



CLAREMONT GRADUATE UNIVERSITY

ANNUAL SECURITY AND FIRE SAFETY REPORT 2022

January 1, 2021-December 31, 2021

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FROM THE PRESIDENT

Claremont Graduate University strives to provide every student, employee and visitor a safe and secure academic and work environment. The goal is the shared responsibility of the individual, university and administration. We ask that everybody do their part to help protect themselves and others. Please carefully review this report and take notice of all the services available to you, then make informed decisions regarding your personal safety while here at CGU. Let's work together to foster a caring and safe environment across our campus.

Len Jessup

A handwritten signature in black ink, appearing to read "Len Jessup", written in a cursive style.

President, Claremont Graduate University

FROM THE INTERIM DIRECTOR OF CAMPUS SAFETY

To the Claremont Graduate University Community:

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

Claremont Graduate University 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 Claremont Graduate University 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 the Claremont Graduate University 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.

Ernie Didier

Interim Director, TCCS Campus Safety

ACCESSIBILITY TO INFORMATION AND NON-DISCRIMINATION STATEMENT

This publication is available in alternative format upon request. The University is committed to equal access to programs, facilities, admission, and employment for all persons. It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, genetic information, or political ideas. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University's educational mission, and will not be tolerated. Students may direct all inquiries regarding the nondiscrimination policy to Quamina Carter, Assistant Vice President of Student Affairs and Dean of Students and Campus Life, Harper Hall East, Room 123. Deanof.students@cgu.edu - 909-621-8965. Faculty, staff and third party may direct inquiries to Alejandra Gaytan, Assistant Vice President of Human Resources, Harper Hall, - 116, Alejandra.gaytan@cgu.edu - 909-607-4404.

PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

Associate Dean of Students and Title IX Coordinator Jami Hinshaw at Claremont Graduate University 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 other Claremont Colleges and University offices such as Student Services, Housing Services, and other Campus Security Authorities as well as information provided by local law enforcement agencies surrounding the main campus. Each of these offices provides updated policy information and crime data.

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

The University distributes a notice of the availability of this Annual Security and Fire Safety Report by the designated deadline, usually October 1 of each year to every member of the University community. Anyone, including prospective students and employees, may obtain a paper copy of this report by emailing the Dean of Students Office at deanof.students@cgu.edu or viewing all 7C reports, please go to <https://services.claremont.edu/campus-safety/clery-reporting/>.

REPORTING CRIMES AND OTHER EMERGENCIES

The University has a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate University officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire University community that you immediately call 911 and report all incidents to Campus Safety (909-621-8170 or 909-607-2000) to ensure an effective investigation and appropriate follow-up actions, including issuing a Timely Warning, Crime Alert or Emergency Notification.

Voluntary, Confidential Reporting

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage University community members to report crimes promptly and to participate in and support crime prevention efforts. The University 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 University 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 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 University to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security and Fire Safety Report. In limited circumstances, the University 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.

Students who wish to speak to an internal confidential resource may contact the following:

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/>

Members of the clergy including the McAlister Center Chaplains
McAlister Center for Religious Activities
919 North Columbia Avenue
Claremont, CA 91711
909.621.8685
<https://services.claremont.edu/chaplains/>

Rima Shah (Director) - EmPOWER Center
909.607.0690
1030 Dartmouth Ave.
Claremont, CA 91711
<https://www.7csupportandprevention.com/>

Please note that only the Director of the EmPOWER Center has been designated as a confidential resource.

Student Health Services Staff
Tranquada Student Services Center, 1st floor
757 College Way
Claremont, CA 91711

909.621.8222
909.607.2000 (after-hours emergency)
<https://services.claremont.edu/student-health-services/>

Students, employees, or community members may also choose to contact one of the external confidential resources below:

Project Sister
909.626.HELP (4357) (24/7 Crisis Hotline)
www.projectsister.org
Project sister provides crisis services to women and men who have been sexually assaulted or abused. Volunteer Advocates are also available to provide support and follow-up services to sexual assault or abused survivors.

WINGS
626.960.2995
www.ywcasgv.xyz
WINGS provides safe emergency shelter, support groups, and assistance to victims (and their families) affected by domestic violence.

House of Ruth
877.988.5559 (toll-free hotline)
www.houseofruthinc.org
House of Ruth provides advocacy and assistance to women and children affected by domestic violence by providing culturally competent shelter, programs, opportunities, and education.

RAINN
800.656.HOPE (4673) (24/7 hotline)
www.rainn.org
RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization focusing on prevention programs and helping survivors.

Confidentiality Limitations

Monsour Counseling and Psychological Center (MCAPS) adheres to the American Psychological Association (APA) Ethics Code, all relevant California state laws, and the Family Educational Rights and Privacy Act (FERPA). Whenever there is any discrepancy between these guidelines, they follow the highest or most stringent ethical standard, as advised by the APA Ethics Code. Specifically, this means that no information will be revealed to anyone outside of MCAPS without written permission from the client, except where disclosure is required by law (i.e., where the client is likely to harm himself/herself; where the client presents a serious danger of violence to another; where there is

reasonable suspicion of abuse of children, dependent or elderly persons; or when records are subpoenaed through a valid court order).

Anonymous information for statistical analysis, research, and aggregate purposes may be used (i.e., Clery Act reporting, Center for Collegiate Mental Health data). In the latter case, information is de-identified and only the aggregate numbers are reported. For example, under the Clery Act, they may report that an incident of sexual assault took place on campus and the genders of those involved, but no further identifying information will be disclosed unless the client allows it. It is important to MCAPS to report these numbers, for purposes of transparency and advocacy.

Reporting to Campus Safety

We encourage all members of the University community to report all crimes and other emergencies to Campus Safety in a timely manner. Campus Safety has a dispatch center that is available by phone at 909-621-8170 or 909-607-2000 or in person twenty-four hours a day at the Pendleton Business Building, 150 East Eighth Street, Claremont, CA 91711. Though there are many resources available, Campus Safety should be notified of any crime, whether or not an investigation continues, to assure the University can assess any and all security concerns and inform the community if there is a significant threat to the University 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 University has installed a number of emergency phones throughout the campus for a direct, automatic connection to Campus Safety. Some phones have blue lights; 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 someone talks or not. Please visit the following website under Reporting and Emergency: <https://services.claremont.edu/campus-safety/>

Anonymous Reporting

Anyone may share information anonymously through Campus Safety's Silent Witness Form available on the Campus Safety website at https://cuc.formstack.com/forms/silent_witness_incident_report. The form provides a user the opportunity to communicate directly with 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 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 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 University prefers that community members promptly report all crimes and other emergencies directly to the Campus Safety at 909-621-8170 or 909-607-2000 or 911, we also recognize that some may prefer to report to other individuals or University offices. The Clery Act recognizes certain University officials and offices as "Campus Security Authorities (CSA)." The Act defines these individuals as an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution." CSAs are trained through a module on Foundry and have a deadline for completing the online training set by Human Resources.

The University has officially designated the following positions and departments as Campus Security Authorities for the purposes of providing the CGU community with additional ways to report crimes:

Assistant Vice President, Human Resources – 150 East Tenth Street, 909-607-4404

Student Services – 160 East Tenth Street, 909-607-9448

Campus Safety – 150 East Eighth Street, 909-607-2000 or 909-621-8170

Pastoral and Professional Counselors

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by CGU and/or the Claremont Colleges to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, the University encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

ABOUT THE TCCS DEPARTMENT OF CAMPUS SAFETY

Role, Authority, Training and Jurisdiction

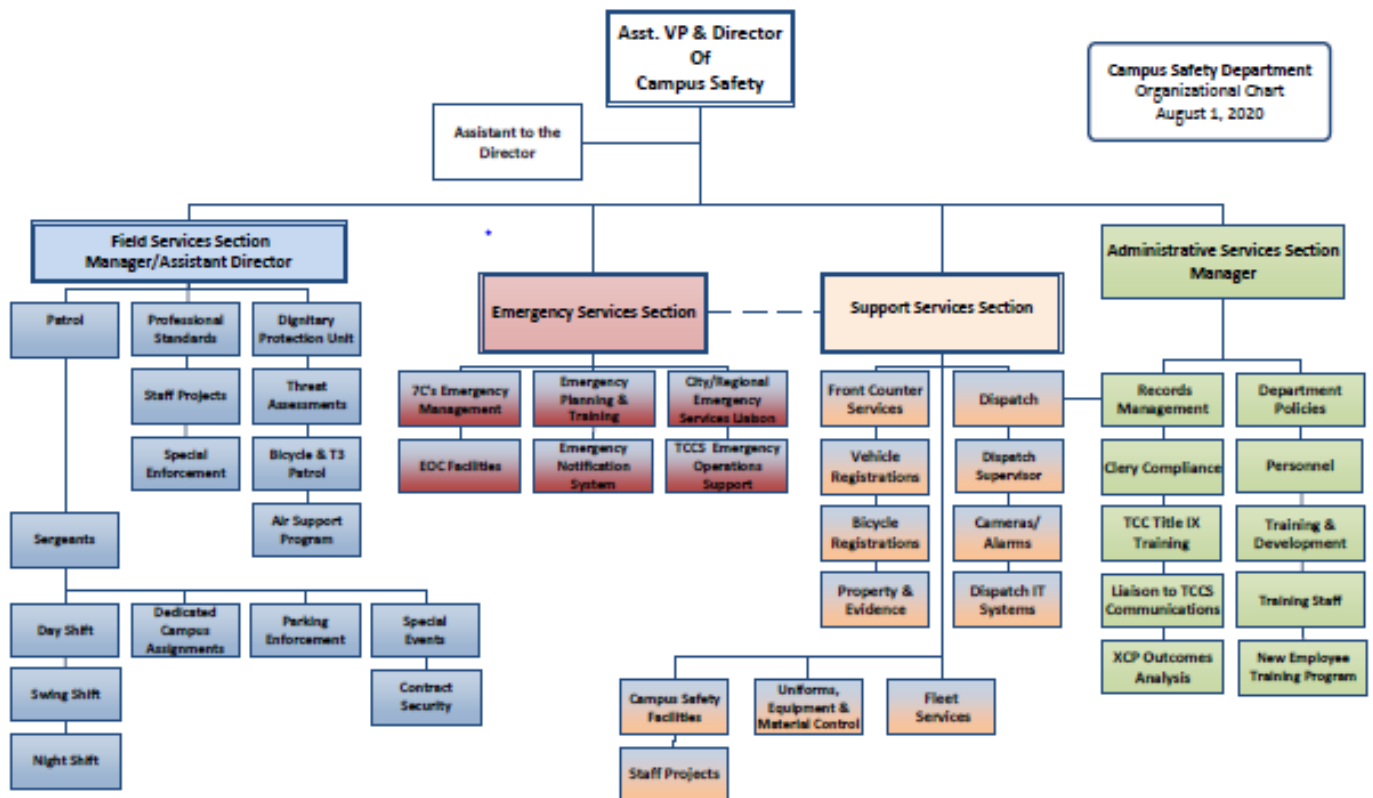
TCCS Campus Safety protects and serves The Claremont Colleges community 24 hours a day, 365 days a year. The Department is responsible for a number of campus safety and security programs that includes Emergency Management, Community Safety and Security Education, Physical Security, including security 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 consortium.
- Patrol by vehicle, electric carts and on foot all campus streets, byways, and interior areas.
- Apprehend criminals.
- Provide first aid until the arrival of paramedics.
- Provide security and traffic control at parties, special events and performances.
- Monitor fire alarms, intrusion alarms, theft alarms, panic alarm systems and a variety of temperature alarms campus-wide.
- Enforce traffic and parking regulations.

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

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



Campus Safety officers are unarmed and have no police powers. Their arrest powers are identical to those of a private person, as provided in the California Penal Code section 837. Current certification requirements for the officers include: Guard Registration, Basic Life Support for Health Care

Providers, which includes CPR, First-Aid, and AED. Officers are also trained in Blood Borne Pathogens, Baton usage, the administration of Oleoresin Capsicum (Pepper Spray), Auto Epinephrine Pen, Narcan (Naloxone), and receive various FEMA training. Select officers and supervisors receive Rape Aggression Defense (RAD) training, and Dignity Protection. Employees undergo continuous education and training to upgrade their skills. Campus Safety is not a police department but is responsible for law enforcement, security, and emergency response protocols at the Claremont Colleges. Campus Safety also provides support services tailored to meet the needs of the Colleges including, high visibility patrols to prevent and detect crime, responding to suspicious activity and crime reports, as well as respond to: medical emergencies, fire and intrusion alarms, traffic accidents, parking enforcement, and enforcement of college rules and regulations as outlined by each of the seven Claremont Colleges.

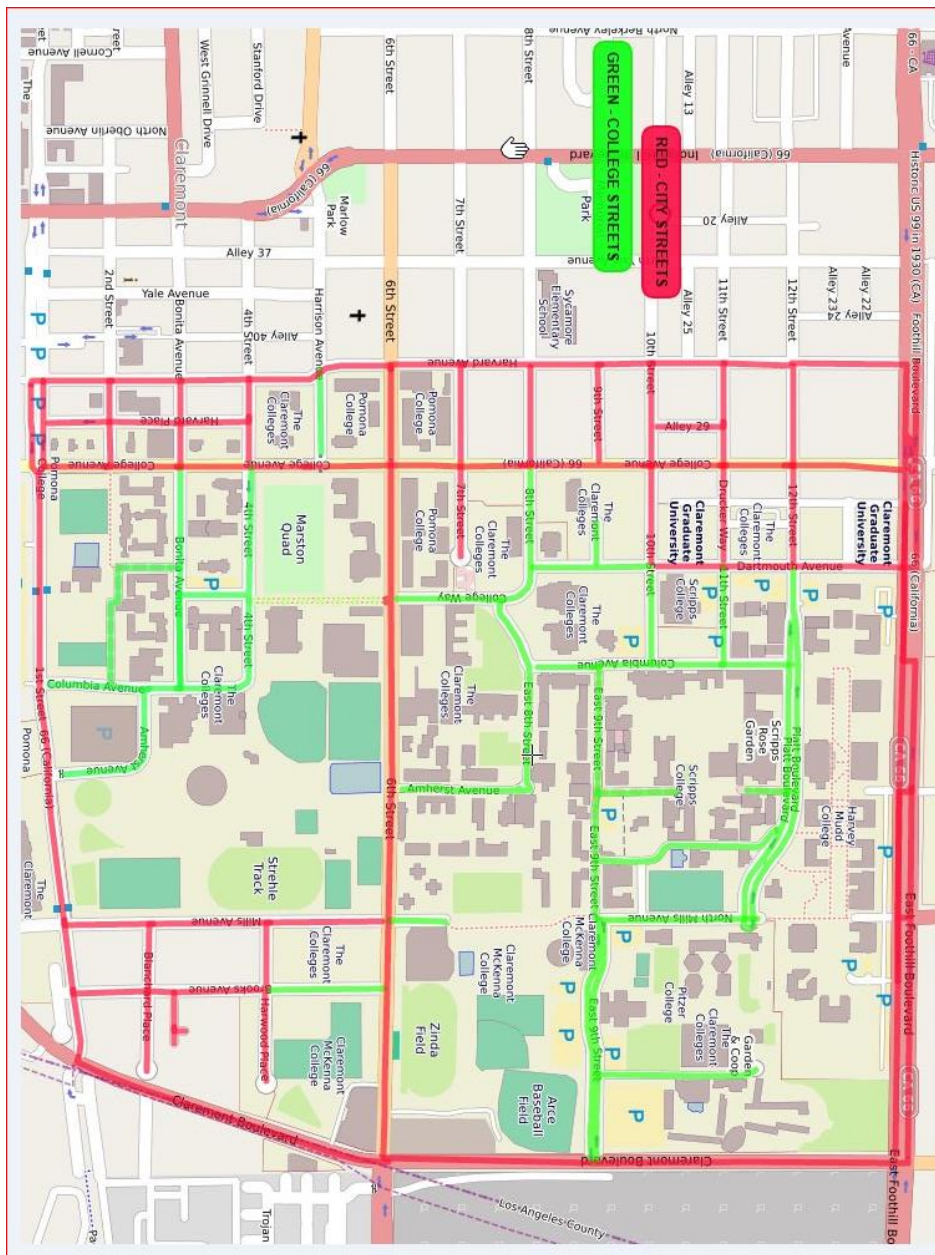
The Claremont Colleges contain both city streets and streets owned by the Colleges. However, all streets are considered public access. The map below reflects the streets that are owned by the City of Claremont and those owned and controlled by The Claremont Colleges. There are seven separate and distinct colleges within The Claremont Colleges, with six of the colleges sharing contiguous space. The streets that establish the perimeter of Campus Safety's patrol jurisdiction for the following colleges: Claremont Graduate University, Claremont McKenna College, Harvey Mudd College, Pitzer College, Pomona College and Scripps College are Foothill Boulevard to the north, Claremont Boulevard to the east, First Street to the south and Harvard Avenue to the west. Additional details of the patrol jurisdiction for each campus are described below.

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

Set back off of Foothill Boulevard: Claremont Graduate University, Harvey Mudd College, Pomona College, Scripps College and TCCS own parcels of undeveloped land known as the North Campus Property. One specific parcel of North Campus Property is Pitzer College's Robert Redford Conservancy. All this land is bordered by the backyards of residential housing not affiliated with the Colleges to the North, Mills Avenue to the East, Foothill Boulevard to the South, and the Rancho Santa Ana Botanical Gardens to the West. 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 is Claremont Graduate University housing. CCA is bordered by TCCS undeveloped land that was formerly a golf course to the north, the Rancho Santa Ana Botanical Gardens to the east, the School of Theology, which is affiliated with the Claremont Colleges, but not owned or controlled by TCCS, to the southeast, Via Los Altos to the southwest, and Via Zurita Street to the west.

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.



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

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

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

Crimes Involving Student Organizations at Off-Campus Locations

CGU relies on its close working relationships with local law enforcement agencies to receive information about incidents involving CGU students and recognized student organizations, on and off campus. In coordination with local law enforcement agencies, the Campus Safety will actively investigate certain crimes occurring on or near campus. If Campus Safety learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the Dean of Students Office, as appropriate.

The University requires all recognized student organizations to abide by federal, state, and local laws, and University regulations. The University currently does not have recognized off-campus organizations.

TIMELY WARNING REPORTS

A Timely Warning Notice will be issued in the event that CGU or the Campus Safety receives notice of an alleged Clery Act reportable crime (identified below) occurring on campus, on public property within or immediately adjacent to CGU, or in or on non-campus buildings or property controlled by CGU, where the University determines, in its judgment, that the allegations present a serious or continuing threat to the CGU community. For purposes of this policy, “timely” means as soon as reasonably practicable, after an incident has been reported to: Campus Safety, one of the *Campus Security Authorities* (CSAs) identified, 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 Notice. These designated officials are: Assistant Vice President of Campus Safety, Captain, or on-duty Watch Commander.

Whether to issue a Timely Warning Notice is determined on a case-by-case basis for Clery Act reportable crimes: arson, murder and non-negligent manslaughter, burglary, robbery, sex offenses, aggravated assault, motor vehicle theft, domestic violence, dating violence, stalking, arrests and referrals for drug, liquor and weapons law violations and hate crimes, as defined by the Clery Act.¹ Alert Bulletins may be issued for other crimes as determined necessary by the Assistant Vice President of Campus Safety, and the Dean on-call. CGU and Campus Safety will issue a Timely Warning 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 CGU community, including, but not limited to, (a) the nature of the incident; (b) when and where the incident occurred; (c) the continuing danger to the CGU community; (d) the amount of information known by CGU and TCCS Campus Safety; and (e) when it was reported (as incidents reported more than 10 days after the fact will generally not result in a Timely Warning Notice unless

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.

the other factors weigh in favor of sending a Notice). CGU 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 at CGU. The Emergency Notification procedures are expanded upon in a later section of this report.

A Timely Warning Notice Decision Matrix/Timely Warning Notice Determination Form will be used in the decision-making process to document the decision to alert or not to alert the community. Once completed, the form and any and all information related to the decision will be maintained by CGU for a seven-year period.

Timely Warning Notices will be distributed via university email. A multi-modal integrated communications system for mass notifications is used to notify students and employees by way of e-mail, text messages and phone depending on whether a Timely Warning Notification, Alert Bulletin or Emergency Notification is needed. The particular circumstances will determine the method of notification. Generally, Timely Warning Notifications will occur through the e-mail system to all CGU 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, TCCS Campus Safety will take all reasonable efforts not to compromise on-going law enforcement efforts. Campus Safety will document and retain the justification for determining whether to issue a Timely Warning Notice for a seven-year period.

Anyone with information about a serious crime or incident is encouraged to report the circumstances to Campus Safety by phone at 909-607-2000 or from campus phones at ext. 72000 and in person at 150 E. Eighth Street, Claremont, CA 91711. If a report is made to another CGU official, that official will immediately notify Campus Safety.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Management at CGU

The Office of Enterprise Risk Management is responsible for the University's emergency management plan. This plan is designed to be an all-hazards disaster response and emergency management plan.

Our priorities are:

- Life safety, infrastructure integrity, and environmental protection during an emergency
- Coordination with university departments to write, maintain, test, and exercise the emergency management plan.
- Cooperation, Integration, and Mutual Aid with local, state and federal planning, response, and public safety agencies and their CEMPs.

A summary of the University's emergency response procedures is located at <https://cgu.policystat.com/policy/7276978/latest/>

Drills, Exercises and Training

Annually, the University 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 University's emergency management plans remain current and actionable, the University 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 University conducts after-action reviews of all emergency management exercises.

In conjunction with at least one emergency management exercise each year, the University will notify the community of the exercise and remind the community of the information included in the University's publicly available information regarding emergency response procedures (<https://cgu.policystat.com/policy/1431971/latest/>)

Emergency Notification

This policy statement summarizes CGU's emergency response and evacuation procedures, including protocols for sending Emergency Notifications. 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 Claremont Graduate University 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.

The University communicates and works closely with local police, regularly requesting their cooperation in informing the University about reported situations that may warrant an emergency response. Based on nature of information and facts available, the Assistant Vice President of Campus Safety, Captain, on-duty Watch Commander (or designee) will work with Campus Safety Dispatch to generate the notifications and whenever possible, 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 Public Information Officer, after reporting to the CGU Emergency Operations Center, will proceed to the Physical Plant. They will be responsible for all communications between CGU and the Physical Plant. All communications between the outside (fire department, police, Red Cross, governmental agencies, media, etc.) and CGU will be handled through the MACC. Claremont Graduate University 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. Claremont Graduate University uses the emergency notification system Everbridge. Everbridge is an emergency notification service available to students, faculty, staff, and anyone in the University community who wants to subscribe. Everbridge can be used to send emergency messages within minutes of the occurrence of an incident.

Emergency Response Plans

CGU has safety committee that is responsible for the overall direction and planning for emergency situations on its campus or those that occur in the local or regional area affecting CGU. Under the

direction of its Assistant Vice President for Finance and Administration/Sponsored Research Accounting and Risk Management, CGU has developed Emergency Response Plans. To ensure these plans remain current and actionable, CGU conducts emergency management exercises, at a minimum once yearly. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises. After-action reviews of all emergency management exercises are used to document the exercise.

In conjunction with at least one emergency management exercise each year, CGU will notify its community of the exercise(s) and remind the community of the information included in CGU's publicly available information regarding Emergency Response Procedures.

Emergency Notification System:

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

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

The Department of Campus Safety and/or Claremont Graduate University 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 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 ring down phones, email, or in person. The Department of Campus Safety will consider all known factors reflecting on whether the situation represents an immediate threat to the health or safety of the College community, including, but not limited to, (a) the nature of the significant emergency or dangerous situation; (b) when and where the incident occurred; (c) when it was reported; (d) the continuing danger to the campus community; and (e) the amount of information known by the Department of Campus Safety.

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.

If, in the professional judgment of the Claremont Colleges designated officials, issuing an Emergency Notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, CGU may elect to delay issuing an Emergency Notification. As soon as the condition that may compromise efforts is no longer present, CGU will issue the Emergency Notification to the CGU and The Claremont Colleges 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 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 COVID-19 continues, our protocol of not sending Emergency Notifications for each confirmed COVID-19 case will continue. However, in addition to the banner 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. 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 CGU 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.

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 CGU 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.

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

Procedures Used for Disseminating Emergency Information to the Greater Community:

Claremont Graduate University 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.

Enrolling in the University's Emergency Notification System:

Claremont Graduate University uses Everbridge as our mass notification system for quickly disseminating emergency information to the community. The practice for enrolling CGU community participants in Everbridge is as follows. Students, faculty and staff are automatically enrolled in Everbridge emergency notification system when their contact information is collected from being a student or an employee. Individuals are not allowed to opt out of receiving emergency notifications. 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 PeopleSoft by the Office of the Registrar. Peoplesoft 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 Peoplesoft 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 that Parent Relations has on file will be used to notify parents and guardians.

SECURITY OF AND ACCESS TO UNIVERSITY FACILITIES

On the CGU campus, administrative buildings are open from 8:00 a.m. until 5:00 p.m., Monday through Friday, and academic buildings generally are open from 7:00 a.m. until 11:00 p.m. Academic and administrative buildings are opened by Facilities staff at 7:00 a.m. and are locked by Housekeeping staff at 11:00 p.m. Campus Safety does routine checks of doors after hours to ensure they are secured. Academic buildings are scheduled to be open on weekends only as needed. The Academic Computing Building (ACB) is accessible 24-hours a day, but only accessible via card access after-hours. 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. Only those who have demonstrated a need are issued keys to a building. Students, faculty, and staff are encouraged to carry their University Identification (ID) when on campus.

Special Considerations for On-Campus Housing Access

At the CGU Apartments, all units are locked and accessible only by residents with a key. Keys can only be attained from the Housing Services office. Staff members of Housing Services are responsible for doing daily walk-throughs of the complex. As part of the walk-thru, one of the duties is to identify any issues with accessing a unit or common area space, as well as closing the gates leading to the interior of the complex. The staff is expected to note any issue(s) with access in their duty log that is submitted to the appropriate Housing Services staff members no more than three hours after the conclusion of the CA's shift. Any access issue noted in the duty log is forwarded to the appropriate department/area for resolution. All residents are responsible for locking doors and windows of their room and/or apartment.

Only residents and their invited guests are permitted in the living areas of the residential unit. It is the resident's responsibility to ensure that their guests are aware of the University policies as well as the policies of the CGU Apartments. Guests are not provided with keys to any unit or bedroom. It is the responsibility of residents to report unescorted persons or suspicious persons to Housing Services staff or Campus Safety. It is the responsibility of Housing Services staff and Campus Safety to respond to such reports in an effort to identify the person in question, or provide support to the other entity as needed. Campus Safety officers spend a portion of their time patrolling in and around the CGU Apartments complex. The CGU Apartments are staffed 24 hours per day. Business hours for the Housing Services office are from 8:30a.m. to 5:00 p.m. After hours, staff are available to assist residents with any issue or concern that may arise when the Housing Services office is closed. Campus Safety provides support to the on-call staff as needed, but specifically during times of emergency or for incidents/issues of a serious nature. At times, Campus Safety may serve in a first-responder role for the CGU Apartments during University holiday closures or break periods. Additionally, the on-call staff is backed-up by a Housing Services staff member. The Housing Services staff member is available at all times when the staff is on call, and provides guidance and/or on-site assistance as needed, appropriate, or required. Additionally, Campus Safety personnel also conduct regular checks of the complex throughout the day.

Security Considerations for the Maintenance of Campus Facilities

CGU is committed to campus safety and security. At the University, locks, landscaping and outdoor lighting are designed for safety and security. Campus Safety, located directly across the street, routinely walks through campus, and makes note of outdoor lighting that needs repair, which in turn is

documented and submitted to Facilities as a Work Order for repair. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building; with building entrances also being illuminated to aid in safe access to and egress from buildings. Some University buildings, as well as the first-floor area of the CGU Apartments, are equipped with video surveillance equipment in an effort to enhance security measures.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, lighting, or landscaping to the University Facilities Department or Campus Safety.

CGU'S RESPONSE TO SEXUAL AND GENDER VIOLENCE

Claremont Graduate University has 2 policies that are included in CGU's response to Sexual and Gender Violence. These 2 policies, The Claremont Colleges Title IX Sexual Harassment Policy and Claremont Graduate University Sexual Misconduct and Complaint Resolution Policy will be effective beginning August 14, 2020.

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.² 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

² 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.

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 that compose The Claremont Colleges.

The Claremont Colleges is composed of seven (7) individual Institutions³

1. Pomona College
2. Claremont Graduate University
3. Scripps College
4. Claremont McKenna College
5. Harvey Mudd College
6. Pitzer College
7. Keck Graduate Institute

Collectively, the member Institutions 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 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.

³ 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.

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		
Keck Graduate Institute	X	X	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 February 15, 2021.⁴

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.

⁴ See Footnote 17.

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 required to report alleged misconduct, including Sexual Harassment, when they learn of the alleged behavior. Other individuals, including Confidential Resources, are not required to report Sexual Harassment. The information below provides additional clarification:

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.⁵ 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.

⁵ "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 TCCs 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, AVP 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	Joanna Rosas Title IX Administrator	joanna.rosas@claremontmckenna.edu (909) 607-8131 and (909) 607-2000	385 E. 8 th 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	Veronica Clairmont Interim Title IX Coordinator Cheryl Merritt Assistant Vice President of Human Resources and Employee Engagement	veronica_clairmont@kgi.edu (909) 607-0101 cheryl_merritt@kgi.edu (909) 607-7853	535 Watson Drive Claremont, CA 91711
Pitzer College	Alyssa-Rae McGinn Title IX Coordinator	titleix@pitzer.edu (909) 607-2958	1050 N. Mills Avenue Broad Center, Room 212 Claremont, CA 91711
Pomona College	Erica Moorer Associate Dean Title IX Coordinator	Erica.Moorer@pomona.edu (909) 621-8017	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:

1. 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.

2. 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).⁶

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

⁶ “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.

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).
- 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 or 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.⁷

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 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.

⁷ The Complainant need not initiate nor sign the Formal Complaint (see definition of "Complainant" in Section III., above) to be designated a Complainant.

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.*⁸

⁸ 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.

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:

- 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.⁹

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.

⁹ 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.

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:

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.

1. Counseling;
2. Extensions of deadlines or other course-related adjustments, in coordination with the relevant Faculty member;
3. Modifications of work or class schedules, in coordination with the relevant Faculty member and/or supervisor;
4. Campus escort services;
5. Mutual restrictions on contact between the parties;
6. Changes in work or housing locations;
7. Leaves of absence;
8. Increased security and monitoring of certain areas of campus; and,
9. 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:

1. **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.¹⁰
2. **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.

¹⁰ 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.

- *And the threat “arises from the allegations of Sexual Harassment.”* The emergency situation must specifically arise from the allegations of Sexual Harassment.

3. **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.
4. **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 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.¹¹

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.

¹¹ For Complainants who do not meet these criteria, the Institution will review the allegations under other existing policies.

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.

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:

1. Assistance with care and support resources, medical providers, and law enforcement;
2. Supportive Measures;
3. Procedures for determining next steps and appropriate resolution process; and,
4. 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:

1. Where there is a complaint involving more than one Complainant and/or Respondent, stemming from the same facts or circumstances; or,
2. 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. Interpretations

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.¹²

¹² 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

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);
- 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;

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 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 Initiation of the Title IX Grievance Process 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. If either party believes the assigned Investigator has an actual conflict of

interest or bias, they should immediately notify the TCC Title IX Administrator. 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. Investigator

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:

1. The evidence and/or questions are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant;
2. 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);
3. The sexual history is relevant to explain an injury; and/or,
4. 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.¹³

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.

¹³ 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.

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

5. Final Investigation Report

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

- a) The identities of the parties;
- b) The identities of the witnesses;
- c) The dates of conducted interviews;
- d) A summary of the allegations;
- e) The policy alleged to be violated by the conduct;
- f) A summary of the investigation process;
- g) The relevant statements of the parties and witnesses;
- h) A summary of the relevant evidence gathered by the Investigator;
- i) A description of the relevant, material undisputed facts;
- j) A description of the relevant, material disputed facts;
- k) A statement describing how and when the parties were given the opportunity to review the evidence; and,

- l) 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 Two: Investigation Process

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.

¹⁴Parties (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

¹⁴ 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.

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:

- A. Any technology to be used at the hearing; and,
- B. 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. If either party believes the assigned Adjudicator has an actual conflict of interest or bias, they should immediately notify the TCC Title IX Administrator. 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:

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

5. Recording

The Hearing Coordinator is responsible for ensuring the hearing is audio recorded.¹⁵ 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

¹⁵ 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.

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.

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.¹⁶ 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

¹⁶ 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.

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.

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.

The Adjudicator will not draw an inference regarding a person's decision not to participate in the hearing, nor ¹⁷ Within fifteen (15) business days of the hearing, the TCC Title IX Administrator will

¹⁷ 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

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:

- a. 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,
- b. They will provide the Adjudicator with any written party statements, as set

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.

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 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. If either party believes the assigned Appeal Authority has an actual conflict of interest or bias, they should immediately notify the TCC Title IX Administrator. 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 (or the Notice of Case Dismissal) 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.

Alternative 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. Record Keeping

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, 2021.¹⁸

CLAREMONT GRADUATE UNIVERSITY SEXUAL MISCONDUCT AND COMPLAINT RESOLUTION POLICY

The CGU Sexual Misconduct and Complaint Resolution Policy will be utilized if a complaint does not meet the criteria under the TCCs TIX Grievance Policy. The decision to move forward with the CGU Sexual Misconduct and Complaint Resolution Policy will be determined by the TIX Coordinator. If there are questions regarding the policies please contact the TIX Coordinator.

This Policy applies to all faculty, staff and students of the University. It also applies to third parties (including but not limited to trustees, applicants, volunteers, campus visitors and vendors) who may

¹⁸ 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. On December 21, 2021, additional non-substantive, clarifying revisions were made, as were adjustments to the Institutions who adopted this Policy, and Title IX Coordinator contact information. On June 10, 2022, Title IX Coordinator and Deputy Coordinator contact information was updated.

have contact with members of the CGU community either on the CGU campus or at off-campus CGU events, programs and activities.

Introduction: Institutional Values and Community Expectations

Claremont Graduate University ("University" or "CGU") is committed to providing a non-discriminatory and harassment-free educational, living and working environment for all members of the CGU community, including students, faculty, administrators, staff and visitors. The University will not tolerate sexual harassment or other forms of Prohibited Conduct. This Sexual Misconduct and Complaint Resolution Policy ("Policy") prohibits all forms of sexual or gender-based harassment, discrimination and other misconduct, including non-consensual sexual contact, non-consensual sexual penetration, sexual exploitation, intimate partner violence and stalking. Misconduct of this nature is contrary to CGU's institutional values and is prohibited by state and federal law.

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

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

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

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

Policy Statement: Scope of Policy

Policy

All forms of sexual or gender-based discrimination, harassment or other misconduct, including non-consensual sexual contact, non-consensual sexual penetration, sexual exploitation, intimate partner violence and stalking, are Prohibited Conduct. Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a grievance procedure is also a violation of this Policy. Misconduct of this nature ("Prohibited Conduct") is contrary to CGU's institutional values, is a violation of University policy, and will not be tolerated. Any individual who is found to have violated this Policy may face disciplinary sanctions up to and including expulsion and/or termination of employment.

Scope of Policy

The CGU Sexual Misconduct and Complaint Resolution Policy will be utilized if a complaint does not meet the criteria under the Claremont Colleges Title IX Sexual Harassment Policy. The decision to move forward with the CGU Sexual Misconduct and Complaint Resolution Policy will be determined by the TIX Coordinator. If there are questions regarding the policies please contact the TIX Coordinator.

This Policy applies to all faculty, staff and students of the University. It also applies to third parties (including but not limited to trustees, applicants, volunteers, campus visitors and vendors) who may have contact with members of the CGU community either on the CGU campus or at off-campus CGU events, programs and activities.

For purposes of this Policy, the Complainant is the person who is the subject or target of the reported misconduct. The Respondent is the person, group, or organization alleged to be responsible for the reported misconduct. A third party refers to any other participant in the process, including a witness or an individual who makes a report of conduct prohibited by this Policy. A witness may include an individual who observed behavior that is alleged to constitute a violation of policy or who communicated with one of the parties subsequent to an alleged incident of Prohibited Conduct.

This Policy applies to conduct occurring on campus or in connection with University-related, off-campus events, programs and activities, such as University functions hosted in private homes, off-site conferences and meetings, and University-sponsored study-abroad, internship, research and other programs. The Policy also may apply to conduct that occurred off-campus, but not at CGU-sponsored events, program or activities, if both parties are members of the CGU community and if the conduct could have a substantial adverse effect on or poses a threat to members of the CGU community.

A Complainant is encouraged to report misconduct regardless of where the incident occurred or who committed it. Even if the University does not have jurisdiction over the Respondent, the University will still take prompt action to attempt to provide for the safety and well-being of the Complainant and the broader campus community. Under the Clery Act and the Campus SaVE Act, the University will record and report all violations of this Policy.

Oversight and Enforcement Responsibility

The administration and enforcement of this Policy is the responsibility of the Universities' Title IX Coordinator. Title IX is a comprehensive federal law that provides:

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

The Title IX Coordinator oversees the university's overall compliance, and is:

- Responsible for oversight of the investigation and resolution of all reports of all forms of Prohibited Conduct;
- Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a Complainant, a Respondent, or a third party, about the formal and informal courses of action available at the University and the courses of action available in the community;
- Available to provide assistance to any University employee regarding how to respond appropriately to a report of Prohibited Conduct;

- Responsible for monitoring full compliance with all procedural requirements and timeframes outlined in this Policy; and
- Responsible for training, prevention and education efforts and periodic reviews of climate and culture.

Through the University policy and TCC Title IX Policy, the University provides written notification to students and employees about existing counseling and health services, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other campus and community-based victim services and programs via email, print materials and the University's website.

The Title IX team supports the Title IX Coordinator. Members of this interdepartmental team include the Title IX Coordinator and the Deputy Title IX Coordinator(s). In addition, depending on the roles of the Complainant and the Respondent, the Title IX team could include the Assistant Vice President for Human Resources, the Dean of the Faculty, and/or a representative from the Division of Student Affairs. Composition of the team will be limited to a small circle of individuals who "need to know" to implement procedures under this Policy.

The university's Title IX Coordinators are as follows:

Students

Jami Hinshaw

Associate Dean of Dean of Students and Title IX Coordinator

Harper Hall East 121

160 E. Tenth St.

Claremont, CA 91711

(909) 607-1887

jami.hinshaw@cgu.edu

Staff or Third Parties

Alejandra Gaytan

Assistant Vice President of Human Resources and Title IX Coordinator

Harper Hall 116

160 E. Tenth St.

Claremont, CA 91711

(909) 607-4404

alejandra.gaytan@cgu.edu

Faculty

Patricia Easton

Executive Vice President and Provost and Title IX Coordinator

Harper Hall 122

160 E. Tenth St.

Claremont, CA 91711

(909) 621-8068

patricia.easton@cgu.edu

Inquiries or complaints concerning the application of Title IX may be directed to the university's Title IX Coordinator and/or to the U.S. Department of Education's:

Office of Civil Rights

50 United Nations Plaza, Room 1545

San Francisco, CA 94102

Telephone: 415.486.5555

Email: ocr.SanFrancisco@ed.gov

Privacy vs. Confidentiality

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

Privacy and confidentiality have distinct meanings under this Policy.

Privacy

Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those University employees who "need to know" to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality

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

In certain circumstances identified in California Education Code section 67383, the University is required to forward information concerning reports of violent crimes, including reports of sexual assaults, to a local law enforcement agency. Such information is forwarded without identifying the Complainant and Respondent, unless explicit consent is provided by the Complainant allowing for the sharing of personally identifying information. If the Complainant is under the age of 18, the University is required to comply with child abuse reporting laws. CGU will also maintain confidentiality to the extent possible any accommodations or protective measures provided to the complainant/victim where confidentiality would not impair the ability of the university to provide the accommodations or protective measures.

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

All participants in a complaint resolution process involving an alleged violation of this Policy will be informed that confidentiality helps enhance the integrity of the process, protects the privacy interests of the parties, and protects the participants from statements that might be interpreted to be retaliatory or defamatory. At the beginning of the process, the Complainant and Respondent will be asked to keep information related to the process private during the pendency of the process. This does not preclude the Complainant or Respondent from sharing information with family, legal counsel, advisors/support persons, or others as necessary in connection with the marshalling and presentation of evidence in connection with the process. Witnesses and support persons will, similarly, be asked to respect the privacy of the process.

Disability Accommodations

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

may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the CGU Sexual Misconduct and Complaint Resolution Policy process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Responsible Employees

A Responsible Employee is any university employee who is not a confidential employee. A

"responsible employee" is an employee:

- Who has the authority to take action to redress sexual harassment/violence, or
- Provide supportive measures to students; or
- Who has been given the duty of reporting incidents of sexual harassment/violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee, or
- That a student/employee could reasonably believe has either the authority or the duty listed above
- Student-employees are considered Responsible Employees when disclosures are made to them in their capacities as employees

It is considered official notice to the institution if a responsible employee "knew, or in the exercise of reasonable care should have known" about the harassment/violence. This includes incidents that are reported directly, are witnessed, or are reported by a third party, posted on fliers around campus, published in a local newspaper, etc. - all of these should be reported to the Title IX Coordinator.

Examples of harassment/violence:

- Sexual Misconduct
 - Sexual Assault/Non-Consensual Sexual Penetration
 - Sexual Assault/Non-Consensual Sexual Contact
 - Stalking
 - Sexual Exploitation
 - Sexual Harassment or Gender-Based Harassment
 - Sexual Discrimination or Gender Based Discrimination
- Intimate Partner Violence

- Dating Violence
- Domestic Violence

For compliance, all Claremont Graduate University employees who are designated as supervisors, with the exception of mental health counselors and Ombud's officers, are considered "responsible employees." This includes some select graduate student employees such as community assistants (CAs).

Also considered responsible employees are all Campus Safety Officers, student affairs staff, human resources staff, academic advisors, faculty, instructors, graduate teaching assistants, research assistants, graduate students that are supervising other students, and individuals designated as Campus Security Authorities.

"Responsible employee" includes, but is not limited to, those individuals with any of the following positions or substantially similar positions or job duties, regardless of the specific title the institution may attach to the position:

- Title IX coordinator or other coordinator designated to comply with and carry out the institution's responsibilities under this section.
- Housing directors, coordinators, or deans.
- Student life directors, coordinators, or deans.
- Coaches of any student athletic or academic team or activity.
- Faculty and associate faculty, teachers, instructors, or lecturers.
- Graduate student instructors, while performing the duties of employment by the institution.
- Laboratory directors, coordinators, or principal investigators.
- Internship or externship directors or coordinators.
- Study abroad program directors or coordinators.

The role of a responsible employee is to report allegations of sexual harassment/violence that takes place on or off campus to the Title IX Coordinator to maximize the institution's ability to investigate and potentially address and eliminate sexual harassment/violence. The responsible employee should

NOT attempt to determine if the harassment/violence actually did occur, or if a hostile environment is being created.

Responsible employees interacting with a person disclosing an incident of Sexual Misconduct and Other Prohibited Conduct of a sexual nature should explain their obligation to provide CGU's Title IX Coordinator with all relevant details, and provide assurance that only people who need to know will be told about the incident.

The information that will be reported includes all the relevant information that the individual has shared and that may be useful in the investigation. This includes names of the alleged perpetrator, the student/employee who experienced the alleged harassment/violence, any other student/employee involved, and the date, time, and location of the alleged incident.

Exemptions

- A. Counseling and Psychological Services
- B. Student Health Services
- C. Ombudsman
- D. Empower Center

Pastoral counselors (if associated with and recognized by a religious order or demonstrated as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor)

The University requires that all "responsible employees" share a report of Prohibited Conduct or suspected Prohibited Conduct with the Title IX Coordinator.

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

The Title IX Coordinator will conduct an initial assessment of the conduct, the Complainant's expressed preferences, if any, as to course of action, and the necessity of any supportive measures to protect the safety of the Complainant or the community.

Request for Confidentiality

Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the University will balance the request with CGU's obligation to provide a safe and non-discriminatory environment for all University community members and to remain true to principles of fundamental fairness, which require notice and an opportunity to respond before action is taken. In making this determination, the University may consider the seriousness of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought. In some cases, the Title IX Coordinator, in consultation with appropriate administrators, may determine that the University needs to proceed with an investigation based on concern for the safety or well-being of the broader CGU community (e.g., concern about the risk of future acts of sexual violence or a pattern of sexual misconduct). CGU reserves the right to take appropriate action in such circumstances, including in cases where the individual reporting the Prohibited Conduct is reluctant to proceed.

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

Timely Warnings

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.

Participation

An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of CGU's student conduct policy at or near the time of the incident, unless CGU determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

Definitions of Consent and Prohibited Conduct

All sexual activity between members of the CGU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity constitutes Sexual Misconduct and is a violation of this Policy, whether or not the conduct violates any civil or criminal law.

Affirmative Consent: Force, Coercion, Incapacitation, Drugs and Alcohol

Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. *In the state of California, sexual activity with a minor (under the age of 18) is never consensual, because a minor is considered incapable of giving consent due to age.*

The following are essential elements of effective consent:

- *Informed and reciprocal:* All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- *Freely and actively given:* Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.
- *Mutually understandable:* Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no

consent. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

- *Not indefinite:* Consent can be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed "no" or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately, and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- *Not unlimited:* Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

Force

Consent is not valid if obtained through force. Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

Coercion

Consent obtained through coercion is not valid consent. Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion includes but is not limited to: threatening to "out" someone based on sexual orientation, gender identity, or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity.

Incapacitation

Incapacitation is a state in which an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (*i.e.*, the ability to understand the who, what, when, where, why, or how of the sexual interaction) and/or are physically helpless. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's:

- decision-making ability;
 - awareness of consequences;
 - ability to make informed judgments; or
 - capacity to appreciate the nature and quality of the act.
- Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known that the Complainant was incapacitated.

Alcohol and Other Drugs

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 or impairment. 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 Prohibited Conduct and does not diminish one's responsibility to obtain consent.

Forms of Prohibited Conduct

Sex or Gender-Based Discrimination

Sex or gender-based discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, gender identity, or gender expression.

Sexual and Gender-Based Harassment

"Sexual Harassment" is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, visual, physical, graphic, or otherwise.

"Gender-Based Harassment" is harassment based on sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as Gender-Based Harassment, the conduct need not involve conduct of a sexual nature.

Generally speaking, harassment can be divided into two types of conduct:

- **Quid Pro Quo Harassment.** Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic standing, or participation in any aspect of a University program or activity or is used as the basis for the university's decisions affecting the individual.
- **Hostile Environment.** A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the university's education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to: (1) the frequency of the conduct; (2) the nature and severity of the conduct; (3) whether the conduct was physically threatening; (4) the effect of the conduct on the Complainant's mental or emotional state, with

consideration of whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; (5) whether the conduct was directed at more than one person; (6) whether the conduct arose in the context of other discriminatory conduct; and (7) whether the conduct implicates concerns related to academic freedom or protected speech.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression is typically not sufficient to constitute a hostile environment.

Examples of harassment may include such conduct as: direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation; direct unwelcome propositions of a sexual nature; unwelcome subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic or employment purpose; and patterns of conduct which would discomfort and/or humiliate a reasonable person at whom the conduct was directed and which include 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 unwelcome offensive comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes or certain unwelcome and offensive visual displays of sexually oriented images outside the educational context, including letters, notes, or electronic mail.

Harassment may be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context. Harassment can occur regardless of the relationship, position, or respective genders of the parties. It may affect the Complainant and/or third parties who witness or observe harassment and are affected by it.

Sexual misconduct is a form of sexual harassment and includes Non-Consensual Sexual Contact, Non-Consensual Sexual Penetration, Sexual Exploitation, Intimate Partner Violence, and Stalking, all of which are further defined below:

Non-Consensual Sexual Contact (or attempts to commit same)

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- with any object or body part,
- by any person upon any person,
- without consent.

Sexual Contact includes but is not limited to: intentional contact with intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.

Non-Consensual Sexual Penetration (or attempts to commit same)

Non-Consensual Sexual Penetration is:

- any sexual penetration,
- with any object or body part,
- by any person upon any person,
- without consent.

Sexual penetration includes but is not limited to: 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.

Sexual Exploitation

Sexual Exploitation is:

- taking non-consensual or abusive sexual advantage of another,
- for one's own advantage or benefit,
- or to benefit or advantage anyone other than the one being exploited.

Sexual Exploitation includes, but is not limited to: invasion of sexual privacy; prostitution of another person; the trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion; non-consensual video or audio-recording of sexual activity; sharing private sexual materials, such as video or photographs or audio, without the consent of all involved parties; engaging in voyeurism, viewing of another person's

sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire; knowingly transmitting an STI or HIV to another person; exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; or inducing incapacitation with the intent to make one vulnerable to non-consensual sexual activity.

Intimate Partner Violence

Intimate partner violence is often referred to as dating violence, domestic violence, or relationship violence. Intimate partner violence is:

- 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 the Respondent.

Intimate partner violence includes but is not limited to: physical violence, sexual violence, emotional violence and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, or violence or threat of violence to one's self, to one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions and sexual orientations and does not discriminate by racial, social, or economic background.

Verbal abuse is the extreme or excessive use of language, often in the form of insults, name-calling, and criticism, designed to mock, shame, embarrass, or humiliate the other intimate partner. Verbal abuse often has the aim of diminishing the Complainant's self-esteem, dignity, or security. Like other forms of verbal sexual harassment, the alleged verbal behavior must be: (1) objectively offensive and (2) sufficiently severe, persistent, or pervasive. Physical violence or abuse occurs when one intentionally or recklessly (1) causes bodily harm; (2) attempts to cause another bodily harm; or (3) puts another in fear of imminent bodily harm. Other forms of physical abuse include keeping an intimate partner captive, preventing them from leaving, or otherwise restraining them against their will.

Emotional and psychological abuse involves a persistent pattern or prolonged climate of dominating or controlling behavior, often involving some type of power imbalance. The abuser's behavior is often intended to terrorize, intimidate, isolate, or exclude an intimate partner, and can often result in

measurable psychological harm, such as depression, anxiety, or post-traumatic stress symptoms. Common forms include gaslighting, double binds, body shaming, dominating, emotional blackmail, hidden daggers, baiting, infantilization and dozens of other commonly recognized tactics

Stalking

Stalking is governed by this Policy when it is sex or gender-based. Stalking is:

- a course of physical or verbal conduct directed at another individual,
- which could reasonably be regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party.

A course of conduct consists of at least two acts. The feared harm or injury may be physical, emotional, or psychological or related to one's personal safety, property, education, or employment. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or make unwelcome contact with another person in an unsolicited fashion. Stalking may include but is not limited to pursuing, following, waiting for, surveilling/monitoring, or showing up uninvited at or near a residence, workplace, classroom, or other place frequented by the individual. Other examples of tactics and actions that could constitute stalking include unwelcome cards, letters, flowers, or presents; watching or following from a distance or spying with a listening device, camera, or global positioning system (GPS); installing tracking apps or keystroke recorders on electronic devices; approaching or showing up in places such as the target's home, workplace, or school when unwelcome; leaving strange or potentially threatening items for the target to find; sneaking into the target's home or car; and doing things to scare the target or let the target know the stalker has been there.

Resources

The University is committed to treating all members of the community with dignity, care and respect. Any individual who experiences or is affected by Prohibited Conduct, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the University. Supportive measures (protective) are also available to all parties.

The University recognizes that deciding whether and how to make a report to the University or law enforcement can be difficult decisions. Making a report means telling someone in authority what happened, whether in person, by telephone, in writing, or by email. Whether or not a student or

employee reports to law enforcement and/or pursues any formal action, if they should report an incident of sexual violence, accommodations or supportive measures are available if the victim requests them and if they are reasonably available. All individuals are encouraged to seek the support of campus and community resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this Policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources who by law, must maintain confidentiality, except under rare circumstances as required by law. There are also a variety of University resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this Policy. For more information about the difference between privacy and confidentiality, see Confidentiality Section of this Policy.

Confidential Resources

On Campus Confidential Resources:

Monsour Counseling and Psychological Services

Phone: 909.621.8202

Office: Tranquada Student Services Center, 1st Floor

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

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

EmPOWER Center Sexual Assault and Intimate Partner Violence Resource Center

Phone: 909.607.2689

Office: 1030 Dartmouth Ave.

Hours: Monday–Friday, 8 a.m.–5 p.m.

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

McAlister Center Office of the Chaplains

Phone: 909.621.8685

Office: McAlister Center for Religious Activities

Hours: Monday–Friday, 8 a.m.–5 p.m.

Website: [Chaplains](#)

Ombudsman Office

ombuds@cgu.edu

Off Campus Confidential Resources:

Project Sister Family Services Crisis Hotline*

Hotline: 909.626.HELP (4357)

Hours: 24/7

Website: [Project Sister](#)

Project Sister Family Services Walk-in Counseling*

Phone: 909.966.4155

Email: info@projectsister.org

Office: 363 S. Park Ave. #303

Hours: Monday–Thursday, 5–7 p.m.

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

House of Ruth Hotline* (Dating violence)

Hotline: 877.988.5559

Hours: 24/7

Website: [House of Ruth](#)

Love is Respect National Dating Abuse Hotline*

Hotline: 866.331.9497

Text: "loveis" to 22522

Online: Love is Respect: Chat With Us

Website: [Love is Respect](#)

National Domestic Violence Hotline*

Hotline: 800.799.7233

Hours: 24/7

Website: [National Domestic Violence Hotline](#)

RAINN National Sexual Assault Crisis Hotline*

Hotline: 800.656.4673

Hours: 24/7

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

Website: RAINN

RAINN National Sexual Assault Crisis Online Chat*

Website: [RAINN Online Chat](#)

Hours: 24/7

Medical Resources

There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence will, however, preserve the full range of options to seek resolution under this Policy or

through the pursuit of criminal prosecution. Preserving evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

A medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence.

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

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

Pomona Valley Hospital Medical Center
1798 North Garey Ave.
Pomona, CA 91767
Phone: 909.865.9500

Emergency Room: 909.865.9600s also a Los Angeles County Designated Sexual Assault Response Team ("SART") Center. A SART is a trauma-informed/survivor-sensitive program designed to provide a team approach to responding to sexual assaults.

Additional Campus Resources

In addition to the Title IX team and the resources listed above, CGU community members have access to a variety of other resources provided by the University. The staff members listed below are trained to support individuals affected by sexual violence and to coordinate with the Title IX Coordinator consistent with the university's commitment to a safe and healthy educational environment.

Campus Safety
Phone 909.621.8170
Office: Pendleton Business Building
Hours: 24/7
Website: [Campus Safety](#)

Student Health Services
Phone: 909.621.8222
Office: Tranquada Student Services Center, 1st Floor
Hours: Monday, Tuesday, Friday, 8 a.m.–5 p.m.
Wednesday, 8 a.m.–7 p.m.
Thursday, 9 a.m.–5 p.m.

(for after-hours emergencies, call Campus Safety)

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

Website: Student Health Services

CGU Employee Assistance Program, Optum (for eligible faculty and staff)

800.234.5465

Live and Work Well (access code: claremontcolleges)

If you are a victim or survivor of sexual 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.

Reporting

The University encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The University will provide assistance in notifying law enforcement if the individual so chooses. An individual who experiences sexual violence also has the right to decline to notify law enforcement.

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

Making a report means telling someone in authority what happened, whether in person, by telephone, in writing, or by email. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time.

The University provides support that can assist each individual in making these important decisions and, to the extent legally possible, will respect an individual's autonomy in deciding how to proceed. In this process, the University will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the University community.

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

Emergency and External Reporting Options

CGU strongly encourages all individuals who experience any form of Prohibited Conduct that may involve criminal conduct to file a report with the police department that has jurisdiction over the location where the incident occurred. If the incident occurred on campus, or elsewhere in Claremont, the Claremont Police Department can be reached by calling Campus Safety if on campus (909.607.2000) or by dialing 911 if off campus.

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

Complainants may also pursue civil remedies (including a temporary restraining order or injunctive relief) from a court of law or file an administrative complaint with a government agency.

Campus Reporting Options

Reports concerning conduct prohibited under this Policy should be submitted to the Title IX Coordinator or a "responsible employee" by telephone, by email, or in person as soon as possible after an incident.

Reports may also be submitted to:

Campus Safety
Phone 909.621.8170
Office: Pendleton Business Building
Hours: 24/7
Website: [Campus Safety](#)

Anonymous Reporting

Any individual may make an anonymous report concerning an act of Prohibited Conduct. An individual may report the incident without disclosing their name, identifying the Respondent, or

requesting any action. The university's ability to respond to an anonymous report may, however, be limited depending on the extent of information available about the incident or the individuals involved.

All reports go to the Title IX Coordinator or Campus Safety. The links to these reporting pages are respectively (1) <https://my.cgu.edu/dean-of-students/home/share-a-concern/> and (2) [Silent Witness Incident Reporting](#).

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

Reporting Considerations: Timeliness and Location of Incident

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

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

An incident need not occur on campus to be reported to the University. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities, or which poses a threat or danger to members of the CGU community, may also be addressed under this Policy.

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

Amnesty for Alcohol or Other Drug Use

CGU encourages the reporting of Prohibited Conduct under this Policy. It is in the best interest of the University community that as many Reporting Parties as possible choose to report to university officials, and that witnesses come forward to share what they know.

Coordination with Law Enforcement

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

The burden of proof to establish a violation of this Policy differs from California criminal law. An individual may seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following off-campus civil or criminal proceedings.

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

Statement Against Retaliation

It is a violation of University policy to retaliate in any way against an individual because they raised allegations of Prohibited Conduct. The University recognizes that retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence, or other forms of harm to

others; that retaliation may be committed by or against an individual or a group; and that a Complainant, Respondent, or third party may commit or be the subject of retaliation.

The University will take immediate action in response to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the reported Prohibited Conduct is later not proven.

False Reports

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

Reports Involving Minors or Suspected Child Abuse

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

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

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

In addition to notifying the Title IX Coordinator any individual is required to make a direct report as follows:

- If a child is in immediate danger, call 911.

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

Supportive Measures (Protective)

Overview

Upon receipt of a report of Prohibited Conduct, the University will impose reasonable and appropriate supportive and protective measures ("supportive measures") designed to eliminate the hostile environment and protect the parties involved. The University will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Supportive measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the University. The University will consider reasonable requests for remedies by the parties, as evaluated by the Title IX Coordinator, and will communicate decisions in writing. Supportive measures should be designed to minimize the impact on the parties. All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by supportive measure. The University will take immediate and responsive action to enforce a previously implemented measure.

Range of Measures

Supportive measures will be implemented at the discretion of the University. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Access to on-campus counseling services and assistance with referrals to off-campus care
- Imposition of a no-contact directive
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Providing alternative course completion options (with the agreement of the appropriate faculty)
- Change in class schedule, including the ability to take an "incomplete," to drop a course without penalty, or to transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment

- Change in on-campus housing
- Limiting an individual or organization's access to certain University facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes, activities and employment responsibilities
- Providing student health services
- No Contact Directive
 - When requested by a complainant or otherwise determined to be appropriate, the university shall issue an interim no-contact directive prohibiting the respondent from contacting the complainant during the pendency of the investigation. The University shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. A no-contact directive issued after a decision of responsibility has been made shall be unilateral and only apply against the party found responsible.
 - Upon the issuance of a mutual no-contact directive, the university shall provide the parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any no-contact directive, the university shall provide the parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.
- Providing academic support services, such as tutoring
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy

Emergency Removal

In certain circumstances, a Respondent or Complainant may be removed from an education program or activity. Such removal will only occur on an emergency basis. An emergency removal is not equivalent to a determination of responsibility, nor is it a sanction for alleged behavior. Emergency

removal of a student and/or employee Respondent or Complainant before or after the filing of a formal complaint.

Emergency removals will occur only after it has been determined there is an emergency situation. This determination occurs only after the completion of the following steps:

- Completion of an individualized safety and risk analysis. This analysis will focus on the specific Party and the specific circumstances arising from the allegations of sexual harassment.
- Determination that the following three components are present:
 - An "immediate threat" justifying emergency removal. This analysis should focus on the Party's propensity, opportunity, and/or ability to effectuate a stated or potential threat. This determination will be fact-specific.
 - The threat is "to the physical health or safety of any student or other individual." This may be the Complainant, the Respondent, or any other individual.
 - And the threat "arises from the allegations of sexual harassment." The emergency situation must specifically arise from the allegations of sexual harassment.
- Evaluation of the applicability of disability laws to the removal decision. CGU will fully and appropriately consider applicable disability laws before subjecting a party to emergency removal.
- Consideration of the appropriateness of supportive measures in lieu of an emergency removal. Emergency removals should only occur when there are genuine and demonstrated emergency situations.
- Providing the party being removed with notice and an immediate opportunity to challenge the emergency removal. CGU will provide the Party with a sufficiently detailed notice, notifying the Party of the identified emergency threat of physical safety or harm. The Party is not entitled to a full evidentiary hearing to challenge an Emergency Removal.

Administrative Leave (Employees Only)

CGU may place a non-student, employee Respondent on administrative leave during the pendency of the formal grievance process.

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

Complaint Resolution Procedures

Overview

Resolving a complaint against a student, a faculty member, or a staff member will involve the same stages: an initial assessment and if there is reasonable cause to believe that a violation of this Policy has occurred, either informal or formal resolution. Different resolution procedures are used depending on whether the Respondent is a student, a faculty member, or a staff member.

The Role of the Title IX Coordinator

The Title IX Coordinator assists in assessing and resolving reports involving violations of this Policy. Although there are many reporting channels, all reports must be referred to the Title IX Coordinator to ensure the consistent application of this Policy and to enable the University to promptly eliminate, prevent the recurrence of, and address the effects of Prohibited Conduct.

Initial Assessment

Upon every report of Prohibited Conduct, the University will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address such risks. These steps may include supportive and protective measures to provide for the safety of the individual and the campus community.

After the initial review, if the alleged allegation(s) does not meet the criteria for The Claremont Colleges Title IX Sexual Harassment Policy, and there is reasonable cause to believe that a violation of this Policy has occurred, the matter will be referred for either informal or formal resolution, depending on a variety of factors, such as the nature of the allegation, the Complainant's wish to pursue disciplinary action and the risk posed to any individual or to the campus community by proceeding formally or informally.

Informal Resolution

Informal resolution is a remedy-based, non-judicial approach designed to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects in a manner that meets the needs of the Complainant and campus community without taking disciplinary action against a Respondent. In

determining whether a matter is appropriate for informal resolution, the Title IX Coordinator will consider a range of factors, including the severity of the alleged Prohibited Conduct and the university's legal obligations.

Where the Title IX Coordinator concludes that informal resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the University and to eliminate a hostile environment. Examples of supportive and protective remedies are provided in this Policy, under Supportive Measures (Protective). Other potential remedies include educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the University. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The University will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. The decision to pursue informal resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant or Respondent can request to end informal resolution at any time. The University shall not allow mediation, even on a voluntary basis, to resolve allegations of sexual violence.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolutions will typically be completed within ninety (90) business days of the initial report.

Formal Resolution

Disciplinary action against a Respondent may only be taken through formal resolution procedures. Different resolution procedures apply depending on whether the Respondent is a student, faculty member, or staff member, but all procedures are 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 following formal resolution procedures apply based upon the role of the Respondent:

- Where an allegation is made against a student Respondent, complaints are handled through the processes outlined in Appendix A of this Policy;

- Where the Respondent is a faculty member, or staff member, complaints are handled through the processes outlined in Appendix A of this Policy and;
- Where there are multiple Respondent's or a Respondent with varying statuses, the Title IX Coordinator, in consultation with appropriate administrators, shall determine which procedure(s) will apply.

Where the Respondent is an employee or student from one of the other Claremont Colleges, The Claremont Colleges Services or affiliates will investigate the matter and take steps to stop the conduct and remedy its effects to the extent reasonably possible. Procedures that may lead to the imposition of discipline against the Respondent will, however, be those of the Respondent's home institution.

To determine whether a Respondent is responsible for a violation of this Policy, CGU applies a preponderance-of-the-evidence standard, meaning that CGU determines whether it is "more likely than not," based upon all of the evidence, that the Respondent is responsible for the alleged violation.

Time Frame for Resolution

The University seeks to resolve all reports within ninety (90) business days of the initial report. All time frames expressed in this Policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise which require the extension of time frames, including extension beyond 90 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school breaks or vacations, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this Policy. In the event that the investigation and resolution exceed such time frames, the University will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Miscellaneous and Special Provisions

Application of Policy

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the reported Prohibited Conduct precedes the effective date of this Policy,

the definitions of Prohibited Conduct in existence at the time of the report will be used. The complaint resolution process under this Policy will be used to investigate and resolve all reports made or pending on or after the effective date of this Policy, regardless of when the incident(s) occurred.

Advisor/Support Person

The Complainant and Respondent may be assisted and supported, in any meeting or other aspect of the processes and procedures outlined in this Policy, by an advisor/support person (including legal counsel) of their choice.

Academic Freedom

CGU adheres to principles of academic and expressive freedom. Nothing in this Policy shall be construed to limit the legitimate exercise of academic and expressive freedom, including but not limited to written, graphic, or verbal expression that can reasonably be demonstrated to serve a legitimate educational purpose. Nor shall this Policy be interpreted or applied in a manner that is inconsistent with California Education Code section 94367.

Consensual Relationships

Staff

The University discourages consensual intimate, amorous, or sexual relationships between students and staff and prohibits such relationships whenever a staff member assigned to an instructional, research, administrative, or other University employment responsibility is involved in a relationship with a student whom they supervise or evaluates or over whom they exercise authority.

Faculty

The University discourages consensual intimate, amorous, or sexual relationships between students and faculty. A sexual relationship between a faculty member and a student for whom the faculty member has, or should reasonably expect to have, academic responsibility entails a conflict of interest and, therefore, a breach of professional integrity. Accordingly, such relationships are prohibited even if consensual. Academic responsibility includes responsibility for teaching, advising, evaluating, or supervising a student in any aspect of the university's academic programs or the academic programs of other institutions of The Claremont Colleges.

For additional information refer to CGU's Policy on Consensual Relationships with Students in PolicyStat.

Modification of Procedures and Processes

CGU retains the authority to adapt or modify the complaint resolution process, for good cause and absent substantial conflict with the procedures and processes contained in this Policy, as part of the responsibility to ensure an equitable and prompt process for all parties. Certain modifications may, for example, be necessary to allow for the fair and prompt resolution of a complaint when it is received at the end of a term or during a break in the university's academic schedule.

Records and Record Retention

Records of all reports involving a violation of this Policy, and of the outcomes of such reports, shall be maintained by the Title IX Coordinator for the period of time mandated by applicable law and CGU's Record Retention Policy.

Should a student or employee be found to have violated this Policy, a record of the complaint and of any disciplinary action taken shall be made part of the student's conduct record or the employee's personnel file. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's personnel record.

When a student is permanently separated from CGU through a disciplinary dismissal, this is noted on the student's academic transcript. The Division of Student Affairs maintains indefinitely the conduct files of students who have been suspended or dismissed for disciplinary reasons. The conduct files of students who have not been disciplinarily suspended or dismissed are maintained by the Division of Student Affairs for no fewer than seven years from the date of the incident.

Policy Dissemination

The Dean of Students, and Human Resources Office are responsible for distributing copies of this Policy to members of the CGU community as well as to volunteers. References to this Policy are included in faculty, staff and student orientation materials. In addition, this Policy is continuously available at appropriate campus locations and on the CGU website.

Policy Sources

California Education Code (Cal. Ed. Code §§ 200, *et seq.*; 66250, *et seq.*; 94385); California Fair Employment and Housing Act (Cal. Gov't Code §§ 12900, *et seq.*); Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e, *et seq.*); Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681, *et seq.*); Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. §§ 1092(f), *et seq.*); Violence Against Women Reauthorization Act of 2013 (Pub. Law 113-4), California SB493.

Procedures for Resolving Complaints

Overview

Claremont Graduate University ("CGU" or "University") will take prompt and appropriate action to address all reports of Prohibited Conduct (as defined in the CGU Sexual Misconduct and Complaint Resolution Policy ("Policy")) in violation of the Policy. The Complainant (as defined in this Policy), Respondent (as defined in this Policy), and all other participants in the process will be treated with dignity, care and respect.

Advisor/Support Person

A Complainant, Respondent, or witness may have an advisor/support person of their choice with them at all meetings and any hearing that they attend in connection with the procedures outlined below.

The advisor/support person may be a friend, mentor, family member, attorney, member of The Claremont Colleges community, or any other person, as long as they are not also a witness or otherwise a participant in the complaint resolution proceedings.

An advisor/support person may not make a presentation or represent the Complainant or Respondent during any meeting or proceeding, except as otherwise provided herein. During any meeting or proceeding, the adviser/support person is present to observe and provide support and counsel to the party.

Although reasonable attempts will be made to schedule proceedings consistent with the advisor/support person's availability, the process will not be delayed to schedule the proceedings at the convenience of the support person. The Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of an advisor/support person and to take appropriate steps to ensure compliance with the Policy and these procedures.

CGU provides a FERPA release form (if a student is involved) or a Release of Information form for employees that authorizes such sharing and participation. The parties must complete this form before CGU 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 CGU. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by CGU. CGU 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 CGU's privacy expectations.

Initial Assessment

Upon receipt of a report of Prohibited Conduct committed by a student, the Title IX Coordinator will make an initial assessment of the report, which will include an immediate assessment of any risk of harm to individuals or to the campus community, and will take steps necessary to address any such risks.

During an initial intake meeting with the Complainant, the Coordinator will:

- Assess the immediate physical safety and emotional well-being of the Complainant or any other individual involved, and make medical referrals as appropriate;
- Inform the Complainant of the right to notify (or decline to notify) law enforcement if the conduct is potentially criminal in nature, and the importance of the preservation of evidence;
- Make inquiries to understand the key facts upon which the Complainant bases the report (*i.e.*, the who, what, where and when) to appropriately assess how to proceed;
- Assess the reported conduct to determine whether, under applicable federal law, the campus community should be notified;
- Discuss the range of Supportive Measures (Protective) available to the Complainant (and Respondent), including changes to academic, living, transportation and/or working situations, regardless of whether the Complainant files a formal complaint with CGU or local law enforcement;
- Provide the Complainant with written information about on- and off-campus resources and about the options for resolution, including informal and formal resolution procedures under the Policy;

- Discuss the Complainant's expressed preference for a manner of resolution and wishes with regard to protecting privacy;
- Explain to the Complainant the university's policy prohibiting retaliation;
- Notify the Complainant of the right to be accompanied to any meeting by an advisor/support person of choice;
- Determine the respective ages of the Complainant and Respondent, and if one is a minor, make the appropriate notifications under California's child abuse and neglect reporting requirements; and
- If the conduct is potentially criminal in nature, arrange to enter non-identifying information about the report into the university's daily crime log.

The Coordinator may also meet with the Respondent and other relevant parties as part of the initial assessment. If the Coordinator meets with the Respondent, the Respondent will be provided with information on the Respondent's rights and options under the Policy and these procedures, and with written materials about the availability and contact information of on- and off-campus support resources.

- Discuss the range of Supportive Measures (Protective) available to the Complainant (and Respondent), including changes to academic, living, transportation and/or working situations, regardless of whether the Complainant files a formal complaint with CGU or local law enforcement;
- Provide the Respondent with written information about on- and off-campus resources and about the options for resolution, including informal and formal resolution procedures under the Policy;
- Explain to the Respondent the university's policy prohibiting retaliation;
- Notify the Respondent of the right to be accompanied to any meeting by an advisor/support person of choice;

At the conclusion of the intake process, the Title IX Coordinator, or the Deputy Title IX Coordinator in consultation with the Title IX Coordinator, will make two threshold determinations: (1) whether the Complainant alleges conduct that, if true, could constitute a violation of this Policy, and (2) if so, whether the University should proceed through informal or formal resolution procedures.

If the first threshold is not met, the Complainant will be so advised, and the University will not proceed further. The University will, however, maintain a record of the report which may be considered in

connection with any future complaint or investigation. If new evidence is provided at a later date, the Title IX Coordinator may reopen the complaint resolution process.

If the Complainant wishes to appeal a determination that the first threshold is not met, the Complainant may do so by submitting a written request for review to the Vice President for Student Affairs within five (5) business days of receiving notification of the determination. Vice President for Student Affairs (or designee) will render a decision in writing within ten (10) business days of receiving the request for review. The decision of the Vice President for Student Affairs (or designee) is final.

Notice to the Respondent

When a decision is made to initiate complaint resolution procedures, to impose supportive measures, or to take any other action that impacts a Respondent, the Title IX Coordinator will ensure that the Respondent is promptly notified in writing and is provided with information concerning the Respondent's rights and options under the Policy and these procedures, and with written materials about the availability and contact information of on- and off-campus support resources.

The written notice will state facts sufficient to apprise the Respondent of the nature of the allegations, including the Complainant's name; the nature of the alleged policy violation(s) (e.g., sexual assault, harassment, exploitation, retaliation); the date(s) of the alleged policy violation(s); the location(s) where the violation(s) allegedly occurred; a brief description of the allegations; and the sanctions that may be imposed if the Respondent is found to have violated the Policy.

The notice will also include a statement that the Respondent is presumed not responsible for the alleged conduct, and that a determination regarding responsibility will be made at the conclusion of the process.

The Complainant will also receive a copy of the notice.

Informal Resolution

If, following the initial assessment, the first threshold is met, the Title IX Coordinator will determine whether informal resolution is an option for dealing with the matter. Informal resolution is a remedy-based, non-judicial approach designed to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects in a manner that meets the needs of the Complainant and campus community

without disciplinary action against a Respondent. In determining whether the matter is appropriate for informal resolution, the Title IX Coordinator will consider a range of factors, including the severity of the alleged Prohibited Conduct and the university's legal obligations.

Where the Title IX Coordinator concludes that informal resolution may be appropriate, the University will take immediate corrective action through the imposition of individual and community remedies designed to eliminate a hostile environment and maximize the Complainant's access to educational and extracurricular activities at the University. Examples of supportive and protective remedies are provided under the Supportive Measures (Protective) section. Further potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent, and/or indirect action by the Title IX Coordinator or the University. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The University will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. The decision to pursue informal resolution will be made whenever the University has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end an Informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for Informal resolution. Informal resolution will typically be completed within ninety (90) business days of the initial report.

Formal Resolution

If, following the initial assessment, the first threshold is met, the Complainant alleging Prohibited Conduct may elect to pursue a formal resolution. Options for formal resolution include a conduct conference resolution or an investigative resolution (which involves an investigation, a hearing, sanctions if applicable, and appeal).

Conduct Conference Resolution

A conduct conference provides an opportunity for the Respondent to accept responsibility for their alleged conduct and proceed to a resolution without a formal investigation or hearing. If the Respondent agrees to a conduct conference, the Title IX Coordinator will meet with the Respondent

to review the allegations. The Title IX Coordinator will provide the Respondent with information about the Respondent's rights, information about options under the Policy and these procedures, and written materials about the availability and contact information of campus resources and services. The Title IX Coordinator will offer the Respondent the opportunity to resolve the complaint through an administrative resolution by accepting responsibility for the alleged conduct. If the Respondent elects to acknowledge that the alleged conduct occurred and takes responsibility for the alleged conduct, the Respondent will sign a written acknowledgement, and the matter will be referred to the Dean of Students (or designee) for a decision concerning sanctions and any other remedial action that may be appropriate. The Complainant and Respondent will be notified of the resolution and any sanctions against the Respondent simultaneously, in writing. Either party may appeal the sanctions imposed, as provided in the Appeals Section, below.

If the Respondent contests responsibility for the alleged conduct, the conduct conference process will be concluded, and the matter will be referred for investigative resolution.

Investigative Resolution

As noted above, investigative resolution involves an investigation, a hearing, sanctions if applicable, and appeal.

Investigation

The investigation and adjudication of alleged misconduct is not an adversarial process between the complainant, the respondent and the witness, but rather a process for Claremont Graduate University to comply with their obligations under existing law. The complainant does not have the burden to prove, nor does the respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

The entities responsible for conducting investigations, finding facts and making disciplinary decisions are neutral. They shall be trauma-informed and impartial investigation of complaints. Parties shall be given the opportunity to identify witnesses and other evidence to assist the University in determining whether a policy violation has occurred and shall be informed that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing.

- a. The Title IX Coordinator will either undertake an investigation of the complaint or select an internal or external investigator, or two-person investigative team (which may include two internal investigators, two external investigators, or a combination of one internal and one external investigator), to conduct an investigation. The person who facilitates an informal resolution process, shall receive training on the definition of sexual misconduct, when and under what circumstances this Policy may be invoked, how to conduct an investigation and the formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Such persons shall also receive such other training as is required by Title IX and the California Education Code §67386. The investigator(s) will make themselves available, if requested, to be questioned. The parties will have three (3) business days after being notified of the investigator's identity to object to the investigator's selection on the basis of perceived conflict of interest, bias, or prejudice. If either of the party's objects to the investigator selected, the Title IX Coordinator will evaluate whether the objection is substantiated, and if so, the Title IX Coordinator will remove and replace the investigator.
- b. The investigator typically will meet separately with the parties and pertinent witnesses; offer the parties equal opportunity to submit and/or identify relevant information or evidence and to suggest questions to be posed to the other party or witnesses; and gather other relevant information or evidence reasonably available to the investigator and University, including documents, photographs, disciplinary history, social media, communications between the parties, medical records (with appropriate consent) and other electronic records as appropriate. Following the interview, each person will be provided with a draft summary of their statement so that they have the opportunity to comment on the summary and ensure its accuracy and completeness.

The investigator will review all information identified or provided by the parties and any other evidence obtained and will determine the relevance and probative value of the information developed or received during the investigation. Witnesses must have observed the acts in question or have information relevant to the incident and may not participate solely to speak about an individual's character.

The Respondent will be informed in writing if during the investigation, conduct is disclosed

which may constitute a further violation of this Policy, and will be afforded an opportunity to respond before the investigation is concluded.

All evidence obtained as part of the investigation will be shared with the parties for their review and comment as described below.

- c. The preliminary investigation report shall include the investigator's summary of the investigation, the allegations at issue, disputed and undisputed facts, and all evidence (including both inculpatory and exculpatory), and witness statements. The investigator will not state an ultimate finding of whether the Respondent has or has not violated the Policy. The investigator shall submit the preliminary investigation report to the Title IX Coordinator. Once the Title IX Coordinator has agreed that the preliminary investigation is complete, the Title IX Coordinator will make the preliminary investigation report available to the parties simultaneously for review.
- d. Within ten (10) calendar days after receiving the preliminary investigation report, both parties may provide written comments on the report, which may include proposing any follow-up questions for the other party or any witness, requesting a follow-up interview with the investigator to clarify or provide any additional information that such party believes is relevant to the investigation, identifying any new witnesses who should be interviewed, identifying any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available, and/or identifying and objecting to any information that such party believes was inappropriately included in the preliminary investigation report. The parties' comments will be attached to the final report. If the comments suggest that additional interviews or the consideration of additional material evidence is needed, the investigator, in consultation with the Title IX Coordinator, may determine that the investigation process will be extended.
- e. After addressing any timely comments and updating the preliminary investigation report as necessary, or after the comment period has elapsed without comment, the Investigator will prepare a final investigation report that will contain all information from the preliminary report, supplemented by any additional information gathered. The final investigation report will not include an ultimate finding of whether the Respondent has or has not violated the Policy;

however, if the Respondent admits responsibility for a violation of the Policy, the investigator's final investigation report will so indicate.

- f. The investigator shall submit the final investigation report to the Title IX Coordinator. Once the Title IX Coordinator has agreed that the final investigation report is complete, the Title IX Coordinator will make the final investigation report available simultaneously to the parties. The parties will also be provided with information concerning next steps.
- g. Given the sensitive nature of the information provided in the preliminary and final investigation reports, the Title IX Coordinator may elect to provide the parties access to the preliminary and/or final investigation reports in a secure manner (e.g., by providing hard-copy materials in an office designated by the Title IX Coordinator, by providing digital copies of the materials through a protected "read-only" web portal). Neither the Complainant nor the Respondent (nor the advisor/support person of either, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any other manner duplicate or remove the information provided.
- h. CGU will strive to complete the investigation (meaning the period from commencement of an investigation through completion of the final investigation report) within ninety (90) calendar days. This time frame may be extended as necessary to ensure the integrity and completeness of the investigation, depending on the availability of witnesses and/or the complexity of the circumstances.
- i. At the request of law enforcement, the University may agree to defer its complaint resolution process until after the initial stages of a criminal investigation. The University will, nevertheless, communicate with the parties, consistent with law enforcement's request and the university's obligations, about resources and support, procedural options, anticipated timing and the implementation of any necessary supportive measures for the safety and well-being of all affected individuals. The University will promptly resume its complaint resolution process as soon as the University is informed that law enforcement has completed its initial investigation.

Hearing

- a. If a hearing is requested or required, the parties will have ten (10) calendar days after receiving the final investigation report to review the final investigation report and provide a response to the Title IX Coordinator. The Title IX Coordinator will ensure that each of the parties receives any response submitted by the other party.
- b. The hearing is an opportunity for the parties to address a hearing panel or hearing officer in person and to question the other party and/or witnesses, and for the hearing panel or hearing officer to obtain information following the investigation which is necessary for a determination of whether a violation of the Policy occurred. The hearing is not intended to be a repeat of the investigation. The hearing panel or hearing officer will be well-versed in the facts of the case based upon the final investigation report and the Parties' responses to the report, if any.
- c. The Dean of Students, in consultation with the Title IX coordinator, shall appoint a three-person hearing panel and shall appoint one of the hearing panel's members to serve as the panel chair. The panel shall be drawn from a pool of faculty and campus administrators who participate in annual training with respect to Title IX and this Policy. The Title IX Coordinator will coordinate the training in conjunction with campus and external partners.
 - The Status of the parties (e.g., if both parties are students, then all three hearing panel members may come from the faculty and or/student Affairs/Service area; if one party is a faculty member and one is a student, then there should be representation from each party's University area if reasonably practicable.
 - Avoiding any potential conflicts of interest; and
 - The nature of the underlying complaint, including any relevant subject matter concerns (e.g., particular experience in matters related to academic freedom in a classroom harassment complaint).

The Title IX Coordinator will be present throughout the hearing proceedings in an administrative oversight role only to ensure that the meetings conform to the standards of fairness, neutrality, and equity set forth in this policy, and to address any procedural questions that may arise.

- d. The Dean of Students, in consultation with the Title IX Coordinator and appropriate administrators, may elect to engage a qualified external hearing officer either to assist the hearing panel in the conduct of the hearing or to serve as the hearing officer in lieu of a panel. In determining whether to select a hearing officer, the Dean of Students will consider the nature of the allegations, the complexity of the case, whether there is any issue of conflict of interest, the availability of trained panel members, whether the University is in session or on break, and any other relevant factors.
- e. Individuals will be trained annually on issues related to definitions of sexual misconduct such as dating violence, domestic violence, sexual assault and stalking, the formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially. Including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias as well as how to conduct an investigation and process that protects the safety of victims and promotes accountability and when and under what circumstances this Policy may be invoked. Such persons shall also receive such other training as is required by Title IX and the California Education Code §67386.
- f. The Title IX Coordinator will schedule a hearing date, time and location and provide the Parties with at least ten (10) calendar days' prior written notice of the hearing. The parties will also be provided with the names of the panel members and/or of any hearing officer. The parties will have three (3) business days after being notified of the identity of the panel and/or hearing officer to object to such person(s) on the basis of actual or perceived conflict of interest, bias, or prejudice. The Title IX Coordinator will evaluate whether the objection is substantiated, and if so, the Dean of Students, in consultation with the Title IX Coordinator, will remove and replace the panel member(s) and/or hearing officer.
- g. In advance of the hearing, the Title IX Coordinator will contact the Complainant and Respondent to schedule a separate pre-hearing meeting with each party. At the pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions. If the Complainant and/or Respondent have elected to have advisors/support persons throughout the hearing process, the advisor/support person is encouraged to accompany the Complainant/Respondent to the pre-hearing meeting.

- h. The hearing panel/officer has broad discretion to determine the hearing format. However, in all instances where a Respondent faces severe disciplinary sanctions (*i.e.*, expulsion or suspension) and the credibility of a witness (whether the Respondent, another witness, or both) is central to the adjudication of the allegation, the hearing panel/officer shall permit cross-examination of the parties and witnesses. Neither party shall be allowed to directly question or cross-examine the other during the hearing nor shall the advisor/support person directly question.
- i. At least five (5) calendar days prior to the hearing, both parties shall submit in writing to the hearing panel/officer any questions that a party would like the hearing panel/officer to ask of the other party or of witnesses. The hearing panel/officer will decide whether the submitted questions are relevant to the matter and otherwise appropriate. This does not preclude either party from submitting questions during the hearing for the hearing panel/officer to ask of a party or witness.

In addition, five (5) calendar days prior to the hearing, the parties shall provide, for consideration by the hearing panel/officer, the names of any witnesses the parties suggest be called. Witnesses must have observed the conduct in question or have information relevant to the incident and may not be called solely to speak about an individual's character. In general, neither party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the investigation.

The hearing panel/officer shall decide the appropriateness of the potential identified witnesses and shall notify the parties prior to the hearing of the reasoning why any proffered witness would not be appropriate to call as a witness.

The hearing panel/officer shall likewise submit to the parties the names of additional witnesses who the hearing panel/officer would like to appear at the hearing. Although good-faith attempts shall be made by the University to secure the attendance of all requested and approved witnesses, the parties must recognize that the University does not have the power to subpoena witnesses to appear, and that accordingly, the University, through the Title IX Coordinator, will

only be able to use good-faith efforts and CGU's own policies regarding cooperation to obtain the attendance of witnesses.

- j. A typical hearing may include brief opening remarks by the hearing panel chair or hearing officer; questions posed by the hearing panel/officer to one or both of the parties; follow-up questions by one party to the other (typically with the Respondent questioning the Complainant first); questions by the hearing panel/officer to any witness including the investigator; and follow-up questions by either party (typically with the Respondent questioning the witness first). The hearing panel/officer also will afford either Party an opportunity to offer closing remarks at the end of the hearing. Offering closing remarks is completely voluntary.
- k. The hearing is closed to all persons except the parties, the parties' respective advisors/support persons, appropriate witnesses while they are testifying, the Title IX Coordinator, and any person designated by CGU to serve as a hearing coordinator and/or note taker. The hearing coordinator will not be the investigator. Advisors/support persons may not participate directly in, or interfere with, the proceedings. A record of the hearing, ordinarily in the form of a digital recording, will be made. Any such recording is University property. No other recording of the hearing is permitted.
- l. As reasonable and appropriate, and based on the requests of the parties, the hearing coordinator will structure the hearing format to minimize or avoid any undue stress or burden on each party and to allow each party to hear the other's statement (such as participation by Zoom, teleconference, or other means).
- m. At any time prior to the close of the hearing, the parties may submit an impact or mitigation statement, no longer than 1,500 words, which will be considered by the hearing panel/officer and the Dean of Students (or designee) only upon a finding of responsibility for the alleged Policy violation. An impact statement is a written statement from the Complainant in which the Complainant describes the impact of the alleged Policy violation on the Complainant, expresses the Complainant's preferences regarding appropriate sanctions, and identifies any aggravating circumstances that the Complainant wishes the hearing panel/officer to consider. A mitigation statement is a written statement from the Respondent in which the Respondent explains any factors that the Respondent believes should mitigate, or otherwise be considered

in determining, the sanctions imposed. Impact and mitigation statements should be sent to the Title IX Coordinator, who will forward the submissions to the hearing panel/officer and ensure that each of the parties receives any statement submitted by the other party.

- n. Following the close of the hearing, the hearing panel/officer will adjourn to executive session to consider all of the evidence and make a determination, by a preponderance of the evidence (and in the case of a hearing panel, by a majority vote), whether the Respondent has violated the Policy. This means that the hearing panel/officer will decide whether it is "more likely than not," based upon all of the evidence, that the Respondent is responsible for the alleged Policy violation. If the Respondent is found responsible for a violation of the Policy, the hearing panel/officer will also make a recommendation to the Dean of Students concerning the imposition of sanctions.
- o. The hearing panel/officer will issue a written notice of hearing outcome which will contain the hearing panel/officer's factual findings, determination of whether a Policy violation occurred, rationale in support of the hearing outcome, and recommendations concerning sanctions if there is a finding of responsibility. The hearing panel/officer will strive to deliver the written notice of hearing outcome to the Dean of Students and the Title IX Coordinator within seven (7) calendar days of the hearing. Once the Dean of Students has acted on any sanction recommendation, the parties shall be provided simultaneous written notice of the hearing panel/officer's decision, the sanctions imposed by the Dean (if there is a Policy violation finding), and the appeal process.

Sanctions

If the Respondent is found responsible for a Policy violation, the hearing panel/officer shall make a recommendation to the Dean of Students (or designee) concerning the imposition of sanctions, who may accept, reject, or modify the recommended sanctions. The recommendation/imposition of sanctions should be guided by the following considerations: the interests of the community, the impact of the violation on the Complainant, documented student conduct history, and any mitigating or aggravating circumstances.

In connection with the recommendation/imposition of sanctions, the hearing panel/officer and/or Dean of Students (or designee) may also consider restorative justice outcomes that, taking into account the

safety of the community as a whole, allow a Respondent to learn about the origins of their behavior, their responsibility for the behavior, and how they can change the behavior.

Sanctions include,:

- **Warning:** For minor infractions, the Respondent may be issued a written warning. The warning will be noted and may justify more severe sanctions in the event of any further violation of behavioral standards.
- **Conduct Probation:** The Respondent may be placed on conduct probation for a designated period of time and required to meet certain requirements during the probation. When a student is on conduct probation, they are subject to suspension or expulsion in the event of further violations of conduct standards. The student's academic advisor shall be advised of the student's probationary status.
- **Loss of Privileges:** The Respondent may be denied specific privilege(s) for a defined period of time. Privileges include, but are not limited to, participating in extracurricular activities and events (e.g., social events, intercollegiate athletics, intramural programs, student organizations, student government); living on campus; living in a specific residence hall; participating in commencement ceremonies; and having a vehicle on campus.
- **Restricted Access:** The Respondent's access to campus and/or participation in University-sponsored activities may be limited. Restrictions shall be clearly defined and may include, but are not limited to, exclusion from certain buildings or locations on campus and no-contact orders. In cases involving parties from different Claremont Colleges, restricted access may extend to other campuses.
- **Community Service:** The Respondent may, as a sanction, be required to perform a specified number of hours of uncompensated service to the University, or to an off-campus non-profit organization, within a specified period of time. The assignment of duties must be preapproved by the Title IX Coordinator in consultation with appropriate University administrators. Students must provide appropriate documentation verifying their completed community service. Failure to complete the service satisfactorily within the specified period of time may result in further action through the student conduct process.
- **Educational Program/Project:** The Respondent may be required to complete a project, assignment, or activity to promote the Respondent's education and development. Such

assignments are at the discretion of the hearing panel/officer. Assignments may include, but are not limited to, preparing a reflection or research paper; developing a presentation; engaging in a discussion with someone; writing an apology letter; reading specified materials; and completing an online training program dealing with sexual misconduct.

- Referral for Counseling: The Respondent may be required to meet with a health care provider and/or a mental health care provider (including a drug and alcohol counselor) within a specified time frame. In such a case, the student will be expected to participate fully in any relevant assessment requested by the provider and to comply with any consequent recommendation(s), such as a treatment plan or a referral to another provider.
- Removal of Offending Cause: The Respondent may be required to remove the item that was the subject of the complaint.
- Restitution: In cases where the Respondent is found responsible for damaging or misappropriating property, they may be required to reimburse the property owner for all or some of the cost.
- Suspension: The Respondent may be separated from the University for a defined period of time. During a period of suspension, the Respondent is neither permitted on campus nor permitted to participate in any University-sponsored or University-affiliated programs or activities. The terms of the suspension may include special conditions affecting the Respondent's eligibility for readmission, or to take effect upon readmission, including a term of conduct probation. During the suspension, the Respondent's transcript will bear the notation "ineligible to re-register" and the date range of the suspension. This notation will be removed upon the completion of the suspension.
- Expulsion: The Respondent may be separated from the University permanently. A student who has been expelled is neither permitted on campus nor permitted to participate in any University-sponsored or University-affiliated programs or activities. The Respondent's transcript will have the notation "ineligible to re-register."
- Withholding of Degree: Because a degree signifies not only successful completion of academic requirements, but also compliance with the university's standards and good standing in the CGU community, the University may, as a sanction for violation of this Policy, withhold a degree entirely or impose further conditions on the conferral of a degree (e.g., require compliance with other sanctions as a prerequisite to the conferral of the degree).

Sanctions Recommended for Employees

- Additional training, including online training(s) conducted by appropriate university officials that address the behavior or misconduct.
- Verbal reprimand or warning, in which case the respondent will be reminded of the policy.
- Written reprimand or warning, in which case a copy will be placed in the employee's personnel file.
- Performance improvement plan to be prepared by and/or in conjunction with the Director of Human Resources to facilitate constructive discussions about what is expected and appropriate behavior and what can be done to achieve this.
- Reassignment, realignment, or removal of certain responsibilities, including the elimination of advisory or supervisory roles.
- Restricted access from or suspension of certain college privileges, college events, or college property.
- Suspension without pay for a certain period of time and/or ineligibility for an annual pay increase.
- Probation for a period of time during which any further violations may impact or jeopardize the employees' status in a specific manner.
- Termination from employment or other contracts or non-reappointment.
- A separate process may also be involved for faculty who have tenure

In the event of an appeal, sanctions will normally be held in abeyance pending the outcome of the appeal. If, however, the University determines that there may exist a threat to the safety or welfare of the CGU community, sanctions will take effect immediately.

Appeals

Grounds for Appeal

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

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

2. *Disproportionate Sanctions:* The sanctions are disproportionate to the Adjudicator's findings.
3. *Conflict of Interest:* The Title IX Coordinator, Investigator(s), and/or Adjudicator had a conflict of interest or bias for or against any party that affected the outcome of the matter. The appealing party must describe in their appeal the alleged conflict of interest or bias held by the individual and how this altered or impacted the outcome.
4. *New Evidence:* There is new evidence which was not available or known (and could not have reasonably been known) at the time of the final Hearing Decision which materially affected the outcome of the process. The appealing party must describe in their appeal how the new evidence would have altered the outcome of the process and why the new evidence was not available or reasonably known prior to the appeal.

Appeal Authority

1. Appeal Officers will consist of a Vice President (or designee) and an Assistant Vice President (or designee).
2. In cases involving a faculty respondent, the University President will be the designated Appeal Officer. In cases involving a student or staff respondent, the Executive Vice President/Provost of the University may serve as one of the designated Appeal Officers.

Appeal Procedures

1. Appeals must be submitted within five (5) business days of the date on which the person wishing to file an appeal is notified of the hearing panel/officer 's decision. The Appeal Authority has ten (10) business days from the filing of the appeal to determine whether the appeal is based on one or more of the grounds for appeal. If the appeal is not based on one or more of the grounds for appeal, the appeal will be denied. If the appeal is not denied, the Title IX Coordinator will share the appeal with the other party, who shall have three (3) business days from the date on which the party is notified of the appeal to submit a response.
2. After the other party submits a response to the appeal or the time for the other party to submit a response lapses without a response, the Title IX Coordinator shall promptly send the appeal, any response, and the underlying appeal record to the Appeal Authority (or designee), who

shall consider the appeal and take such action as they deem appropriate. The appeal record will consist of the investigator's final report and any supporting documents that accompany the report; any responses to the report submitted by the parties; the hearing panel/officer's decision; impact and mitigation statements and any other documents that the Title IX Coordinator deems relevant to the appeal.

3. Appeals will be decided by the Appeal Authority (or designee) in a timely manner. There may, however, be circumstances that necessitate additional time for the Appeal Authority to reach a decision. While an appeal is under review, the Title IX Coordinator will update the parties about the timeline as necessary.
4. The Appeal Authority may determine 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.
5. The Title IX Coordinator shall communicate the decision of the Appeal Authority (or designee) to the parties simultaneously. The decision of the Appeal Authority is final.

Disclosure of Results of Disciplinary Proceedings Policy Statement

Upon request, the University will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged victim or next of kin, if the victim is deceased.

Miscellaneous and Special Provisions

Time Frame for Resolution

Typically, the complaint resolution process (*i.e.*, assessment, investigation, hearing and appeal) will be completed within approximately ninety (90) calendar days following the university's receipt of a report (*i.e.*, complaint). This time frame may be extended for good cause, which may exist if there is an unavoidable delay due to academic breaks or other legitimate reasons, or if additional time is necessary to ensure the integrity and completeness of the investigation; to account for case complexities, including the number of witnesses and volume of information provided by the parties; or

to accommodate the availability of witnesses and other persons integral to the complaint resolution process. In general, the parties can expect to receive periodic updates as to the status of the complaint resolution process.

Consolidated Investigations/Hearings

Where the Title IX Coordinator determines that an allegation of Prohibited Conduct includes more than one Respondent, the Title IX Coordinator may decide to investigate the allegation as a single matter and to institute a single resolution process. Similarly, where the Title IX Coordinator determines that multiple Complainant's have made allegations against one Respondent, the Title IX Coordinator may decide to investigate the reported events as a single matter and institute a single resolution process. If investigations/hearings involving multiple Complainants and/or multiple Respondents are consolidated, each party will have access to all of the information being considered (subject to FERPA and other applicable privacy laws), including the information provided by all involved Complainant's, all involved Respondent's, and all involved witnesses.

Complainants Conduct History

Generally, any prior CGU policy violation(s) by the Respondent are not admissible as information about the present allegation. The Title IX Coordinator may, however, supply information about previous behavior and/or complaints to the investigator or hearing officer/panel if:

1. The Respondent was previously found to be responsible for a similar violation; and
2. The information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

A Respondent's prior conduct will be taken into consideration by the Dean of Students (or designee) when determining what sanction to impose.

Past Sexual History

The sexual history of a party, if offered by the other party, will not be admissible in an investigation or hearing. The parties' past sexual interactions with one another also generally will not be admissible in an investigation or hearing unless investigating or hearing officer determines such information is highly relevant.

- The investigator or hearing officer shall not consider prior or subsequent sexual history between the complainant and anyone other than the respondent for any reason unless directly

relevant to prove that physical injuries alleged to have been inflicted by the respondent were inflicted by another individual.

- The investigator or hearing officer shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations.
- Where the investigator or hearing officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent pursuant to sub-subclause (ia), the mere fact that the complainant and respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this subdivision, the investigator or hearing officer shall provide a written explanation to the parties as to why consideration of the evidence is consistent with this clause.

If a party believes the past sexual interactions of the parties to be relevant to the investigation and/or hearing, they must submit a written request to the investigating or hearing officer explaining the nature of the information and why the information is relevant to the investigation and/or hearing. The investigating or hearing officer will review the request and render a decision within two (2) business days.

Student Withdrawal and Notations in Academic Records

If a Respondent withdraws from the University while the complaint resolution process is pending, the presumption is that the University will complete the process despite the student's withdrawal. If the University elects to defer the process while the student is no longer enrolled, the student will be ineligible to re-register at the University until the process is completed. In such a case, the University will record the notation "ineligible to re-register" on the student's official transcript. The notation "ineligible to re-register" will also appear on the official transcript of a student who is suspended or expelled. When a student has withdrawn during a pending investigation, or has been suspended or

expelled due to sexual misconduct, a notation of "ineligible to re-register" will be entered on their transcript.

Records

The Title IX Coordinator will retain records of all reports and complaints against students, whether resolved by means of informal or formal resolution. For reports and complaints against faculty and staff, records will be maintained in the Human Resources Office. For reports or complaints against faculty, records will be maintained by Human Resources.

Affirmative findings of responsibility in matters resolved through formal resolution remain part of a student's conduct record and an employee's personnel record. Such records shall be used in reviewing and developing sanctions for any further conduct.

When a student is permanently separated from CGU through a disciplinary dismissal, this is noted on the student's academic transcript. The conduct files of students who have been suspended or dismissed for disciplinary reasons are maintained by the Division of Student Affairs indefinitely. Conduct files of students who have not been disciplinarily suspended or dismissed are maintained by the Division of Student Affairs for no fewer than seven years from the date of the incident or the period of time mandated by applicable law and CGU's Record Retention Policy, whichever is longer. Further questions about record retention should be directed to the Division of Student Affairs.

Modification of Procedures and Processes

The University retains the authority to adapt or modify the complaint resolution process, for good cause and absent substantial conflict with the Policy and these procedures, as part of the responsibility to ensure an equitable and prompt process for all parties. Certain modifications may, for example, be necessary to allow for the fair and prompt resolution of a complaint that is received at the end of a term or during an academic break.

SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT **Megan's Law**

Members of the general public may request community notification flyers for information concerning sexually violent predators in a particular community by visiting the chief law enforcement officer in that community. The State of California maintains a database of convicted sex offenders who are

required to register their home addresses. This database can be found at:

<http://meganslaw.ca.gov/disclaimer.aspx>

For general information on Megan's Law, visit the State of California's Department of Justice website at: <http://www.meganslaw.ca.gov/>

CAMPUS SECURITY AND POLICIES, CRIME PREVENTION & SAFETY AWARENESS PROGRAMS

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

Another step the University has made toward making reporting crimes easy and accessible is the "LiveSafe" app for smartphones. The LiveSafe app allows CGU 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.

Claremont Graduate University also provides faculty, staff and students convenient access to the CGU Safety Resource Card. By texting "Claremontsafety" to 444-999, community members will receive a downloadable link that contains both local CGU, TCCS, and local resources. Also contained when accessing this valuable information is a short informative video on the topic of Consent.

Programs provided by The Dean of Students include: A safety awareness program of Teal Dot Bystander training is conducted a few times a semester, particularly at the beginning of a new semester and is evaluated based on the need and desire of the community and Domestic Violence Awareness programming for the month of October.

Weapons Policy

The possession, carrying and use of weapons, ammunition, or explosives is prohibited on University owned or controlled property. The only exception to this policy is for authorized law enforcement officers or others, specifically authorized by the University. The specific University policy can be found

at: <https://cgu.policystat.com/policy/7076134/latest/>. Failure to comply with the University weapons policy may result in disciplinary action against violators.

Missing Student Notification Policy

It is the policy of Campus Safety to thoroughly investigate all reports of missing persons. Additionally, the University holds that every person reported missing will be considered at risk until significant information to the contrary is confirmed. All reports of missing persons must immediately be directed to the Campus Safety by calling extension 7-2000 or 7-2333(Off Campus: 909-607-2000 or 909-607-7233) or made in person at the Pendleton Business Building, 150 E. 8th Street, Claremont, CA 91711. Reports of missing students received by other University departments are to be promptly forwarded to the Campus Safety. It is the policy of this department to support and assist missing person investigations originating outside our jurisdiction. A person may be declared “missing” when his, her or their whereabouts are unknown and unexplainable for a period of time, typically 24 hours or sooner, especially if it is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.

The purpose of this policy is to establish procedures to be followed if a missing person complaint is made to the Campus Safety office. If a complaint is made to this office, Campus Safety staff will follow the steps listed below:

- Person receiving the complaint will immediately dispatch a Campus Safety Officer to the location of the complaint. In addition, make appropriate notification to the Assistant Vice President for Student Affairs and Dean of Students (or their designee) and the Director of Housing Operations.
- The responding officer will gather all essential information about the person (description, clothes last worn, where subject might be, with whom they might be, vehicle description, etc.) And every effort will be made to make contact directly with the student or their designated confidential contact(s).
- An up to date photograph may also be obtained to aid in the search.
- The responding Campus Safety Officer will also gather information about the physical and mental wellbeing of the individual.

- Appropriate campus staff, including the Director or Housing Operations will be notified to aid in the search for the individual. A quick but thorough search will be conducted in all campus buildings, grounds, and parking lots.
- Class schedules will be obtained and a search of appropriate classrooms will be conducted.
- The Assistant Vice President for Student Affairs and Dean of Students (or designee) will be promptly notified and is responsible for communicating with the family or relatives of the missing person.

If the above actions are unsuccessful in locating the person or it is apparent from the beginning that the person is actually missing (i.e. call from parents, spouse, housemate), the investigation will be turned over to the appropriate local law enforcement agency. This will take place as soon as practical but never later than 24 hours from the initial report. At this time, the local law enforcement agency becomes the authority in charge and the Department of Campus Safety will assist them in any way necessary.

In accordance with the Higher Education Act of 2008, all students may register a confidential contact with the University. Access to this information is restricted to authorized campus officials and law enforcement officers actively involved in the furtherance of a missing person investigation. The confidential contact does not have to be a parent of a student. This is the individual who will be contacted by Campus Safety or another police department within 24 hours of the determination that the student is reported missing. This individual will also be updated as to the progress of the investigation. In the event a student is under 18 years of age, and has not been legally emancipated, the student's parents or guardian will also be contacted within 24 hours of the determination that the student is reported missing. Please note that the local police department will be notified even if a student has not registered a confidential contact. Students are encouraged to register an individual as a confidential contact and may do so through their MyCGU portal and clicking on the "Profile" tile, the information will then reside in Peoplesoft.

Registering Emergency Contact(s):

When registering an emergency contact, residents have the option to identify a confidential contact to be notified by Campus Safety in furtherance of a missing person investigation, in the event the resident is determined to be missing for more than 24 hours. If a resident has identified such an

individual, Campus Safety will notify that individual no later than 24 hours after the resident is determined to be missing.

A resident who wishes to identify a confidential contact, which is in addition to a regular emergency contact, can do so by going to the CCA Housing Services Office to fill out an “Emergency Contact Notification Form”. A resident’s confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate.

If a resident is under 18 years of age, and not an emancipated individual, Claremont Graduate University Housing Services is required to notify a custodial parent or guardian (in addition to any other contact person designated by the student) and the notification must occur not later than 24 hours after the student is determined to be missing.

Statement Addressing Missing Resident:

If a member of the Claremont Graduate University community has reason to believe that a student who resides in on-campus housing (CCA) is missing, he or she should immediately notify Campus Safety at (909) 607-2000; Housing Services at (909) 607-607-3964. Campus Safety will generate a missing person report and initiate an investigation.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by CGU Housing Services in the event the resident is determined to be missing for more than 24 hours. If a student has identified such an individual, Housing Services will notify that individual no later than 24 hours after the student is determined missing. A student who wishes to identify a confidential contact can do so by visiting the CGU Housing Services Office and submitting an “Emergency Contact Notification Form”. A resident’s confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of investigation.

After investigating a missing resident report, should Campus Safety determine that the resident has been missing for 24 hours, Housing Services will notify the resident’s emergency contact no later than 24 hours after it has been determined that a resident is missing. If the resident is under the age of 18

and is not an emancipated individual, Housing Services will notify the resident's parent or legal guardian immediately after it is determined that the resident has been missing for 24 hours.

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/>. Any member of the Claremont Colleges and members of the public may view the Clery Daily Crime 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

Campus Safety participated in the Back to Your Future Block Party and answered questions from CGU students. Campus Safety will conduct training with student staff members from Housing and students at the Leadership Summit on Emergency Preparedness including crime prevention on campus, active shooter training, the LiveSafe App and the Emergency Contact Card for CGU. In addition, CGU students could be informed about crime on campus and in the surrounding area. Campus Safety maintains a strong working relationship with the CGU community. Campus Safety coordinates an escort program for CGU students. Campus Safety performs walk-throughs, building checks, and inspections of both the CGU central campus and the CGU Apartments.

CGU Housing facilitates programming throughout the academic year for residents. Led by the staff, CGU Dean of students in partnership with SLDL utilizes monthly Newsletters to send reminders encouraging everyone to take an active part in ensuring the safety and security of others. This is encouraged through making sure everyone has downloaded the CGU Emergency Contact Card to their phone, and encouraging individuals to download the liveSafe app. The liveSafe app is a mobile app that is designed to prevent crime and enable better response from Campus Safety.

CGU POLICIES GOVERNING ALCOHOL AND OTHER DRUG

CGU Alcohol and Drug Policy

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

The University prohibits the unlawful possession, sale, use, manufacture or distribution of alcohol or controlled substances by students, faculty, staff, and guests in buildings, facilities, grounds or property controlled by the University or used as part of University activities. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol Beverage Control (ABC). However, the enforcement of alcohol laws on-campus is the responsibility of CGU and Campus Safety. It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. CGU students are expected to act lawfully with respect to the possession and consumption of alcoholic beverages. Consumption of alcohol by individuals under 21 years of age on property or grounds controlled by the University, or as part of University activities, is prohibited. Additionally, the possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are enforced by Campus Safety and local law enforcement. Violators, both CGU students and employees, are subject to University disciplinary action up to, and including, expulsion and termination of employment and referral for prosecution. CGU employees may be required to participate in an alcohol/drug abuse or rehabilitation program as appropriate.

Federal, State and Local Law

Students are not exempt from local, state, and federal law while on the Claremont Graduate University campus. The federal government, through the Drug Free Schools and Communities Act, requires that colleges enforce state and local laws concerning drugs and alcohol in order to remain eligible for federal funds including federal student financial aid. California has a strict host liability law. If a student sells or serves alcohol, she or he can be held responsible in a court of law for the conduct of any individual who is served if that person subsequently injures himself or herself, becomes ill, dies, or injures a third party. This is especially true when the person served is a minor or is already intoxicated.

The City of Claremont prohibits public intoxication, open containers of alcohol in vehicles, and consuming alcohol in public parks. Under California law the following are illegal:

- It is illegal to sell, furnish or give alcoholic beverage to anyone under 21 or to anyone who is obviously intoxicated. (California Business & Professions Code Sec. 25658.)
- It is illegal for anyone under 21 to purchase or attempt to purchase alcoholic beverages or to possess alcoholic beverages in any public place, including streets or highways. (California Business & Professions Code Sec. 25662.)
- It is illegal to sell alcohol without a valid license or permit. (California Business & Professions Code Sec. 23301.)
- It is illegal to drink while driving. (California Vehicle Code Sec. 23221.)
- It is illegal to have an open container of alcohol in a moving vehicle. (California Vehicle Code Sec. 23222, 23223.)
- It is illegal to drive under the influence of alcohol. (Intoxication is presumed when blood alcohol level is .08% or higher, but may be found with blood alcohol levels of .05% to .08%). (California Vehicle Code Sec. 23152.)
- It is illegal for anyone under 21 to drive with a blood alcohol level of .05% or more or to drive while under the influence of alcohol. (California Vehicle Code Sec. 23140.)
- It is illegal to ride a bicycle or to operate a water vessel, water ski or aquaplane while intoxicated.
- It is illegal to present any form of false identification to purchase, order or attempt to purchase any alcoholic beverage or to possess false evidence of age and identity. (California Business & Professions Code Sec. 25661.)
- It is illegal to sell or provide false evidence of age or identity to anyone under age 21. (California Business & Professions Code Sec. 25661.)
- It is illegal for anyone under age 21 to enter or stay in a place licensed to sell liquor without a lawful reason to be there. (California Business & Professions Code Sec. 26665.)
- It is illegal to be found in a public place under the influence of liquor, drugs or controlled substances if you are unable to care for your own safety or interfere with the use of a public way. (California Penal Code Sec. 647(f).)

Legal Penalties

In general, a misdemeanor is punishable by fines up to \$1,000 and/or imprisonment in the county jail for up to one year. A felony is punishable by imprisonment in state prison for more than one year. Other penalties stated below for a particular offense may be in addition to those stated for misdemeanors and felonies.

- Anyone who sells or gives any alcoholic beverage to a person under age 21 is guilty of a misdemeanor. Punishment may include a fine of \$1,000, which may not be suspended and performance of not less than 24 hours of community service in addition to penalties provided for misdemeanor violations.
- Anyone under age 21 who purchases any alcoholic beverage or consumes an alcoholic beverage in any on-sale premises is guilty of a misdemeanor.
- Anyone under 21 who attempts to purchase any alcoholic beverage is guilty of an infraction and shall be punished by a fine of not more than \$100. Any subsequent violation shall be punished by a fine of not more than \$250 or 36 hours of community service.
- Anyone under 21 who is in possession of an alcoholic beverage in a public place or street or highway is guilty of a misdemeanor.
- Anyone under 21 who presents false evidence of age and identity to order or obtain any alcoholic beverage or who possesses false evidence of age and identity is guilty of a misdemeanor. Punishment shall include a fine of \$250 which may not be suspended or performance of not less than 24 hours nor more than 32 hours of community service.

Penalties for drunk driving:

- First Offense: Imprisonment in the county jail for not less than 96 hours, at least 48 hours of which shall be continuous, nor more than six months and by a fine of not less than three hundred ninety dollars (\$390), nor more than one thousand dollars (\$1000) and completion of a driving under the influence education program (at least 30 hours if blood alcohol was less than .20% and at least 45 hours if more than .20%). If under 21, suspension of driver's license for one year, over 21, suspension for six months. In addition, a period of probation

from three to five years may be imposed. If registered to the driver, the vehicle may be impounded for 1 to 30 days.

- Second Offense (within 7 years): Fines from \$390 to \$1000, imprisonment in the county jail for not less than 90 days nor more than one year, driver's license suspension of 18 months. If registered to the driver, the vehicle will be impounded for 1 to 30 days.
- Third Offense: Fines from \$390 to \$1000, imprisonment in the county jail for not less than 120 days nor more than one year, driver's license revocation for four years. If registered to the driver, the vehicle may be impounded for 1 to 90 days or may be sold.
- Fourth Offense or greater; Fines from \$390 to \$1000, imprisonment in the county jail for not less than 180 days to three years in state prison, driver's license revocation for four years. If registered to the driver, the vehicle may be impounded for 1 to 90 days or may be sold.
- For all offenses, participation in an alcohol or drug program may be required and vehicles registered to the driver may be sold or impounded for periods up to three years.
- Driving privileges are suspended for six months for refusing to submit to a blood alcohol test. The suspension is for two years if there has been a prior conviction within seven years, and for three years if there have been three or more convictions within seven years.

General Overview of Local, State and Federal Laws Concerning Drugs

It is a crime to possess, use, sell, manufacture, or distribute illegal drugs. Both federal and state laws impose criminal sanctions including imprisonment, on persons violating criminal drug laws.

CALIFORNIA STATE LAW PROHIBITS:

Marijuana Possession

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). (Sec.11357)

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 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.

(Sec. 11358)

Possession of Marijuana for Sale

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. (Sec. 11359)

Transportation or Sale of Marijuana

Under California's marijuana legalization law, you can only sell marijuana if you have obtained a license to do so. These licenses will be issued by a newly-created Bureau of Marijuana Control. If you don't have a license, then selling pot--or transporting it in order to sell it--is still a crime under HS 11360. Under Prop 64, HS 11360 has become a law intended to prohibit a "black market" in marijuana. For most defendants, unlicensed sale or transport for sale of marijuana is a misdemeanor punishable by up to six (6) months in county jail and/or a fine of up to one thousand dollars (\$1,000). (For defendants under 18, it is an infraction. Also, giving away or transporting for sale up to 28.5 grams of marijuana without a license is an infraction.) But sale/transport for sale of marijuana without a license to do so is a felony for the following defendants:

- Defendants who 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 them to register as a sex offender;
- Defendants who have two (2) or more prior convictions for HS 11360 sale/transportation of marijuana;
- Defendants who knowingly sold, attempted to sell, or offered to sell or furnish marijuana to someone under 18;
- Defendants who imported or attempted or offered to import into California, or transported or attempted/offered to transport out of California for sale, more than 28.5 grams of marijuana or more than four grams of concentrated cannabis.

In any of these scenarios, black market sale or 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 (Sec. 11360)

Selling marijuana to a minor – Health and Safety Code 11361 makes it a felony for anyone 18 years or older to sell marijuana to a minor. This law is unchanged by Proposition 64/marijuana legalization. HS 11361 also makes it a felony to use a minor unlawfully to transport, carry, sell, give away, furnish, administer, prepare for sale, or peddle any amount or type of marijuana. Sentences for violating California Health and Safety Code 11361 are served in California state prison, rather than county jail. If the minor involved is under 14 years of age, the penalty is three, five or seven years in state prison. If the minor is over 14, but less than 18, the penalty is three, four or five years in state prison.

Concentrated Cannabis -- “Concentrated cannabis” is the separated resin (whether crude or purified) obtained from the marijuana plant. It is commonly referred to as “hashish” or “hash.” Concentrated cannabis is considered to be marijuana under California law. This means, among other things, that people entitled to possess, cultivate, or transport medical marijuana may do the same with concentrated cannabis. Also, under Proposition 64, simple possession of concentrated cannabis for recreational use is legal--but a person may only possess up to 4 grams for personal use.

Driving with Marijuana -- Vehicle Code 23222(b) prohibits driving in possession of up to 28.5 grams of marijuana. It is a sister provision to the law against driving with an open container of alcohol in your vehicle. Proposition 64 did not change this law. Driving with marijuana is an infraction. It can be punished by up to a \$100 fine.

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 controlled substances, which is classified as a narcotic drug.

Unauthorized Possession of Controlled Substances: Except as otherwise provided...every person who possesses (1) any controlled substance or (2) any controlled substance which is a narcotic drug, unless upon the written prescription of a physicians, 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 by for period of not less than two years in the state prison. (Sect 11350)

Possession for Sale of Controlled Substances: Except as otherwise provided...every person who possesses for sale (1) any controlled substance or (2) any controlled substance 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 15 years and shall not be eligible for release upon completion of sentence or not parole or any other basis until she/he has been imprisoned for a period of not less than two (2) years in the state prison. (Sec. 11351)

Possession with Intention to Manufacture Methamphetamine: Any person who possesses both methylamine and phenyl-2propanone (phenyl acetone) 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).

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

The use of any mind or mood-altering substance, including alcohol, can lead to psychological dependence, which is defined as a need or craving for the substance and feelings of restlessness, tension, or anxiety when the substance is not used. In addition, with many substances, use can lead to physical tolerance, characterized by the need for increasing amounts of the substance to achieve the same effect, and/or physical dependence, characterized by the onset of unpleasant or painful physiological symptoms when the substance is no longer being used. As tolerance and psychological or physical dependence develop, judgment becomes impaired and people often do not realize they are losing control over the use of the substance and that they need help. Drugs taken by injection can increase the risk of infection (e.g. HIV, hepatitis, etc.) through needle contamination. Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.

Alcohol acts as a depressant to the central nervous system and can cause serious short and long-term damage. Short-term effects include nausea, vomiting, and ulcers; more chronic abuse can lead to brain, liver, kidney, and heart damage and even eventual death. Ingesting a large amount of alcohol at one time can lead to alcohol poisoning, coma, and death. Drugs such as LSD, amphetamines, marijuana, cocaine, and alcohol alter emotion, cognition, perception, physiology, and behavior in a variety of ways.

Health risks include but are not limited to depression, apathy, hallucinations, paranoia, and impaired judgment. Abuse of either alcohol or drugs during pregnancy increases the risk of birth defects, spontaneous abortion, and stillbirths.

It is impossible to accurately predict how an individual will react to a specific drug or to alcohol because effects vary depending on the person, environmental variables, the dosage and potency of the substance, the method of taking the substance, the chronicity or use, and whether the substance is taken in conjunction with other substances. Illegal drugs have particularly unpredictable effects due to variability in dosage and purity. When two or more substances are combined, there is often an effect that is stronger than their additive sum.

For more information visit: www.drugabuse.gov

Drug and Alcohol Abuse Education Programs

Resources for Students, Faculty, and Staff

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

- **Monsour Counseling Center** – 757 College Way, 909-621-8202
- **Student Health Services** – 757 College Way, 909-621-8222
- **Dean of Students and Campus Life** – 160 East Tenth Street, 909-621-8965

- **7CHealth** –7CHealth.com
 - 7C.Health is a convenient way for The Claremont Colleges students to receive free medical and mental health support, 24/7. All you need is an internet connection to get started with 7C Health. Get connected and talk about anything from school stress to relationships. 7C. Health travels with you no matter where you are. Get the medical and mental health support that you need anytime, anywhere. Full-time or part-time TCC (CGU) students have access to free, no-cost telehealth through 7C Health.

As a CGU employee, the following office is available to assist with finding counseling, educational materials, and/or referrals:

- **Human Resources** – 150 East Tenth Street, 909-621-8686 or 909-607-4404
- **CGU Employee Assistance Program, Optum (for eligible faculty and staff)**
800.234.5465
Live and Work Well (access code: claremontcolleges)

To protect privacy, information regarding a student's, staff members, or faculty member's participation in any alcohol or drug assistance program is treated as confidential.

One program that CGU participates in annually is Freshcheck day. This program typically is done in person and has a variety of booths set up around educational resources, mental health and specifically a booth related to Alcohol and understanding limits. This year CGU partnered with KGI during Freshcheck day a virtual event that took place on November 3rd and had students, faculty and staff attend. Other campus partners such as Campus Safety, Student Disability Resource Center, and Student Health Central also participated. It's particularly important that information and resources are shared with graduate students as Alcohol use may look different than it did as an undergrad. At Freshcheck we also provide resources around drug abuse signs of suicide ideation and how to contact national hotlines, and the counseling center on campus.

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. Claremont Colleges' Campus Safety maintains a close relationship with all police departments. Working together, they ensure that crimes which occur at properties that CGU owns or controls are reported directly to these police departments and are brought to the attention of the Campus Safety.

Campus Safety collects the crime statistics disclosed in the charts below through a number of methods. Campus Safety dispatchers and officers enter all reports of crime incidents made directly to the department through a 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 the Campus Safety maintains, the statistics below also include crimes that are reported to various Campus Security Authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub categories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

Definitions of Reportable Crimes

Primary Crimes:

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

Manslaughter by Negligence – is defined as the killing of another person through gross negligence.

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

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 — Is sexual intercourse with a person who is under the statutory age of consent.*

Robbery – is defined as taking or attempting to take anything of value from the 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 – is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm

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

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

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

Hate Crimes

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

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

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

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

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

Categories of Prejudice:

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

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

Gender Identity- a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g. bias against transgender or gender non-conforming individuals.

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

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

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

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

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

Dating violence, domestic violence, sexual assault and stalking

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

Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

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

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or,
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

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

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

Consent: California law defines consent as “affirmative, conscious, and voluntary.” Consent is active, not passive, and is clear, knowing and voluntary. Consent is positive sexual permission; silence, without more, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable and affirmative 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:

1. The legal age of consent in the state of California is 18 years.
2. Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity.
3. A previous relationship or prior consent does not imply consent to future sexual acts.
3. 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.

2021 Claremont Graduate University Crime Statistics Chart

Arrest					
Other Offenses	Year	On-Campus	*Residential Facility	Non-Campus Building or Property	Public Property
Liquor Law Violations	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Drug Abuse Violations	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Illegal Weapons Possession	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Judicial Referral					
Other Offenses	Year	On-Campus	*Residential Facility	Non-Campus Building or Property	Public Property
Liquor Law Violations	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Drug Abuse Violations	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Illegal Weapons Possession	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
VAWA Amendment Offenses	Year	On-Campus	*Residential Facility	Non-Campus Building or Property	Public Property
Dating Violence	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Domestic Violence	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Stalking	2019	1	0	1	0
	2020	0	0	0	0
	2021	0	0	0	0

Hate Crimes

2019 There were no reportable hate crimes in CGU Clery reportable geography

2020 There were no reportable hate crimes in CGU Clery reportable geography

2021 There were no reportable hate crimes in CGU Clery reportable geography

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

Statistics from the Claremont Police Department are included in the totals

There were no crimes unfounded by the Claremont Police Department

Claremont Graduate University Crime Statistics Chart

Offense	Year	On-Campus	Residential Facility	Non-Campus Building or Property	Public Property		The Claremont Colleges Services
Criminal Homicide							
Murder and Non-Negligent Manslaughter	2019	0	0	0	0	2019	0
	2020	0	0	0	0	2020	0
	2021	0	0	0	0	2021	0
Manslaughter by Negligence	2019	0	0	0	0	2019	0
	2020	0	0	0	0	2020	0
	2021	0	0	0	0	2021	0
Sex Offenses							
Rape	2019	0	0	0	0	2019	0
	2020	0	0	0	0	2020	0
	2021	0	0	0	0	2021	0
Fondling	2019	0	0	0	0	2019	0
	2020	0	0	0	0	2020	0
	2021	0	0	0	0	2021	0
Incensed	2019	0	0	0	0	2019	0
	2020	0	0	0	0	2020	0
	2021	0	0	0	0	2021	0
Statutory Rape	2019	0	0	0	0	2019	0
	2020	0	0	0	0	2020	0
	2021	0	0	0	0	2021	0
Robbery	2019	0	0	0	0	2019	0
	2020	0	0	0	0	2020	0
	2021	0	1	0	0	2021	1
Aggravated Assault	2019	0	0	0	0	2019	0
	2020	0	0	0	0	2020	0
	2021	0	0	0	0	2021	0
Burglary	2019	0	0	0	0	2019	0
	2020	2	0	1	0	2020	0
	2021	1	0	0	0	2021	0
Motor Vehicle Theft	2019	0	0	0	0	2019	0
	2020	0	0	0	0	2020	1
	2021	0	0	0	0	2021	1
Arson	2019	0	0	0	0	2019	0
	2020	0	0	0	0	2020	0
	2021	0	0	0	0	2021	0

**The Claremont Colleges Services – although not a part of CGU's on-campus geography, due to the close approximation to CGU, it will be reflected in the annual report in a separate column labeled "The Claremont Colleges Services."*

CRIME PREVENTION TIPS

While the CGU campus is a reasonably safe environment, crimes do occur. In addition to the Clery Act crimes statistics, 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 that 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 CGU Apartments 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.

It is important to be very vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. 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, and classrooms locked when not occupied
- Don't provide access to unauthorized persons in the buildings or classrooms
- Do not keep large amounts of money with you
- Lock all valuables, money, jewelry, and checkbooks in a lock box or locked drawer
- Keep a list of all valuable possessions including the makes, models, and serial numbers of these items
- Don't leave laptop computers or textbooks unattended in labs or libraries, even if it is for a short period of time
- Don't lend credit cards or identification cards to anyone
- Report loitering persons or suspicious persons to Campus Safety immediately; don't take any chances

Identity Theft

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some way that involves 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 security software on computers, as well as the installation of firewalls are good practice.

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 Claremont Graduate University.

Fire Safety Systems in Residential Facilities

The CGU Apartments were built in 2008 and cover a site area of 324,081 square feet and a building area of 98,596 square feet. The CGU Apartments have automatic sprinkler systems and fire alarm systems that help to provide for a fire safe living environment. All of the units and apartments in the complex are provided with automatic sprinkler systems, smoke detectors and building fire alarm systems to provide early detection and warning of a possible fire emergency.

The Peak Management maintains and tests all fire alarms and automatic fire suppression systems to insure system readiness and proper operation in the event of a fire emergency. Additionally, multiple fire extinguishers are located in the exterior walkways of every floor of the CGU Apartments complex. Each fire extinguisher is enclosed in a locked case with a glass cover. In the case of an emergency, residents can access a fire extinguisher by pulling the metal handle on the case. Housing typically conducts 2 fire drills for the Claremont Collegiate Apartments. They will also perform annual sprinkler testing, quarterly fire alarm testing, and complete monthly fire extinguisher checks and refill/replace as needed.

Residents of the CGU Apartments shall take due care to prevent fires. Flammable materials shall not be used or stored on the premises. These items include, but are not limited to: candles, incense,

fireworks, lighter fluid, propane or other gas cylinders, etc. The following are the rules and regulations for the residents of the Claremont Collegiate Apartments Student Guide:

Residents agree to take reasonable care of their unit and its furnishings by keeping the premises in a clean and sanitary condition, and by being responsible for any damage to the unit, its furnishings and equipment (reasonable wear and tear excepted). In addition, the resident is responsible for compliance with all provisions of the agreement. Residents understand that their account will be charged for any damage, loss or necessary cleaning caused by the resident or their guest(s).

- Residents shall cooperate in the care of the dwelling and grounds and shall notify the Housing Services Office of damage or need for repair to the property.
- Alterations, changes, remodeling or renovating, including but not limited to painting of the unit, grounds and Community Room, are prohibited. Tampering with the electrical or mechanical fixtures in the units and/or the Housing complex without the prior written consent of the Manager of Housing Services is also prohibited. All fixtures that are installed become part of the premises and subsequently property of the University.
- Exterior apartment door decorations using adhesives or attachments such as stickers, graffiti, message boards, signs and tape are not allowed.
- Residents may attach hanging objects to the walls by means of tacks, standard metal picture hangers, small nails and screws only. If removal of such methods causes damage, the damage will be assessed against a Resident's security deposit. Attachment of any other objects to the premises or altering the premises in any other manner whatsoever, without the prior written consent of the Manager of Housing Services, is prohibited.
- Resident shall not bring or maintain any of the following on premises: clothes washer or dryer, refrigerators or freezers, stoves, air conditioners, space heaters, outdoor clotheslines or drying equipment (no drying clothes on balcony), boats or trailers, or waterbeds. In addition, no other furniture or equipment is allowed in the unit without the permission of the Manager of Housing Services.
- Residents shall not install or place any equipment or construction on the grounds or in the buildings. No outside gardens may be constructed or maintained in any area of the Housing complex without the express written consent of the Manager of Housing Services.

- Accumulation of debris around the exterior or interior of the premises is not allowed. Deposit of wastepaper, cans, bottles or other trash except in receptacles is prohibited. All apartment trash needs to be properly disposed of
 - In CCA Apartments trash will be placed in a large dumpster. There are three locations at the housing complex
- Students are responsible for reporting safety, maintenance or cleanliness issues to the Housing Services Office or a Housing Services staff member.
- Premises shall not be used in any unlawful manner or in any hazardous way. Premises shall conform to any and all laws, ordinances, rules, regulations and requirements which govern said Premises. No business may be run from Premises, or in or around any of the Claremont Collegiate Apartments, and/or parking lots.
- All residents are expected to evacuate their apartment and building area immediately during the sounding of a fire alarm or upon the direction of a University staff member. Residents in Buildings A, B and C should evacuate to the West side of the CCA/CGU Apartments' parking lot. Residents in Buildings D and E should evacuate to the N. College Ave. parking lot. Attempting to re-enter an apartment or the Community Room without the permission of University or Housing Services staff is prohibited. Referral to Campus Safety for criminal/legal action may also be a consequence for failing to comply with the Evacuation Procedures.

On-Campus Housing Fire Drills

The CGU Apartments have an emergency evacuation plan. Typically, the CCA apartments will conduct a minimum of two fire drills during January 2021-December 2021. The fire drills were conducted on September 8, 2021, and March 7, 2021, and fire alarm testing was conducted on December 10, 2021. The fire drills allow residents to become familiar with and practice their evacuation skills.

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

The Claremont Colleges Service's Environmental Health and Safety Office (EHS), in coordination with Housing Services, provide training to CCA staff. Topics addressed during this training include:

- Fire prevention at the CGU Apartments

- What to do in the event of a fire
- How to report a fire or other emergency

Included in this training are instructions that students and employees should follow in case of a fire. Students, faculty and staff are instructed to call 911 to report a fire emergency. Listed below are the non-emergency numbers to call to report fires that have already been extinguished at the CGU Apartments. These are fires for which you are unsure whether Campus Safety may already be aware. If you find evidence of such a fire or if you hear about such a fire, please notify one of the following:

- CGU Housing Services at 909-607-8650
- TCCS Campus Safety at 909-607-2000.

Other general health and safety information is available to students, faculty and staff on the Environmental Health and Safety web site at: <https://services.claremont.edu/ehs/>

Fire Incident Reporting for On-Campus Student Housing

The Fire Safety regulations for the Claremont Collegiate Apartments are as follows:

- The CGU Apartments are a non-smoking facility. Smoking is NOT allowed in the Apartments, in the common areas, in the Apartment buildings, hallways, walkways, laundry room or in or near the tot lot, or near the mailboxes. Residents may smoke outside and away from the Apartment buildings. All cigarette butts must be put in the receptacles provided for them. The non-smoking rule applies to incense, cigars, pipes and all forms of tobacco. Never throw smoking refuse on the ground or in the landscape.
- Residents shall take due care to prevent fires. Flammable materials shall not be used or stored on the premises. These items include, but are not limited to, candles, incense, fireworks, lighter fluid, propane or other gas cylinders, etc.
- Residents shall not leave cooking appliances unattended (i.e. stove, rice cooker, and crock-pots).
- Tampering with the fire alarm system or firefighting equipment is strictly prohibited. Violators of this policy may be subject to fines.

- False reports of fire or other dangerous conditions (except those resulting from reasonable error/accident), failure to properly report fires, or interference with the response of University or city officials to such emergency calls is prohibited. Violators will be prosecuted and subjected to a fine and jail time.
- Multiple fire extinguishers are located in the exterior walkways of every floor of the Claremont Collegiate Apartments. Each fire extinguisher is enclosed in a locked case with a glass cover. In the case of an emergency, residents can access a fire extinguisher by pulling the metal handle on the case. (Please note: this will break the glass cover.) It is illegal for residents to tamper with or access a fire extinguisher in a non-emergency situation.
- Fire alarms are silently tested on a quarterly basis. Full tests, with horns, are conducted once a year at winter break. The date and time will be posted several days prior to this test.
- Decorations that are flammable or fire hazards (including candles and incense) are prohibited.
- "Live cut" trees (such as Christmas Trees) or other combustible decorations are prohibited in the Claremont Collegiate Apartments.
- Any permissible holiday decorations in the apartments must be made of fireproof materials and be UL (Underwriters Laboratory) List-approved for the intended use.

Plans for Future Improvements in Fire Safety

CGU continues to monitor trends related to CCA apartment fire incidents and alarms to provide a fire safe living environment for all students. New programs and policies are developed as needed to help insure the safety of all students, faculty and staff. CGU has a Safety and Disaster Preparedness Committee that addresses many safety issues around campus, including fire. At this time, it has been determined that no future improvements in fire safety are necessary.

2021 Fire Statistics for On-Campus Student Housing Facilities – Claremont Collegiate Apartments

Statistics and Related Information Regarding Fires in CGU Residential Facilities							
Year	Residential Facilities	Total Fires in Each	Fire #	Cause of Fire	# of Injuries that Required Treatment	# of Deaths Related to a Fire	Value of Property Damage Caused by Fire
2019	Building A 1455 N. college Ave	0	0	-	0	0	-
	Building B 1445 N. college Ave	0	0	-	0	0	-
	Building C 1435 N. college Ave	0	0	-	0	0	-
	Building D 1425 N. college Ave	0	0	-	0	0	-
	Building E 1415 N. college Ave	0	0	-	0	0	-
2020	Building A 1455 N. college Ave	0	0	-	0	0	-
	Building B 1445 N. college Ave	0	0	-	0	0	-
	Building C 1435 N. college Ave	0	0	-	0	0	-
	Building D 1425 N. college Ave	0	0	-	0	0	-
	Building E 1415 N. college Ave	0	0	-	0	0	-
2021	Building A 1455 N. college Ave	0	0	-	0	0	-
	Building B 1445 N. college Ave	0	0	-	0	0	-
	Building C 1435 N. college Ave	0	0	-	0	0	-
	Building D 1425 N. college Ave	0	0	-	0	0	-
	Building E 1415 N. college Ave	0	0	-	0	0	-