved parties are employees.

The parties may, in writing, elect to enter TCC's Alternative Resolution Process. This will include a statement that any agreement reached through the process is binding on the parties. This will also include a statement that the parties understand the Alternative Resolution Process will not result in a notation on either party's disciplinary record.

No party may be required to participate in Alternative Resolution, and it may never be a condition of enrollment, employment, or enjoyment of any other right or privilege. Participation in Alternative Resolution is voluntary, meaning both the Complainant and the Respondent must agree to participate. If Alternative Resolution is selected, the Title IX Coordinator will provide timely written notice to both parties that includes:

- The allegations;
- A statement that the Title IX Coordinator has begun the process;
- The process is voluntary and will end upon either party's request;
- Termination of the Alternative Resolution Process may result in initiation of the Title IX Grievance Process;
- Each party may be accompanied throughout the process by an Advisor (who may be an attorney);
- The Title IX Coordinator will notify both parties of the process' outcome; and,
- The process is confidential; however, the Title IX Coordinator will maintain a record of the process and may share information with others if needed to carry out the resolution of the Alternative Resolution Process. Should the parties withdraw from the Alternative Resolution Process, information disclosed or obtained for purposes of the Alternative Resolution Process remains confidential.

The parties may elect to leave the Alternative Resolution Process at any point until the Alternative Resolution Process is concluded. The process is considered concluded when all parties have signed the agreement. If a party elects to leave the Alternative Resolution Process, the TCC Title IX Administrator will determine the next steps under the Title IX Grievance Process, and will notify the parties of such. In participating in the Alternative Resolution Process, the parties understand that the timeframes governing the formal process temporarily cease, and only recommence upon reentry into the formal process.

Determination to Approve Entry into Alternative Resolution Process

Even where the Parties agree to submit a matter to Alternative Resolution, the Home Institution Title IX Coordinator and/or Human Resources Professional must approve the decision to move the matter to the Alternative Resolution Process and may determine that Alternative Resolution is not appropriate under the circumstances.

Factors that the Home Institution Title IX Coordinator and/or Human Resources Professional may weigh in considering the appropriateness of the Alternative Resolution Process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent

is a repeat offender, and whether the parties are participating in good faith. This determination is not subject to appeal.

Alternative Resolution is permitted to address allegations of student-on-student and employee-on-employee sexual harassment, as well as allegations that a student sexually harassed an employee. Alternative Resolution is never allowed as an option to resolve allegations that an employee sexually harassed a student. See, 85 Fed. Reg. 30026, 30054 (May 19, 2020).

At any time after the commencement of the Alternative Resolution Process, the Home Institution Title IX Coordinator and/or Human Resources Professional may determine that the Alternative Resolution Process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the Title IX Grievance Process. This determination is not subject to appeal.

Role of the Facilitator

Alternative Resolution Processes are managed by Facilitators, who may not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. A Title IX Coordinator may serve as the Facilitator.
All Facilitators must have training in the definition of Sexual Harassment under this Policy, the scope of the Institution's education program or activity, how to conduct an Alternative Resolution Process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

Confidentiality

In entering the Alternative Resolution Process, the parties agree the process is confidential, related to any testimony and evidence (including admissions of responsibility) they share or receive during the Alternative Resolution Process concerning the allegations of the Formal Complaint. No evidence concerning the allegations obtained within the Alternative Resolution Process may be disseminated to any person, provided that any party to the Alternative Resolution Process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. Should the parties withdraw from the Alternative Resolution Process, information disclosed or obtained for purposes of the Alternative Resolution Process remains confidential.

Alterative Resolution Options

TCC offers Alternative Resolution options for addressing Formal Complaints of Sexual Harassment covered under this Policy. These options include, but are not limited to:

- ***Mediation.*** The purpose of mediation is for the parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained Facilitator, identify points of agreement and appropriate remedies to address them. Either party can request mediation to seek resolution. Mediation will be used only with the consent of both parties, who will be asked not to contact one another during the process. The Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence within thirty (30) business days after the initial report is received and both parties have consented to mediation, and will continue until concluded or terminated by either party or the Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals. During mediation, any potential investigation will halt, and calculations for time frames will be paused. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals to re-evaluate other options for resolution, including initiation of the Investigation and/or Hearing process.

During mediation, a Facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request "caucus" mediation, and the Facilitator will conduct separate meetings. Whether or not the parties agree to meet face to face, each party will be permitted to bring to any meetings an Advisor and a Support Person of their choice, who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the Facilitator will memorialize in writing the agreement that was reached between the parties. The Respondent's Home Institution Title IX Coordinator and/or Human Resources Professional will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

The Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals will keep records of all reports and conduct addressed through Alternative Resolution.

- ***Restorative Justice.*** A Restorative Justice ("RJ") Conference is a dialogue, facilitated by an employee or contractor with appropriate training, intended to restore relationships and repair harm after a conflict has occurred. Both the responsible party and the individual(s) affected by the conflict come together to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired.

  A party may request to engage in RJ at any stage of the disciplinary process; however, RJ may not be an appropriate mechanism for all conflicts. To qualify for RJ, the student accused of wrongdoing must accept responsibility and express remorse for the harm that was caused. Additionally, all involved parties must agree to and abide by measurable and timely actions within the scope of this Policy and directives. The Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals will review any request for RJ, and may decline to initiate RJ based on the facts and circumstances of the particular case.

  The RJ conference proceeds only if all parties agree to participate willingly. The RJ process typically commences within thirty (30) business days after the initial report and receipt of written agreements from all involved parties. The conference will continue until the conference is successfully concluded or until the Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals determines that the conference will not be successful. If successful, an agreeable resolution is reached by all involved parties, at which time the process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals to re-evaluate other options for resolution.

The Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

The Parties' Home Institutions' Title IX Coordinators and/or Human Resources Professionals will keep records of all reports and conduct addressed through Alternative Resolution.

X. 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 record, including accepted documents and the Hearing Decision, any sanctioning determination, and all appeal-related documents, as well as any audio recording or transcript of the hearing.

TCC and the relevant Institutions will also retain, for a period of seven (7) years, all materials used to train the Title IX Administration, Title IX Coordinators, Deputy Title IX Coordinators, Hearing Coordinators, Investigators, decision-makers, and any person(s) facilitating the Alternative Resolution or appeal process. TCC shall make this training material publicly available on its website.

XI. Clery Act Reporting

Pursuant to the Clery Act, the Institution includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the Institution to issue timely warnings to the Institution's community about certain crimes that have been reported and which may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the Institution withholds the names and other personally identifying information of Complainant(s) when issuing timely warnings to the Institution's community.

XII. Periodic Review

This Policy and its procedures supersede previous policies addressing Title IX Sexual Harassment and Retaliation, and is maintained by The Claremont Colleges Services. Upon direction by the member Institutions' Presidents, there will be periodic reviews conducted of this Policy.

XIII. Revocation by Operation of Law

Should any portion of the Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Final Rule be withdrawn or modified to not require the elements of this Policy, then this Policy, or the invalidated elements of this Policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Sexual Harassment

Policy be revoked in this manner, any conduct covered under the Title IX Sexual Harassment Policy shall be investigated and adjudicated under the Institution's existing policies.

XIV. Non-Discrimination in Application

The requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or witness. Individuals who wish to file a complaint about the Institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at https://ocrcas.ed.gov/contact-ocr.

XV. Effective Date

This Policy is effective as of August 14, 2020, and only applies to Sexual Harassment alleged to have occurred on or after August 14, 2020. Incidents of Sexual Harassment alleged to have occurred before August 14, 2020 will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

This Policy was last updated on February 15, 2021.[17]

[17] Non-substantive, clarifying revisions were made on April 12, 2021. On September 30, 2021, contact information for a Title IX Coordinator was updated, and language was removed from Section IX.D.9 in accordance with Section XIII of this Policy.