

# 2023 Annual Security and Fire Safety Report

(covering January 1, 2022 – December 31, 2022)



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# I. Introduction: From the AVP and Director of TCCS Campus Safety

To the Claremont McKenna College Community:

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

Claremont McKenna College (CMC) and TCCS Department Campus Safety publish this report because it contains valuable information for our campus community. This report also complies with important provisions of the Jeanne Clery Disclosures of Campus Security Policy and Campus Crime Statistics 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 the 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 CMC 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 CMC 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.

Michael Hallinan  
Assistant Vice President and Director, TCCS Campus Safety

## Statement on Non-Discrimination, Equal Opportunity, and Related Laws

CMC does not discriminate on any illegal basis in the administration of its admission, educational, or employment policies and practices, nor in the recruitment, training, promotion, financial support, or compensation of its faculty, students, or staff. The College complies with all applicable state and federal laws, including, but not limited to:

- A. Title IX of the Higher Education Amendments of 1972
  - B. Title VII of the Civil Rights Act of 1964
  - C. California Fair Employment and Housing Act ("FEHA")
  - D. California Unruh Civil Rights Act
  - E. Family Educational Rights and Privacy Act of 1974
  - F. Section 504 of the Rehabilitation Act of 1973
  - G. Americans with Disabilities Act (the "ADA")
  - H. Age Discrimination in Employment Act of 1967, as amended by the Older Worker's Benefit Protection Act ("ADEA")
  - I. Any other applicable federal, state, or local law addressing nondiscrimination and/or equal employment opportunity.
- Inquiries concerning the application of these laws to this institution should be referred to the Title IX Coordinator or the Director of Human Resources.

## II. Annual Security Report

### Reporting Crimes and Other Emergencies

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

As described below, CMC and the TCCS Campus Safety Department have a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate College officials. It is critical for the safety of the entire College community that you immediately report all incidents to Campus Safety at 909-607-2000 to ensure an effective investigation and appropriate follow-up actions, including issuing a Timely Warning or Emergency Notification. CMC has a department of Public Safety that supplements Campus Safety services. Campus Safety and Public Safety are in close and continual communication. All incidents reported to Campus Safety are shared with the Public Safety team, and vice versa, to coordinate an efficient response.

### Reporting to Campus Safety

Members of the CMC community are encouraged to immediately and accurately report any criminal offense, suspected criminal activity, or other emergency directly to the Claremont Colleges Campus Safety Department. Campus Safety has a dispatch center that is available by phone at 909-621-8170 or 909-607-2000, or community members can report incidents in person twenty-four hours a day at the Campus Safety Office, located in the Administrative Campus Center (ACC) at 101 S. Mills Ave. , Claremont, CA 91711. Campus Safety Dispatch will then dispatch a Public Safety or Campus Safety Officer to the location to provide prompt assistance. If the incident is taking place off-campus, immediately request law enforcement assistance by contacting the relevant jurisdiction agency where the incident is taking place or occurred, or simply dial 911. Reporting crime as quickly and as safely feasible, is a critical component of Public Safety, to ensure not only that resources are expeditiously provided to those in need, but to also ensure the apprehension and arrest of perpetrators who might continue to pose a threat to the entire community. Campus Safety should be notified of any crime, whether or not an investigation occurs, to assure the College can assess any and all security concerns and inform the community if there is a significant threat to the community.

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”.

During orientation, all students are encouraged during orientation to program their cell phones with the Campus Safety phone number and to download the [LiveSafe Application](#)<sup>1</sup> to their phone. LiveSafe is a free personal safety mobile application for students, staff, faculty, and the community to engage in two-way conversation with Campus Safety.

### Anonymous Reporting to Campus Safety

CMC encourages the accurate and prompt reporting of crimes to campus police and appropriate police agencies by a victim, or on a victim’s behalf when the victim of a crime is unable to make such a report. If you are interested in reporting a crime anonymously, you can utilize the Campus Safety’s Silent Witness

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<sup>1</sup> <http://colleges.claremont.edu/livesafe/>

program that can be accessed through the [Campus Safety website](#)<sup>2</sup>. By policy, we do not attempt to trace the origin of the person who submits this form, unless such is deemed necessary for public safety. The form provides a user the opportunity to communicate directly with the Interim Director of Campus Safety. It is not intended for reporting emergencies or crimes-in-progress. The user will submit a description of the event, date, time and location of the event. Contact information is optional. Once all pertinent information has been disclosed, the user will click the 'submit' button which in turn sends it directly to the Interim Director of Campus Safety.

Students, faculty and staff can download the LiveSafe app from their mobile device for free. The app is available in the [Apple app store](#)<sup>3</sup> and in [Google Play](#)<sup>4</sup>. 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.

### **Voluntary, Confidential Reporting to CMC**

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 CMC or the criminal justice system, you can consider filing a voluntary, confidential 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<sup>3</sup> 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 CMC 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, CMC may not be able to assure confidentiality and will inform you in those cases.

CMC uses a confidential reporting system called CMCListens. Additional information about CMCListens, instructions, and the portal for reporting can be [accessed online](#)<sup>5</sup>. CMCListens is an anonymous program developed by a third-party vendor named Convercent. CMC encourages the accurate and prompt reporting of crimes to campus police and appropriate police agencies on a victim's behalf when the victim of a crime is unable to make such a report; CMCListens is a useful modality for filing such reports.

We also highly recommend this method for the accurate and prompt reporting of crimes to campus police and appropriate police agencies on a victim's behalf when the victim of a crime is unable to make such a report.

### **Reporting to Other Campus Security Authorities (CSAs)**

While CMC prefers that community members promptly report all crimes and other emergencies directly to Campus Safety at 909-607-2000 and to the City of Claremont Police Department at 909-399-5411, we also recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes certain College officials and offices as "Campus Security Authorities (CSA)." The Act defines these individuals as "official of an institution who has significant responsibility for student and campus activities, including,

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<sup>2</sup> [https://cuc.formstack.com/forms/silent\\_witness\\_incident\\_report](https://cuc.formstack.com/forms/silent_witness_incident_report)

<sup>3</sup> <https://itunes.apple.com/us/app/livesafe/id653666211>

<sup>4</sup> <https://play.google.com/store/apps/details?id=com.livesafe.activities>

<sup>5</sup> <http://www.cmc.edu/cmclistsens>



but not limited to, student housing, student discipline, and conduct proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

While CMC has identified numerous CSAs, the following offices are common places where community members may report crimes:

Official	Campus Address	Phone Number
Campus Safety	101 S. Mills Ave.	(909) 607-2000
The Dean of Students Office (Deans & RAs)	Heggblade Center 400 E. Ninth Street	(909) 621-8114
Human Resources	528 N. Mills Ave	(909) 607-1236
Office of Civil Rights	Heggblade Center, 2 <sup>nd</sup> Fl. 400 E. Ninth Street	(909) 607-3407
Title IX Coordinator	Athenaeum 220 385 E. Eighth Street	(909) 607-3830
VP of Student Affairs	Heggblade Center 104 400 E. Ninth Street	(909) 621-8114
Director, Silicon Valley Program	N/A	(909) 293-9418
Director, Washington Program	N/A	(240) 577-2015

### Pastoral and Professional Counselors

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by CMC 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, CMC encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them. CMC designates the Chaplains in the Chaplains Office as pastoral counselors, and the Counseling staff at Monsour Counseling and Psychological Services (“MCAPS”) as the professional counselors.

### It’s Up to Each of Us

CMC takes great pride in the community and offers students, faculty members, and staff members many advantages. This community is a great place to live, learn, work and study; however, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in other communities. With that in mind, CMC has taken progressive measures to create and maintain a reasonably safe environment on campus.

Although CMC reviews its policies, programs, and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus.

### Responding to Crime Reports

When TCCS Campus Safety or CMC’s Public Safety receives word of a serious incident or emergency that could be considered a crime or policy violation, Officers generate reports. Depending on the nature of the incident or emergency, Campus Safety will forward information to the Claremont Police Department and/or the Dean of Students Office for further investigation and follow-up.

CMC responds promptly and effectively to all reports of incidents or emergencies which may constitute crimes or policy violations, including offering care and support, resources, and initiating a conduct process for identified policy violations. This process is also followed for incidents reported through [CMCListen](https://www.cmc.edu/ethics-and-compliance/cmclisten)<sup>6</sup>.

<sup>6</sup> <https://www.cmc.edu/ethics-and-compliance/cmclisten>

## Preparation of the Annual Security Report & Disclosure of Crime Statistics

The Dean of Students Office, in consultation with the general counsel office and Campus Safety, 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 College offices such as the members of the Dean of Students Office, Facilities and Campus Services, other Campus Security Authorities, and information provided by local law enforcement agencies surrounding the main Claremont campus and other locations (including our spaces in Silicon Valley and Washington, DC). 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 CMC. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

CMC distributes a notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to every member of CMC community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting CMC's General Counsel's Office at 909-607-8966. Electronic copies are available on the [TCCS](#)<sup>7</sup> and [CMC](#)<sup>8</sup> websites. CMC also discloses the availability of this report to prospective employees on the Application for Employment. CMC also makes similar notification to prospective students and applicants through the Admission Office.

## About the TCCS Department of Campus Safety

### Role, Authority, Training and Jurisdiction

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

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

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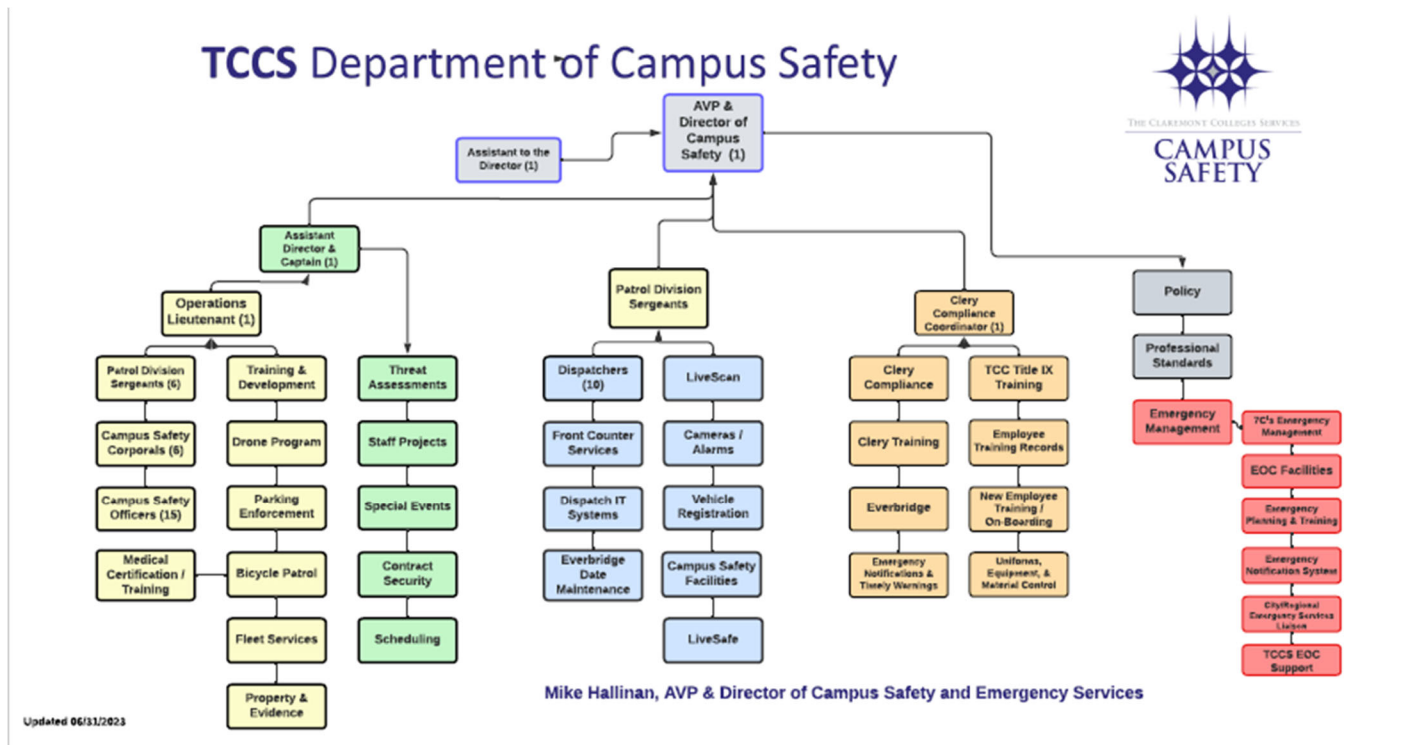
<sup>7</sup> <https://services.claremont.edu/campus-safety/>

<sup>8</sup> <http://cmc.edu/clery-report>



- Provide security/crime prevention presentations to students and staff.

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



Campus Safety Officers are unarmed and have no police powers. Their arrest powers are identical to those of a private person, as provided in the California Penal Code section 837. Under Penal Code 837 PC, a private person is authorized to make a citizen's arrest in California when the perpetrator commits a misdemeanor in a citizen's presence or commits a felony and a citizen has reasonable cause to believe the perpetrator committed it. Current certification requirements for the Officers include Guard Registration and Basic Life Support for Health Care Providers, which includes CPR, First-Aid, and AED. Officers are also trained in Blood Borne Pathogens, Baton usage, and the administration of Oleoresin Capsicum (Pepper Spray), Auto Epinephrine Pen, and Narcan (Naloxone). Officers also 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.

### Patrol Jurisdiction

There are seven separate and distinct colleges within The Claremont Colleges, with six of the colleges sharing contiguous space (Claremont Graduate University, Claremont McKenna College, Harvey Mudd College, Pitzer College, Pomona College and Scripps College). The streets that establish the perimeter of Campus Safety's patrol jurisdiction are Foothill to the north, Claremont Boulevard to the east, First Street to the

south and Harvard Avenue to the west (these streets can be seen on the map directly below). Additional details of the patrol jurisdiction for each campus are described below.

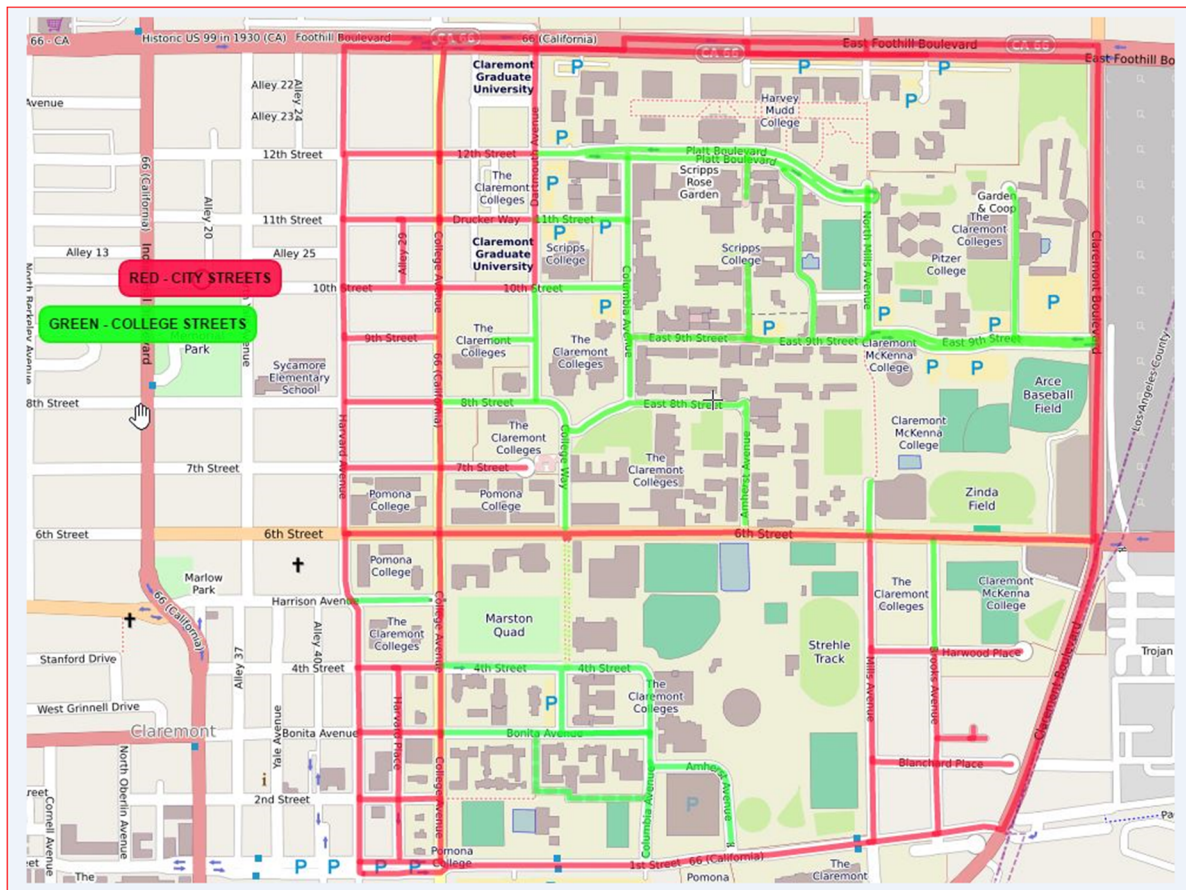
The Claremont Colleges Services (TCCS), Claremont McKenna College (CMC), and Pitzer College each own portion of “The Pit,” also known as the East Campus property, which is currently undeveloped land. This parcel of land borders Foothill Boulevard to the north, Monte Vista Avenue to the east, Arrow Route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

Claremont Graduate University, Harvey Mudd College, Pomona College, Scripps College and TCCS own parcels of undeveloped land that was formerly known as the Bernard Field Station (BFS) and is set back off Foothill Boulevard. One specific parcel of land within the BFS is Pitzer College’s Robert Redford Conservancy. All this land is bordered to the north by the backyards of residential housing not affiliated with the Colleges to the North, Mills Avenue to the east, Foothill Boulevard to the south, and the Rancho Santa Ana Botanical Gardens to the west. The Rancho Santa Ana Botanical Gardens are affiliated with the Claremont Colleges, although they are not owned or controlled by The Claremont Colleges.

Set back off the main street and north of Foothill Boulevard are the Claremont Collegiate Apartments (CCA), which is Claremont Graduate University housing. CCA is bordered by TCCS undeveloped land that was formerly a golf course to the north, the California Botanical Gardens to the east, the former location of the Claremont School of Theology, 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 employs their own private security company and is not serviced by TCCS Campus Safety as of 7/1/23.

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/or controlled by The Claremont Colleges.



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

The Claremont Colleges Campus Safety enjoys a highly effective and close working relationship with the City of Claremont Police Department and the Upland Police Department. As detailed by a 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 MOU's are maintained and available at all times, pursuant to the Kristen Smart Act of 1988 (State of California).

Campus Safety immediately notifies the police about crimes against persons, including violent crimes, major felonies, crimes involving a known or identified suspect, all private persons arrests on campus, and 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.

Campus Safety and the Claremont Police Department, with colleagues across The Claremont Colleges as 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**

CMC does not have any recognized student organizations who own or control any off-campus locations (e.g. Greek-letter housing near campus or other satellite housing) for which CMC can monitor crimes at such locations. Nevertheless, TCCS Campus Safety relies on its close working relationships with local law enforcement agencies to receive information about incidents involving CMC students and recognized student organizations, on and off campus (regardless of whether CMC owns or controls the property). In coordination with local law enforcement agencies, TCCS Campus Safety actively works with local police to investigate certain crimes occurring on or near campus. If TCCS Campus Safety learns of criminal activity involving students or student organizations, it coordinates with the appropriate external law enforcement agency to forward information about the situation to the Dean of Students Office, as appropriate.

CMC requires all recognized student organizations to abide by federal, state, and local laws, and College regulations.

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

Campus Safety maintains a Daily Crime Log of all crime reported to the Department. The log includes criminal incidents reported to Campus Safety during the last 60 days and is available on the [Campus Safety website](#)<sup>9</sup>. Any member of the Claremont Colleges and members of the public may also view the Daily Crime Log Campus Safety during normal business hours at 101 S. Mills Avenue, 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.

CMC's Facilities Department maintains CMC's Fire Log. The log with the most current 60 days of information is available to view upon request and during normal business hours at CMC's Story House building, located

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<sup>9</sup> <https://services.claremont.edu/campus-safety/>

at 742 North Amherst Ave. Upon request, information older than the most recent 60 days will be made available for viewing within two business days of a request.

## Timely Warning Reports

### Purpose

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

### Procedures

A Timely Warning Notice will be issued in the event any of The Claremont Colleges or the TCCS receives notice of an alleged Clery Act reportable crime (identified below) occurring on campus, on public property within or immediately adjacent to one of the campuses of The Claremont Colleges, or in or on non-campus buildings or property controlled by any of TCCs, where CMC determines, in its judgment, that the allegations present a serious or continuing threat to the community. For purposes of this policy, “timely” means as soon as reasonably practicable, after an incident has been reported to: Campus Safety, one of the *Campus Security Authorities* (CSAs) identified by each College, or a local police agency. The Director of Campus Safety or in his/her absence or unavailability, his/her designee (generally the Captain, Lieutenant or on-duty Watch Commander), and the Dean on-call (as designated by each of the Colleges), impacted by the reported crime, are responsible for determining whether to issue a Timely Warning Notice and the contents of a Timely Warning Notice. Please note that KGI has withdrawn from TCCS Campus Safety and has chosen to handle this service directly. As of 7/1/23, Timely Warning Notifications are not sent by Campus Safety to the KGI community for Clery reportable crime happening within KGI geography.

Whether to issue a Timely Warning Notice is determined on a case-by-case basis for Clery Act reportable crimes: arson, criminal homicide, burglary, robbery, sex offenses, aggravated assault, motor vehicle theft, domestic violence, dating violence, stalking and hate crimes, as defined by the Clery Act, as well as arrests or disciplinary referrals for violations of California liquor, drug or weapon offenses. Bulletins or alerts may also may be issued for other crimes as determined necessary by the Director of Campus Safety, Dean on-call or Senior Administrator on-call. TCCS or The Claremont Colleges 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 goal of a Timely Warning Notice is to aid in the prevention of similar occurrences.

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 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 community; (d) the amount of information known by The Claremont Colleges and 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 the other factors weigh in favor of sending a Notice).

The 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 for a seven-year period.



Timely Warning Notices will be distributed via a multi-modal integrated communications system which notifies students and employees by e-mail. When appropriate, Timely Warning Notices can also be distributed via text messages and phone.

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

Anyone with information about a serious crime or incident is encouraged to report the circumstances to the Campus Safety by phone at 909-607-2000 or from campus phones at ext. 72000 and in person at 101 S. Mills Avenue. If a report is made to another official at The Claremont Colleges, that official will immediately notify Campus Safety.

## Emergency Response and Evacuation Procedures

### Emergency Management at CMC

The Emergency Management Program is the framework within which CMC reduces vulnerability to hazards and responds to emergencies. This framework protects the CMC community by coordinating and integrating all activities necessary to build, sustain, and improve the capability to prevent, mitigate, protect, respond and recover from all threats associated with natural conditions, technology, and human actions. CMC recognizes the following priorities:

- Protection of Life Safety
- Protection of the Environment
- Incident Stabilization
- Restoration of Essential Facilities and Services (Continuity and Recovery)

The CMC Emergency Management Program is based on the functions and principles of the Standardized Emergency Management System (SEMS), the National Incident Management System (NIMS), the National Fire Protection Association Standard 1600, the National Response Framework, Department of Education Guidelines, FEMA's Comprehensive Planning Guide 101, and the requirements of the Occupational Safety and Health Regulations.

A summary of CMC's emergency response procedures is located at [www.cmc.edu/emergency](http://www.cmc.edu/emergency). Included in this website are direct links to CMC's emergency planning documents and procedures.

### The Claremont Colleges Emergency Response and Evacuation Procedures

This policy statement summarizes The Claremont Colleges and CMC's emergency response and evacuation procedures, including protocols for sending Emergency Notifications. An emergency is defined as a situation that present a significant emergency or dangerous situation at one of The Claremont Colleges' campuses or in the local area affecting the health and/or safety of the community, in whole or in part.

Campus emergency mass notification system tests are conducted regularly (generally, on a quarterly basis).

The CMC Emergency Management department should conduct a public (announced) campus-wide test at least twice annually. A reminder of testing should be sent to subscribers at least 24 hours prior to the test. The system should be exercised or used in conjunction with scheduled exercises to maintain awareness of the system by students, faculty, and staff.

The TCCS and CMC publicize the emergency response and evacuation procedures in conjunction with at least one system-wide test or exercise per calendar year, which is evaluated, documented and retained by the Director of Public Safety and Emergency Preparedness to assess exercise and system effectiveness.

For students attending the Silicon Valley Program, the Director of the Program provides a “Student Safety Resource Guide” with evacuation information.

### **Emergency Response Plans**

Under the direction of the Director of Public Safety and Emergency Preparedness, CMC has developed a comprehensive, all-hazards Emergency Response Plan which outlines the steps the College will take to prevent and mitigate, prepare for, respond to, and recover from a full range of likely hazards the community may face. Please visit CMC’s Emergency website for more information at [www.cmc.edu/emergency/emergency-procedures](http://www.cmc.edu/emergency/emergency-procedures). Links to each of The Claremont Colleges’ Emergency Web Sites is located at [www.cmc.edu/emergency](http://www.cmc.edu/emergency).

To ensure these plans remain current and actionable, CMC tests the emergency management program by conducting annual exercises. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency multi-functional response exercises, which include evacuation drills of the residence halls and dorm facilities and other essential facilities at The Claremont Colleges campuses. A Hot Wash or After-action review is conducted at the conclusion of all emergency management exercises, where not only are exercise objectives thoroughly examined for improvement focal points and future successes, but to also ensure that actions were consistent with policies, procedures and protocols within the Incident Operations Plan (IOP). These documented debriefs are retained by the Director of Public Safety and Emergency Preparedness. Exercises where communication and notification software, such as the Everbridge platform are utilized, also use a polling feature, enabling recovery and retention of the number of participants and actual response times of community members. These processes are tested and evaluated during the college’s Fire Safety/Evacuation and Earthquake Drills. During the Fire Safety/Evacuation Drill, audible fire alarms are activated to test immediate evacuation responses and Assembly Area utilization. CMC’s notification system, the Everbridge platform, is also used to not only provide additional communication to community members, but to capture the total number of evacuees for each building and assess the total time elapsed for each evacuation. This specific drill examines coordination of effort, as Building Safety Coordinators assisted in evacuation and personnel accountability. Resident Advisors also play a key role, wearing safety vests, holding up flags and using megaphones to coordinate movement, as CMC Public Safety Officers patrol affected areas to assist those requiring additional aid, ensure full participation and a safe and orderly evacuation. The Everbridge polling feature provides real time data to consider post-test lessons learned, areas for improvement and accomplishment of goals and objectives. These types of tests have proven invaluable in the critical and transparent evaluation of CMC’s emergency management plans and response capabilities.

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



## **Emergency Notification System and Enrollment in Same**

CMC and TCCS is committed to ensuring the community receives timely, accurate, and useful information in the event of an emergency. To support this commitment, TCCS 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 mass notification system used by TCCS incorporates technology consisting of e-mail, text messaging, and telephony through Everbridge, a cloud-based platform.

There are 3 layers of notification under existing policy:

1. Emergency Notification - situations that present a significant emergency or dangerous situation at one of The Claremont Colleges campuses or in the local area affecting the health and/or safety of the community
2. Advisories - situations that require increased awareness or advisories (e.g. road closures, protests, water main breaks, etc.) that may directly or indirectly affect the campus. Generally, for information only, and may include an Incident that occurs adjacent to the campuses. May involve media and public safety agencies; road closures, etc.
3. Timely Warnings

Enrollment in the Everbridge system for CMC students is automatic based on student information system enrollment data (including cell phone numbers, personal email and CMC email addresses). The Everbridge system access any updated contact information for students on a nightly basis.

Enrollment in the Everbridge system for faculty and staff occurs upon hiring when the Human Resources Department requests computer access for new faculty and staff. For faculty and staff without computer access, enrollment is entered on a monthly basis upon the Human Resources Department providing the information to CMC's Information Technology Department. Verification of this contact information is conducted every semester by CMC.

## **Confirming the Existence of a Significant Emergency or Dangerous Situation**

Campus Safety and/or other CMC employees may become aware of a critical incident or other emergency that potentially affects the health and/or safety of The Claremont Colleges or CMC communities. Generally, CMC employees become aware of these situations when they are reported to the Campus Safety Communications Center or upon discovery during patrol or other assignments. The Campus Safety Department and/or CMC employees 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.

Campus Safety staff or CMC employees may seek confirmation of a significant emergency or dangerous situation from one or more the following sources:

- Campus Safety or CMC Public Safety staff;
- City of Claremont 9-1-1 Communications Center;
- The Claremont Colleges personnel;
- Other TCCS-affiliated personnel;

- Blue Light Phones and affiliated smartphone applications (LiveSafe);
- Los Angeles County Fire and Claremont Police Departments, EMS, and public agency partners;
- Members of the community/general public through telephone and other communication systems, including social networking;
- Media reports originating from the incident scene (television, radio, etc.);
- Social Media (Facebook, Twitter, etc.).

Determining which designated official from Campus Safety assists with Emergency Notifications 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 alerts. These designated officials are the Interim Director of Campus Safety, and the on-duty Captain, or Watch Commander.

Once the Emergency Notification has been issued, Campus Safety, in collaboration with CMC Senior leadership, specifically the Executive Policy Group and the Director of Public Safety, as well as on-duty field personnel, such as the On-Call Dean and Public Safety Officers will 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.

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 information can be found on the [TCCS web page](#)<sup>10</sup> and on [CMC's webpage](#)<sup>11</sup>. 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](#)<sup>12</sup>.

Our protocol of not sending Emergency Notifications for each confirmed COVID-19 case will continue. However, in addition to information 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.

### **Initiating the Emergency Notification System**

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

The College communicates and works closely with local police, regularly requesting their cooperation in

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<sup>10</sup> <https://services.claremont.edu/covid/>

<sup>11</sup> <https://cmc-returns21.cmc.edu/>

<sup>12</sup> <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

informing the College about reported situations that may warrant an emergency response. Based on nature of information and facts available, the Director 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.

### **Determining the Appropriate Segment or Segments of The Claremont Colleges 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 this configuration, once a significant emergency or dangerous situation occurring on one of the campuses is established that requires an emergency notification, the notification 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, 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 individuals responsible for issuing the Emergency Notification (usually the Campus Safety Communications Officers and supervisors) will, with the assistance of campus and local first responders, without delay, and taking into account the safety of the community, determine the content of the notification. Campus Safety has developed a wide range of template messages addressing several different Emergency situations. The individual issuing the Emergency Notification will select the template message most appropriate to the situation and, in accordance with the following guidelines, modify it to address the specific emergency. Those issuing the notification will use the following guidelines when determining the contents of the Emergency Notification:

1. **Alerting** the community (or appropriate segment of the community) of the emergency and the actions they should take to safeguard their and their neighbor's safety. Messages distributed in this stage of a rapidly unfolding incident will generally be short, precise, and directive. Examples include:
  - "The campus is experiencing a major power outage affecting the following buildings: Brown, Red, White, and Yellow Halls. All occupants of these buildings should immediately evacuate and meet at the designated evacuation assembly area."
  - "There is a chemical spill at Brown Hall. The chemical released is extremely hazardous if inhaled. Occupants of Brown Hall should immediately evacuate the building through the northeast exits. Follow the directions of fire personnel who are on scene. Meet at the designated evacuation assembly area or other safe area as designated by emergency personnel."
2. **Informing** the community (or appropriate segment of the 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. Examples include: "The power outage affecting Brown, Red, White, and Yellow Halls was caused by a cut power line. The local utility company is responding along with facilities personnel to repair the damage. We expect the outage will last until 2:00 p.m. Refer to TCC or individual institution homepages for additional information or dial xxx-xxxx."

3. **Reassuring** the community (or appropriate segment of the community) once the situation is nearly or actually resolved. The purpose of this message is to reassure the community that TCCS or CMC is working diligently to resolve the dangerous situation and/or that the situation is resolved. It can also be used to provide additional information about the situation and where resources will be available.

### **Procedures Used to Notify The Claremont Colleges and Larger Community**

In the event of an Emergency, TCCS have various systems in place for communicating information quickly. Some or all of these communication methods may be activated in the event an Emergency Notification needs to be sent to of the community. These methods of communication at CMC include the mass notification system (Everbridge), CMC's email system, and campus bulletin boards or digital signs. CMC may post updates during a critical incident on [www.cmc.edu/emergency](http://www.cmc.edu/emergency), as well as use fire alarms, social media posting, and runners.

CMC 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 could impact members of the larger community outside of the college campuses, updated and ongoing emergency information is provided to the Claremont Police Department for appropriate dissemination. The Claremont Police Department is included on the Everbridge distribution list and receives all emergency notifications and alerts issued by Campus Safety. The TCCS Communication Office would liaison with local media to further distribute the details of an incident as appropriate.

Individuals may also call the TCCS Campus Safety emergency line 909-607-2000 for information about the emergency. If the situation warrants, TCCS may establish a telephone call-in center to communicate with the campus community during the emergency.

### **Trained Operators**

Authorized Emergency Mass Notification Staff complete an initial training and any subsequent follow up trainings to ensure they are thoroughly familiar with the Emergency Notification software operating and menu systems associated with the Emergency Notification system hardware. Emergency Notification staff shall be trained to ensure familiarization with the system components and software activation procedures at all times.

The following officials are authorized to activate mass notification systems for warnings and advisory situations, or in response to requirements outlined within the Clery Act:

#### **Primary (TCCS)**

- Director of Campus Safety
- Captain & Campus Safety Watch Commander (Supervisors)
- Dispatchers

#### **Secondary (CMC)**

- CMC authorized designees who have completed training and are designated as "trained operators" may send mass notifications to the CMC college students, faculty, and staff only. The authorized designees are the Director of Public Safety and Emergency Preparedness, designees from the President's office, the Office of Public Affairs, and the Vice President of Student Affairs and Dean of Students. In addition, the Associate Director of Information Technology Services and an additional designee have the responsibility to maintain the CMC networking operations and data within Everbridge.

Once the Emergency Notification has been issued, Campus Safety, in collaboration with the on-call Dean from the affected community (if applicable) takes 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. CMC on-call Deans make notifications to the Vice President of Student Affairs, wherein additional up-channel notifications are made to senior leadership, as well as the Director of Public Safety and Emergency Preparedness. Simultaneously, CMC Public Safety Officer leadership on-duty contact the Director of Public Safety and Emergency Preparedness to ensure continuity. Based on the timing, location and severity of the event, the Emergency Policy Group and/or the Incident Operations Team may be activated.

### Security of and Access to College Facilities

At CMC's campus, administrative buildings are open from 8:00 am until 5:00 pm, Monday through Friday and closed on the weekend and College holidays, unless access is specifically requested by appropriate College officials. Some academic and administrative spaces are open longer for student, faculty, and staff use. Access to individual classrooms and laboratories is limited to those who have an educational purpose to use those spaces after normal business hours. Similarly, access to most programs is limited to those enrolled in the program or otherwise authorized access. Only those who have a demonstrated need and approved by the Dean of Students or Dean of Faculty are issued keys or door access cards to a building.

Security/intrusion alarms are located on several College buildings, and classrooms have manual or remote lockdown systems for emergency situations. Once the administrative buildings are closed for the evening, the doors are locked to prevent access by those without permission.

Roberts Pavilion's hours for students, faculty and staff can be found at the [Pavilion's website](#)<sup>13</sup>. Additionally, Roberts Pavilion has front door staff which monitor access to the building, including enforcing card swipe access for those using the facility for exercise.

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

### Special Considerations for Residence Hall Access

On the CMC campus, all residence halls operate under a computerized access control system 24 hours a day, 7 days per week. Identification cards are coded so that only current CMC students and authorized staff are given electronic access to enter the residence halls; the system denies entry to all unauthorized persons. When a door is malfunctioning, the staff at Facilities and Campus Services should be notified for immediate repair. During normal business hours Facilities can be contacted at 909-621-8112 or by submitting [a work order](#)<sup>14</sup>. For contact with Facilities and Campus Services *after* normal business hours, please see a Resident Assistant or call Campus Safety at (909) 607-2000.

TCCS Campus Safety, CMC Public Safety and CMC's Facility Department regularly remind students to lock residence hall doors and windows. All residence hall and apartment exterior doors are equipped with handles and/or crash bars to ensure a quick emergency exit.

Only current students, their registered guests, and College staff with a business purpose (including housekeepers, maintenance persons, and members of the Dean of Students Office) are permitted in the residence halls. Guests are expected to be accompanied by their host. It is the host's responsibility to ensure that his/her guest is aware of College policies. Guests are not provided with room keys or door access cards. All exterior doors are locked 24 hours a day. It is the responsibility of residents and staff members to report

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<sup>13</sup> <http://roberts-pavilion.cmc.edu/frequently-asked-questions-about-roberts-pavilion>

<sup>14</sup> <https://app.stackfm.com/Clients/EmployeesPortal/WorkOrdersForm/IssueSubmissionForm.aspx?pid=24&fid=650543>

individuals who cannot be identified as residents or the guests of residents. When Campus Safety receives a report of an unfamiliar person in a residence hall, an officer is dispatched to identify that person. The Resident Assistants live in their assigned residence halls when CMC is in session. Campus Safety personnel also make regular patrols of the exterior areas near the residence halls.

### **Security Considerations for the Maintenance of Campus Facilities**

CMC is committed to campus safety and security. At CMC, locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Sidewalks and building entrances are illuminated to provide well-traveled, lighted routes from parking areas to buildings and from building to building.

Facilities and Campus Services, in conjunction with representatives from the Dean of Students Office, conducts a “lighting and safety walk” of College property once a year to evaluate campus lighting.

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

### **Emergency Phones**

CMC has installed 59 emergency phones throughout the campus that are easily identifiable and clearly marked via color coded red or yellow callboxes, flashing blue lights and “Emergency” and “Help” language. Phones are located in public areas of the campus including the parking lots, elevators, residence halls, administrative and classroom buildings, and also along some common walkways. Emergency phones provide direct voice communications to the Campus Safety Dispatch Center.

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

In addition to the many programs offered by the Campus Safety and other CMC offices, CMC has established a number of policies and procedures related to ensuring a reasonably safe campus community. These programs include:

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

In order to extend our efforts on emergency preparedness and prevention, CMC evaluates behavioral threats through the On-Call Deans (OCD) Group, which consists of staff members who have been trained in emergency response. The objective of the OCD Group is to evaluate and mitigate potentially threatening situations that may occur at CMC. Depending on the nature of the concern, the OCD group may include other stakeholders from different offices at the Colleges who have more direct knowledge of a situation. For more information about the OCD Group and behavioral interventions, please contact the Associate Vice President and Dean of Students or the Vice President for Student Affairs at (909) 621-8114.

#### **Live Safe App**

Live Safe is a free personal safety mobile application for students, staff, and faculty to engage in a two-way conversation with Campus Safety. It allows users to directly access Campus Safety and 911 emergency services. This service can create greater situational awareness and safety preparedness by educating the user on safety-related statistics and updates. For more information, please visit the [Live Safe information page](http://colleges.claremont.edu/livesafe/about/)<sup>15</sup>.

#### **Explosives, Firearms, and Other Weapons**

CMC prohibits the possession and/or use of weapons and explosives on campus in accord with local and state laws. Possessing, using or storing firearms, other weapons, ammunition, explosives or dangerous

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<sup>15</sup> <http://colleges.claremont.edu/livesafe/about/>



chemicals is prohibited. Please review CMC's [Safe Campus Policy](#)<sup>16</sup>. The Policy does not apply to the Physical Education or ROTC Programs, which may use otherwise-prohibited items as part of their courses.

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

In an effort to promote safety awareness, the TCCS Campus Safety and CMC Public Safety Officers maintain a strong working relationship with the community. This relationship includes offering a variety of safety and security programs and services and crime prevention programming. If you or your organization would like to request a specific program, please contact Campus Safety at 909-607-2000 or the CMC Director of Public Safety at 909-621-8114.

Some of the special programs and services that are offered on campus which encourage community members to be responsible for their safety (and the safety of others) include:

- 24 hour per day patrolling with TCCS Campus Safety and CMC Public Safety Officers: Officers patrol the perimeter of campus as well as interior residential sectors of the campus.
- Review of Services for Resident Assistants: Twice annually (August and January), Campus Safety Officers participate in resident assistant training to familiarize RAs with how to understand and access CS services including dispatch, escort services, incident reporting, emergency response, interface with emergency personnel, and emergency assessment. In 2020, virtual training only occurred in August because of the campus closure due to COVID-19.
- CMC Public Safety facilitates an Active Shooter Training program annually for the Dean of Students staff, and calendared, more nuanced sessions for CMC Faculty. Additional annual trainings are held for the Associated Students of Claremont McKenna College, and for the full CMC staff at one of the regular monthly meetings. Active Shooter Training is also available upon request to all departments and student organizations.
- CMC's Emergency Preparedness and Safety Office and Human Resources Department offer a variety of emergency and safety trainings for new faculty and staff.
- Participation on Training Sessions for CMC's Incident Management Team: TCCS Campus Safety and CMC Public Safety Officers participate in tabletop and active simulation training sessions for CMC related to emergency response. These annual training sessions include incidents such as an active shooter or a major earthquake or fire.
- CMC Public Safety Officers are Teal Dot/Bystander Intervention trained, with several officers trained to the instructor level and provide training to students, faculty and staff throughout the Claremont Colleges.
- Safety Escort Services: TCCS Campus Safety and CMC Public Safety provide 24/7 walking escort services to students, faculty, or staff to avoid walking through campus alone at any time.
- CMC's Director of Public Safety teaches a semester long self-defense class twice per year. Students from any of The Claremont Colleges may register for the course. In addition, the CMC Public Safety team provides situational awareness/self-defense classes to Resident Assistants and multiple affinity groups campus-wide.
- Exterior and interior emergency telephone use: Emergency phones are located throughout the campuses for a direct, automatic connection to Campus Safety. Some phones have blue lights with attached red or yellow call boxes. The Campus Safety dispatcher has the phone locations and will immediately dispatch an officer to the location when the phone is activated, whether the person talks or not. People are asked to stay near the phone if possible and describe their urgent need while an Officer responds. Community members are encouraged to use emergency phones for danger, fire, medical emergency, crimes-in-progress, or suspicious activity.

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<sup>16</sup> <https://catalog.claremontmckenna.edu/content.php?catoid=22&navoid=2601>

- Fire Alarm system response: CMC Public Safety Officers immediately report to the location if a fire alarm has been activated. While CMC Public Safety Officers respond to the immediate needs/location of the alarm, other agencies (e.g. police, fire, medical) will be directed to the location, as needed, by Campus Safety Dispatch. CMC Public Safety and TCC Campus Safety Officers will clear the way and guide other emergency service providers to the exact location. Officers know the campus streets and buildings and are trained in first aid response. Campus Safety has a close working relationship with the Claremont Police Department, the Los Angeles County Fire Department, and local ambulance providers.
- Facility Surveys: Annually each fall, CMC Public Safety, the Dean of Students Office, and CMC's Facilities Department conducts an evening safety walk to check exterior lighting, doors, windows, hardware, and grounds for possible improvements.
- Security cameras: A campus security team meets annually to review the locations of existing security cameras to suggest additional placements. Security cameras: The CMC Camera Committee is comprised of representatives from Public Safety, Facilities and IT to conduct annual assessments to review the existing security camera locations, vulnerability gaps and existing and future needs. This team also convenes bi-weekly to discuss issues such as preventative maintenance, landscape concerns impacting camera views, short term and long term plans for replacement, and new construction additions to ensure an intentional overall security concept plan.
- Site security assessment services: TCCS Campus Safety and CMC Public Safety Officers provide security and traffic control at special events and performances.
- Free bicycle registration programming: Campus Safety Provides a free 10-year bike registry service (available at Campus Safety office from 8 a.m. to 5 p.m.).
- Free safety apps for smartphones: [LiveSafe<sup>17</sup>](#) is a smartphone app that helps members of The Claremont Colleges find resources and information as well as communicate suspicious or hazardous activities to Campus Safety.

For students attending the Silicon Valley Program, the Director of the Program provides a "Student Safety Resource Guide" with safety awareness information.

## Student Conduct

The goals of the Dean of Students Office include the promotion of a healthy and safe campus, a community of respect and belonging, and leadership development that emphasizes personal and social responsibility.

The Dean of Students Office is responsible for administering the [Student Code of Conduct<sup>18</sup>](#) and the [Student Conduct Process<sup>19</sup>](#), which articulate the behavioral standards and the equitable procedures employed by CMC to respond to allegations of student misconduct. On issues of student conduct, CMC does not differentiate between undergraduate and graduate students; all student conduct policies apply to all students.

The Student Code of Conduct governs conduct occurring on College property, at College-sponsored events, and may also address off-campus student misconduct when a student's behavior affects a College interest. Students who are found responsible for violations may be subject to sanctions ranging from a conduct warning up to suspension or expulsion from CMC. Students residing in College housing may also lose the privilege of living on campus for violating rules and regulations or conditions of the housing agreement. A list of sanctions can be found under Section 5 of the [Student Conduct Process](#).

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<sup>17</sup> <http://colleges.claremont.edu/livesafe/>

<sup>18</sup> <https://catalog.claremontmckenna.edu/content.php?catoid=22&navoid=2454>

<sup>19</sup> <https://catalog.claremontmckenna.edu/content.php?catoid=18&navoid=1713>

In many cases the Dean of Students Office will assign developmental and educational interventions designed to promote greater awareness and improved decision-making for students and to further deter future misconduct.

In instances where there is reasonable cause to believe a student is an immediate threat to the safety of their self or other persons or property or is an immediate threat to disrupt essential campus operations, a staff member from the Dean of Students Office may assign an Interim Suspension, a “no-contact order,” or other actions designed to protect the health and safety of the community and its members.

Any individual or entity may report an allegation of student misconduct to the Dean of Students Office, a Resident Assistant, or a TCCS Campus Safety or CMC Public Safety Officer.

CMC uses an anonymous reporting system called [CMCListens](#)<sup>20</sup> for those who wish to report misconduct anonymously. This is an option for our community to report issues or ask questions in a confidential, safe way. If you are uncomfortable approaching a CMC employee directly about an issue you find concerning, you can submit an anonymous report or question through [CMCListens](#) by:

Filling out an [online form](#)<sup>21</sup>; or  
Calling 800-461-9330 in the U.S.; or  
Calling 702-514-4400 collect if outside the U.S.

Please visit the [“Policies and Procedures”](#)<sup>22</sup> section of the [Dean of Students Office website](#)<sup>23</sup>, where you will find many important documents related to student conduct.

Upon written request, CMC will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

If you have additional questions, special needs, or wish to request a hard copy of this information, please contact the Dean of Students Office in Heggblade Center.

**Student Conduct Proceedings** (for violations of the Student Code of Conduct, not the Civil Rights Policy)

From the Introductory Section of the [Student Conduct Process](#):

CMC (the “College”) maintains expectations of its community members to conduct themselves in a responsible manner. These expectations are designed to support the educational mission of CMC and constitute the framework on which others depend.

CMC advances its mission through two interdependent commitments: to the growth of our students’ intellectual strengths and to their personal and social responsibility and accountability. CMC has adopted the Student Code of Conduct , which describes CMC’s overarching expectations for student conduct and other College policies (including, but not limited to, those contained in the Guide to Student Life ) to:

- support student development as responsible and mature adults;
- support positive and healthy social interactions rooted in responsible decision-making;

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<sup>20</sup> <https://www.cmc.edu/ethics-and-compliance/cmclisten>

<sup>21</sup> <http://convercent.com/report>

<sup>22</sup> <https://www.cmc.edu/dean-of-students/policies-and-procedures>

<sup>23</sup> <https://www.cmc.edu/dean-of-students>



Employees of The Claremont Colleges who work at the Claremont University Consortium are governed by TCCS conduct policies and their respective departments.

## **Prohibition Against Discrimination, Harassment, Dating Violence, Domestic Violence, Sexual Assault and Stalking**

CMC is firmly committed to providing equal opportunity for all our community members, irrespective of an individual's background. CMC strives to maintain a community in which all people respect the rights of other people to live, work, and learn in peace and dignity; to be proud of who and what they are; and to have equal opportunity to realize their full potential as individuals and members of society.

As such, CMC strives to maintain an environment for students, faculty, staff, and visitors free from all forms of discrimination and harassment prohibited by law, including sexual assault, domestic violence, dating violence, stalking, hate crimes, and issues arising under the Rehabilitation Act and the American with Disabilities Act. CMC's Policy prohibits the crimes of dating violence, domestic violence, sexual assault, stalking, and hate crimes, among other forms of misconduct. CMC's Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in, any matter related to the Policy.

This Civil Rights Policy extends to all categories or classifications of individuals or groups who are legally protected from discrimination or harassment, including: race, color, national origin, ancestry, religion, gender, sexual orientation, age, physical disability, mental disability, marital status, veteran status, genetic information, or any other characteristic that may be specified in such laws and regulations (Protected Status). Gender includes both the physiological sex of an individual and that person's gender identity, appearance, or behavior, regardless of whether that identity, appearance, or behavior is traditionally associated with that person's sex at birth.

CMC has adopted the Civil Rights Policy to reflect and maintain its institutional values and community expectations with respect to discrimination, harassment, hate crimes, stalking, intimate partner violence, and sexual misconduct, including:

- Taking prompt action to prevent and address such behavior and remedy its effects;
- Providing for fair and equitable procedures for determining when Prohibited Conduct has occurred and providing recourse for individuals and the community in response to such violations.

The [Civil Rights Policy](#)<sup>28</sup> can be found online.

CMC's process for investigating and responding to reports of violations of this Policy, including the procedures related to the imposition of Interim Measures or disciplinary measures against an individual alleged to be responsible for a violation, is set out in the CMC's Civil Rights Grievance Procedures ("Grievance Procedures" or "Grievance Process").

CMC maintains publicly available recordkeeping, including Clery Act reporting and disclosures without the inclusion of personally identifying information about the victim as defined in the Violence Against Women Act of 1994. Further, the accommodations that the victim received will be kept confidential, to the extent

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<sup>28</sup> [https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Civil\\_Rights\\_Handbook](https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Civil_Rights_Handbook)

that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

### **Education and Prevention Measures**

CMC's educational efforts focus on the positive consent culture in regards to sexual assault, intimate partner violence, and stalking. CMC takes education and prevention on sexual misconduct, intimate partner violence, and stalking seriously and has programs designed to educate the community about these important issues. Prevention and education programs include an overview of the College's policies and procedures, including definitions of prohibited conduct, discussions on how to obtain Affirmative Consent, safe options of bystander intervention, resources to get further assistance, and reporting options.

All students participate annually in a web-based program about sexual assault, intimate partner violence, and stalking. This program addresses issues of consent, alcohol, and sexual violence as well as bystander intervention. Further additional resources are provided to first year and transfer students during orientation, outdoor adventure trips, and with first year guides. All new employees participate in a web-based program or in-person training on sexual harassment, sexual assault, and intimate partner violence.

### **First-Year Programming**

CMC is aware of research indicating that incoming students are particularly vulnerable to sexual misconduct during their first several weeks on campus. As such, all incoming students are invited to participate in orientation programming that relies on prevention theories and engagement strategies to help students understand the many aspects of sexual assault, alcohol issues, and violence prevention. Topics covered include common myths about sexual assault and rape culture, the definition of consent, the link between sexual assault and alcohol, warning signs of domestic violence, how to help a friend who has been affected by sexual assault or relationship violence, bystander intervention, and other issues related to sexual and dating violence. First year students were invited to participate in a presentation about prevention strategies at CMC led by current students. Staff is available during the presentation and group discussions for assistance and support.

### **Bystander Intervention**

Trained administrators teach non-confrontational methods of intervening when a situation appears to be instinctually questionable. These trainings are available for all students and staff and are required for key student leaders such as resident assistants, orientation sponsors, and student government leaders.

When an incident of sexual or relationship violence is about to take place, bystanders can intervene simply and safely, often flipping the switch to change the outcome. Some positive ways to intervene include:

- Provide a distraction that interrupts an interaction
- Directly engage one or more of the involved parties
- Get police or other authorities involved
- Tell someone else and get help
- Ask someone in a potentially dangerous situation if he/she is okay and/or wants to leave
- Make sure he/she gets home safely
- Remind a potential perpetrator that incapacitated people can't give consent
- Help remove someone from the situation
- Provide options and a listening ear

### **Bystander Intervention: Teal Dot**



CMC offers students the opportunity to participate in Teal Dot training. The Teal Dot program originated from another, nationally known violence prevention training program, Green Dot, a program that originated at the University of Kentucky. Teal Dot focuses on bystander intervention training to help individuals and the community address conditions that facilitate violence. The Residential Life staff and the Title IX Office are working on new programming and training for students who have completed Teal Dot training. These trainings are offered to students who want to further the conversation and learn additional tools that will help them intervene when they see signs of violence.

There are a variety of in-person educational sessions customized to specific groups and more general sessions for our general campus community. New programming is in development for ongoing training for upper class students, one of these programs is Teal Dot 2.0 created and developed by our Residential Life staff and students. Other programs consist of social media campaigns promoting sex positivity, lunch discussions discussing a positive consent culture, workshops on empowering students through recognizing their agency, discussions on disclosing STI health, and programming about healing and sex after trauma.

The web-based program that is required for first year students incorporates a module of bystander intervention. In the module, first-year students learn about approaches to intervene when they are concerned that someone may need assistance. The module gives several different options, 1) distract, 2) delegate, or 3) direct. The module allows students to determine what approach may be more appropriate for them, while making sure they understand the importance of doing something, rather than nothing.

CMC's Chief Civil Rights Officer and Title IX Coordinator are responsible for ongoing development and administration of CMC's various training programs related to this Policy. These trainings include, but are not limited to: annual training for Responsible Employees to remind them of their role and responsibility as a Responsible Employee, reviewing CMC's policies and procedures for responding to reports of sexual violence, and reviewing the care and support resources as well as reporting options available to students. CMC officials involved in the administration of CMC's Civil Rights Policies and Grievance Procedures (including the Chief Civil Rights Officer, Title IX Coordinator, Investigators, and Community Representatives) also participate in ongoing training programs as appropriate to the individuals' respective role.

### **The EmPOWER Center**

[The EmPOWER Center](https://www.7csupportandprevention.com/)<sup>29</sup> formally opened in late fall of 2015 and is the Sexual Assault Prevention and Support Center of The Claremont Colleges. Directed by Rima Shah, The EmPOWER Center's mission is to create a culture where all members of The Claremont Colleges respect and look out for each other, and where students impacted by sexual violence, dating/domestic violence, and stalking receive holistic support and care. The Center works closely with students and collaboratively with each of the seven institutions to support well-integrated educational programs, and provide holistic and confidential support to students impacted by sexual violence, dating/domestic violence, or stalking. In addition to these services, free and confidential counseling services are offered through the center in collaboration with Project Sister Family Services.

### **Other Programs and Campaigns**

Additional education and prevention programs are offered periodically during the year, including speakers and talks sponsored by CMC departments as well as student groups. Student groups such as the CMC Advocates have worked with the Dean of Students staff and Title IX Office to create a week of education

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<sup>29</sup> <https://www.7csupportandprevention.com/>

and prevention workshops. These programs are offered to provide information on risk reduction and help to empower the community with options to address conditions that facilitate violence.

### CMC Peer Advocates Events

During the semester, the CMC Peer Advocates continued programming for students that included Meet the Advocates event, during which the Advocates were available to meet CMC students, play get to know you games, and answer questions about the Advocates and CMC Title IX policies. The Advocates also hosted a series of Sex Week sessions that included speakers and events catered toward consent healthy relationships, survivorship, and intersectionality. The Advocates partnered with Claremont-Mudd-Scripps Athletics to host an event on toxic masculinity, “locker room talk,” and what it means to be a leader within predominantly male environments.

### Risk Reduction

In order to increase the empowerment of those who may be at risk, the College promote safety and help measures that may help individual and communities address conditions that may facilitate violence. These individual preventive measures are risk reduction behaviors designed to decrease perpetration and bystander inaction and to increase empowerment for those who may be at risk. Examples consists of establishing agreement that if you are separated from your friends at a social event that you will periodically check in with each other in person or text message. Groups could also agree not to leave an event until everyone is accounted for in the party in order to leave together. Also, student leadership has helped promote that people should not attempt to intimately engage with someone who may have over-consumed alcohol or other substances. Consider strategies for safety and accountability when planning activities or attending events with friends. If you become uncomfortable with a situation or the people involved, trust your instincts and take action or get help to increase your sense of safety and empowerment.

### Claremont-Mudd-Scripps Athletics

The NCAA Sexual Violence Prevention Policy requires schools to focus on sexual violence prevention each year by having each institution’s president, director of athletics and Title IX coordinator attest that:

1. The athletics department is fully knowledgeable about, integrated with, and compliant with institutional policies and processes regarding sexual violence prevention and adjudication and resolution of acts of sexual violence.
2. The institutional policies and processes regarding sexual violence prevention and adjudication, and the name and contact information for the campus Title IX coordinator, are readily available within the athletics department and are provided to student-athletes.
3. All student-athletes, coaches, and staff have been educated on sexual violence prevention, intervention, and response, to the extent allowable by state law and collective bargaining agreements.
4. All incoming, continuing, and transfer student-athletes have completed an annual disclosure related to their conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence. Transfer student-athletes must also disclose whether a Title IX proceeding was incomplete at the time of transfer.
5. Institutions have taken reasonable steps to confirm whether incoming, continuing and transfer student-athletes have been disciplined through a Title IX proceeding or criminally convicted of sexual, interpersonal, or other acts of violence. In a manner consistent with federal and state law, all NCAA member institutions must share relevant discipline information and incomplete Title IX proceedings as a result of transfer with other member institutions when a student-athlete attempts to enroll in a new college or university.

6. An institution choosing to recruit an incoming student-athlete or accept a transfer student-athlete must have a written procedure that directs its staff to gather information that reasonably yields information from the former institution(s) to put the recruiting institutional leadership on notice that the student left the institution with an incomplete Title IX proceeding, was disciplined through a Title IX proceeding or has a criminal conviction for sexual, interpersonal or other acts of violence.

Last academic year CMS met these obligations in the 2022-2023 academic year:

1. Requiring the NCAA Coaches Assist for Sexual Violence Prevention course for coaches/staff.
2. In collaboration with the EmPOWER Center and House of Ruth, co-hosted an in-person education session for student-athletes about healthy relationships and sexual violence prevention. Any student-athletes who were unable to attend were required to complete in-person education hosted by the Title IX office or other campus partners.
3. Shared all campus policies, procedures, and contact information for all Title IX coordinators and resources with student-athletes, coaches, and staff via email and on the CMS website.
4. All incoming, continuing, and transfer student-athletes completed an annual disclosure related to their conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence.
5. CMS Athletics reached out to the institutions previously attended by all incoming transfer student-athletes to verify if they had been disciplined through a Title IX proceeding or criminally convicted of sexual, interpersonal, or other acts of violence.
6. CMS Athletics created procedures that outline how the department will follow the NCAA Sexual Violence Prevention Policy, and what actions will be taken based on the information gathered.

#### HEDS Sexual Assault Climate Survey Discussion

The Title IX Office and Institutional Research hosted a discussion with student panelists to review survey results. The HEDS Survey is taken by the community every 3 years. The Title IX Office analyzes the data to create programming and procedures that better serve the community. Resources on campus are discussed along with ideas for future programs, events, and ways to be involved on campus on these issues.

#### Restorative Yoga Workshops

The EmPOWER Center hosts different yoga sessions (two for students and one for employees) focused on healing for survivors of sexual assault.

#### Let's Talk About It Discussion

EmPOWER collaborates with House of Ruth to host a bi-weekly discussion series on topics related to healthy relationships, including setting boundaries, conflict resolution, hookup culture, and more.

#### Healthy Masculinity Initiative

The Initiative engages the consortium community in conversations around healthy masculinity and rape culture. Programs include Masculinity Monday discussions, Instagram Live events, workshops for athletic teams and coaches, etc.

#### Healthy Relationship Workshops

The Title IX Office provided students with a space to discuss “green”, “yellow” and “red” flags in romantic relationships. Green flags would indicate healthy behaviors in a relationship that were respectful and brought the other person happiness. Yellow flags would indicate some concern in a relationship. Red flags would indicate concerning behaviors in a relationship that would bring stress, dishonesty, and other unhealthy indicators. Discussion would then center on how to assert boundaries in a relationship and make sure it would be a healthy relationship and how to make sure students felt confident and happy in their

relationship. Students would also be reminded of Title IX resources if they or someone they knew were in an unhealthy relationship. Another event was also hosted with the CMC Advocates to further the discussion about healthy relationships.

### Title IX Jeopardy

The Title IX Office put on an interactive program where students would participate in Title IX Jeopardy game to test their knowledge on Title IX policy and resources. For each question the Title IX Office would go over the questions and address any questions or comments that students may have. The student that would win the most points would be rewarded with a prize.

### Forensic Medical Exam Awareness

The Title IX Office in collaboration with the local rape crisis center and forensic nurse medical group provided students, faculty and staff with a program to discuss the importance of forensic medical exams after a sexual assault. The program discussed what forensic exams look like, how to access one, the preventative medicine the exam provides. The program also provided for a networking opportunity between the Student Health Center and the local rape crisis center in order to better support student survivors of sexual assault who frequently access the Student Health Center for support after a sexual assault.

### Sexual Assault Awareness Month (SAAM) Programming

EmPOWER collaborates closely with student organizations, Advocates for Survivors of Sexual Assault, student leaders, campus departments, and community agencies to implement programs in recognition of SAAM. Events include training sessions, film screenings, survivor support workshops, and Take Back the Night.

There are a variety of virtual and in-person educational sessions customized to specific groups and more general sessions for our general campus community. New programming is in development for ongoing training for upper class students, one of these programs is Teal Dot 2.0 created and developed by our Residential Life staff and students. Other programs consist of speakers at the Athenaeum to discuss sex positivity and social isolation, social media campaigns promoting sex positivity, lunch discussions discussing a positive consent culture, workshops on empowering students through recognizing their agency, discussions on disclosing STI health, and programming about healing and sex after trauma.

CMC's Chief Civil Rights Officer and Title IX Coordinator are responsible for ongoing development and administration of CMC's various training programs related to this Policy. These trainings include, but are not limited to annual training for Responsible Employees to remind them of their role and responsibility as a Responsible Employee, reviewing CMC's policies and procedures for responding to reports of sexual violence, and reviewing the care and support resources as well as reporting options available to students. CMC officials involved in the administration of CMC's Civil Rights Policies and Grievance Procedures (including the Chief Civil Rights Officer, Title IX Coordinator, Investigators, and Community Representatives) also participate in ongoing training programs as appropriate to the individual's respective role.

### **Definitions**

CMC has adopted definitions that are consistent with existing California law and the Violence Against Women Act (VAWA). CMC prohibits the below-described conduct and incorporates these definitions into the trainings described above.

### **Dating Violence**

The definition of dating violence from VAWA 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 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. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

CMC defines "Dating Violence" as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to such violence. Whether there was such a relationship will be determined based on, among other factors, the Claimant's and Respondent's statements, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the parties involved in the relationship.

The state of California does not define "dating violence."

### **Domestic Violence**

VAWA defines domestic violence as a felony or misdemeanor crime of violence committed—A) By current or former spouse or intimate partner of the victim; B) By a Person with whom the victim shares a child in common; C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; D) 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 E) 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.

California defines domestic violence as abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to (1) sexual relations between the parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the parties hold themselves out as husband and wife; (5) the continuity of the relationship; and (6) the length of the relationship.

CMC defines domestic violence as a felony or misdemeanor crime of violence committed by: (1) a current or former spouse or intimate partner of the Claimant; (2) a person with whom the Claimant shares a child in common; (3) a person who is cohabiting with, or has cohabitated with, the Claimant as a spouse or intimate partner; (4) a person similarly situated to a spouse of the Claimant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (5) any other person against an adult or youth Claimant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence has occurred.

### **Sexual Assault**

VAWA defines sexual assault as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the Claimant, including instances where the Claimant is incapable of giving consent."

California defines sexual battery as harmful or offensive touching of a person's intimate areas, while she or he is restrained, institutionalized, or unconscious, for sexual gratification. This is defined under California Penal Code 243.4 and sometimes referred to as sexual assault.

CMC defines sexual assault as including non-consensual sexual intercourse and non-consensual sexual contact. CMC defines non-consensual sexual intercourse as any sexual intercourse, however slight, with any object (e.g. penis, object, finger, hand), by a person upon a person, that is without consent or by force. Sexual intercourse includes vaginal or anal penetration and oral copulation (mouth to genital contact or genital to mouth contact) no matter how slight the penetration or contact. CMC defines non-consensual sexual contact as any intentional sexual touching, however slight, with any object, by a person upon a person, when such touching is without his or her consent or by force. Sexual contact includes intentional contact with the 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.

### **Stalking**

VAWA defines stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—*a*) fear for the person's safety or the safety of others; or *b*) suffer substantial emotional distress. For the purpose of this definition:

- A. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Claimant.
- C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

California defines stalking in the California Penal Code as any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

CMC defines stalking as a course of physical or verbal conduct directed at another individual that could be reasonably 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 the personal safety, property, education, or employment of that individual. Stalking includes, but is not limited to:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, texts, letters, notes, gifts, or any other communications that are undesired and place another person in fear;
- Using Global Positioning Systems (GPS) to monitor a Claimant;
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the Claimant;
- Surveillance or other types of observation, including staring or "peeping";
- Trespassing;
- Vandalism;

- Non-consensual touching;
- Verbal or physical threats;
- Gathering information about an individual from friends, family, or co-workers;
- Threats to harm self or others;
- Lying to others about the Claimant; or
- Cyber-stalking, including but not limited to, the use of online, electronic, or digital technologies, including:
  - Unauthorized posting of pictures, messages, or information about the Claimant on websites, Internet sites, social networking sites, or bulletin boards or in chat rooms;
  - Sending unwanted/unsolicited email, texts, or talk requests; or
  - Posting private or public messages on Internet sites, social networking sites, or bulletin boards.

### **Affirmative Consent**

California law defines affirmative consent as affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

CMC defines affirmative consent as an affirmative, conscious, and voluntary decision by each participant to engage in mutually agreed-upon (and the conditions of) sexual activity. Affirmative consent is required for any sexual activity to occur between two or more individuals. Neither the lack of protest or resistance nor silence constitutes consent, and consent may be withdrawn at any time. It is the responsibility of each person involved in sexual activity to make sure they have affirmative consent from the other.

In order to give effective consent, one must be of legal age and have the capacity to give consent. The legal age of consent in the state of California is 18 years. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

### **Role of the Title IX Administrator and Title IX Coordinator**

The Chief Civil Rights Officer and Title IX Coordinator are the designated personnel responsible for overseeing CMC's compliance with Title IX. The Coordinator also monitors the CMC's Grievance Procedures and ensuring the process is fair and neutral. The Coordinator can be contacted by telephone, email, or in person during regular office hours.

Title IX Administrator

Lynzie De Veres, Assistant Vice President for Diversity and Inclusion/Title IX Administrator

Athenaeum, Second Floor

385 East Eighth Street C

Claremont, CA 91711

(909) 607-8131

[ldeveres@cmc.edu](mailto:ldeveres@cmc.edu)



Title IX Coordinator  
Joanna Rosas, Title IX Coordinator  
Athenaeum, Second Floor  
385 East Eighth Street  
Claremont, CA 91711  
(909) 607-3830  
[jrosas@cmc.edu](mailto:jrosas@cmc.edu)

### **Claimant and Respondent Resources at CMC and in the Community**

There are many resources available to both the Claimant and Respondent. These resources, and other supportive measures described in this Report, are available even if the Claimant chooses not to pursue a disciplinary or criminal case against an alleged Respondent.

### **Medical Assistance (including Evidence Collection and Confidentiality)**

Individuals are encouraged to seek medical attention immediately following an incident of sexual misconduct to assess and treat any injuries, screen for pregnancy and sexually transmitted infections, and to properly collect and preserve evidence, if the patient consents to do so.

Where possible, an individual who has experienced sexual assault and is in need of medical assistance or would like to get a Sexual Assault Response Team (SART) exam should first contact the police or local law enforcement where the incident occurred in order to get instructions as to where to go for care and evidence collection.

If the incident occurs in Claremont, the Claremont Police Department is the local law enforcement and Pomona Valley Hospital Medical Center is the designated SART for this geographic area. Filing a police report is not required in order to complete the SART exam (“rape kit”).

The Claremont Police Department  
Emergencies: **Dial 9-1-1**  
Non-Emergencies: (909) 399-5411  
570 West Bonita Avenue  
Claremont, CA 91711  
Lobby Hours: 7:00 a.m. - 10:00 p.m., 7 days a week

Pomona Valley Hospital Medical Center  
1798 North Garey Avenue  
Pomona, CA 91767  
909-865-9500 Phone  
909-865-9600 Emergency Room

For students in the Silicon Valley Program, resources include:

Redwood City Police Department  
Emergencies: **Dial 9-1-1**  
Non-Emergencies: (650) 780-7100  
1301 Maple Street  
Redwood City, CA 94063  
Lobby Hours: 8:00 a.m. – 5:30 p.m., Monday through Friday

### [Keller Center for Family Violence Intervention](#)<sup>30</sup>

222 West 39th Avenue  
First Floor  
San Mateo, CA 94403  
(650) 573-2623

For students in the Washington D.C. Program, resources include:

### [MedStar Washington Hospital Center](#)<sup>31</sup>

110 Irving Street, NW  
Washington D.C. 20010  
(855) 546-1974

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

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

Student Health Services can provide after-incident and follow-up medical care; however, it is not an authorized SART location, and it is not equipped to collect forensic evidence. As with off-campus medical personnel, Student Health Services staff members are required by state law to notify law enforcement if a patient tells them that they have experienced a sexual assault.

These services can be found at Tranquada Student Services Center, 757 College Way, 1<sup>st</sup> Floor, Claremont, CA 91711. The phone number is 909-621-8222 (or after hours emergency number at 909-607-2000).

For students in the Silicon Valley Program, resources include:

### [Keller Center for Family Violence Intervention](#)

222 West 39th Avenue  
First Floor  
San Mateo, CA 94403  
(650) 573-2623

The Keller Center helps survivors of sexual assault and domestic violence. They provide medical, emotional, social, and legal care and support. They offer comprehensive services including emergency medical treatment, medical exams, forensic exams, child interview specialists, safety plans and patient follow-up, and expert witness in court cases.

### **Mental Health & Counseling**

The following on-campus counseling and clergy resources provide strict confidentiality protections and are available to provide care and support. With the exception of the EAP resources, these counselors and chaplains can also provide information about pursuing a formal complaint with CMC or law enforcement.

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<sup>30</sup> <http://www.smchealth.org/general-information/family-violence-services>

<sup>31</sup> <https://www.medstarwashington.org/#q={>

Monsour Counseling and Psychological Services (for students without charge)  
Tranquada Student Services Center  
1st floor  
757 College Way  
Claremont, CA 91711  
909-621-8202  
909-607-2000 (after-hours emergency)

McAlister Center Chaplains (for students without charge)  
McAlister Center for Religious Activities  
919 North Columbia Avenue  
Claremont, CA 91711  
909-621-8685

Empower Center (for students without charge)  
1030 N. Dartmouth Ave.  
Claremont, CA 91711  
909-623-1619

#### Employee Assistance Program (EAP)

Confidential advice and counseling is available to faculty and staff at no cost through the EAP. Employees and their legal spouses, domestic partners, and eligible dependents receive up to five (5) counseling sessions with a licensed/certified therapist by phone or in-person, per family member, per issue, each calendar year. Access to the EAP is available 24/7 year-round.

800-234-5465

[www.liveandworkwell.com](http://www.liveandworkwell.com)

Access Code: claremontcolleges

For students in the Washington DC Program, confidential counseling resources are available. Contact information will be provided upon request by the Director of the Washington DC program. The Director can be reached at (202) 607-0749.

#### Claimant Advocacy

There are many care and support resources available to individuals in the local community that provide strict confidentiality. All individuals are encouraged to use the resources that are best suited to their needs, whether on- or off-campus. Details can be found in the [Civil Rights Policy](#)<sup>32</sup>.

Assistance can also be found on the [7C Violence Prevention and Advocacy website](#)<sup>33</sup>.

#### Legal Assistance

Depending on what type of legal aid is desired, the Title IX Coordinator can assist in finding [low cost legal assistance near Claremont](#)<sup>34</sup>.

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<sup>32</sup> [https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Civil\\_Rights\\_Handbook](https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Civil_Rights_Handbook)

<sup>33</sup> <https://www.7csupportandprevention.com/>

<sup>34</sup> <https://www.justia.com/lawyers/california/claremont/legal-aid-and-pro-bono-services>

## Visa/Immigration Assistance

Taivna Mills (F-1 visas)  
Dean of Students Office, Heggblade Center  
(909) 607-3830  
[tmills@cmc.edu](mailto:tmills@cmc.edu)

## Accommodations

In response to all reports of an alleged violation of Prohibited Conduct under the Civil Rights Guide, CMC may offer Accommodations as are necessary to support and protect the health and safety of the parties and the safety of the CMC community (or any of its individual members) pending the outcome of the Grievance Process. In order to access accommodations, a person should contact the Title IX Coordinator, via phone, email, or in person.

Accommodations generally refer to support or assistance that can be provided to either party without impacting the rights of the other party and which may be implemented independent of the Grievance Process. Examples of such accommodations include:

- Housing assistance for Claimant or Respondent, such as: changes to on-campus housing, on-campus relocation, assistance with dissolving a housing contract in accordance with housing policies;
- Academic assistance such as: providing alternative course completion options; dropping a course without penalty, or transferring to a different class section;
- Rescheduling of exams and assignments (in conjunction with appropriate faculty);
- Assistance in accessing academic counseling or support services (e.g., tutoring);
- Protective/No-Contact Orders;
- Assistance in seeking relevant information on immigration, Visa, or financial aid status;
- Appropriate changes in work or class schedules;
- Providing an escort to ensure safe movement on campus;
- Assistance in modifying assigned parking;
- Assistance in arranging temporary transportation concerns;
- Facilitating a voluntary leave of absence; and,
- Other reasonable accommodations as the Title IX Coordinator determines are appropriate.

The Title IX Coordinator will determine what measures to take and will comply with reasonable request for living and academic changes following a report made to the Title IX Office. The Title IX Coordinator will coordinate the implementation of any appropriate accommodations as follows:

- Academic Accommodations will be coordinated with the Registrar's Office and the Academic Standards Committee.
- Housing/Student Activities-related Accommodations will be coordinated with the Dean of the Students.
- Financial Accommodations will be coordinated directly through the Treasurer.

CMC will keep accommodations or protective measures provided to the parties confidential, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations. The Title IX Coordinator will determine what information needs to be disclosed in order to uphold the accommodations or protective measures. The Title IX Coordinator will only share to the respective office what is deemed necessary so the accommodations can be upheld.

## Privacy and Confidentiality

While the words "confidentiality" and "privacy" are often used interchangeably in our daily lives, they mean different things under the law and CMC's Policy.

Privacy generally refers to an individual's freedom from intrusion into one's personal matters and personal information. In contrast, in a legal setting, confidentiality most commonly refers to situations in which an individual may disclose personal information with a legally-protected third party, such as an attorney, physician, therapist, or chaplain, with the understanding that such third party **may not reveal** such information **to anyone else without** the individual's **express permission** (unless there is an imminent threat of harm to the individual or others). This is legally-protected confidentiality.

In addition to legally-protected confidentiality, there is also the concept of confidentiality based on policy or procedure. Confidentiality based on policy or procedure ("organizational confidentiality") generally refers to organizational settings in which an individual provides "private" information to an organization with the understanding that:

- Such information may be shared **within** the organization among those who have a reasonable "need to know;"
- Those within the organization who receive such information are trained in the expectation of privacy of such information; and,
- The organization will not disclose the information to third parties without: i) the express consent of the individual; or, ii) in response to legally-binding request to disclose, such as a lawfully issued subpoena of in order to assist in the active review, investigation or resolution of the report. This could include a subpoena by a criminal or civil court for the records of the CMC's Grievance proceedings.

CMC proceedings are conducted in compliance with the requirements of the Family Education Rights and Privacy Act (FERPA), the Clery Act, Title IX Violence Against Women Act (VAWA), state and local law and CMC policy. No information shall be released from such proceedings except as required or permitted by law and CMC policy.

## Individuals and Resources that Provide Legally-Protected Confidentiality

CMC wants to ensure that all members of the community, including particularly those who may have suffered discrimination or harassment, aware of the following resources that provide legally-protected confidentiality. The following individuals and resources **may not reveal** private information provided to them by an individual **to anyone else without** the individual's **express permission** (unless there is an imminent threat of harm to the individual or others or the report involves abuse to a minor).

- Crisis counselors;
- Hotlines;
- Licensed mental health counselors;
- Chaplains and other ordained clergy;
- Attorneys; and
- Physicians (subject to sexual violence exception discussed below)

It is important to emphasize that these legally-protected confidentiality provisions apply whether or not the individual is a representative or employee of CMC. Thus, licensed counselors at Monsour Counseling Center or Chaplains at the McAllister Center provide the same level of confidentiality as do licensed counselors and clergy unaffiliated with The Claremont Colleges.

As a result, anyone who speaks to any of these resources should understand that these communications do not represent a report to CMC or to a Responsible Employee (see below) within this Policy because these resources will not tell CMC what you reported without your permission. This also means that CMC will be unable to conduct an investigation into the particular incident, pursue disciplinary action against the Respondent, or offer accommodations or apply interim measures.

Please also note, however, that a Claimant who first approaches a licensed counselor or chaplain may later decide to request that CMC activate the Grievance Process or report the incident to law enforcement, and thus have the incident fully investigated. These counselors and chaplains can provide assistance with these steps.

**Exception for Sexual Violence:** A report of sexual violence to a California medical provider, including on-campus medical providers, triggers a requirement to notify law enforcement of the disclosure.

### **Timely Warnings and Confidentiality**

The Clery Act requires CMC to issue Timely Warnings to the CMC community about certain crimes that have been reported and may continue to pose a serious or continuing threat to the CMC community. The Timely Warning will not include any identifying information about the Claimant.

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

### **Mandatory Reporting as Required by Law**

In sexual misconduct cases, when there is clear and imminent danger or risk to the individual or the community, when a weapon was involved with the incident, when the alleged conduct involves sexual misconduct and the individual is a minor (under the age of 18), CMC is required under California Education Code Section 67380(a)(6) to disclose the complaint to local law enforcement. The Claimant may choose to withhold their personally identifying information. If the Claimant chooses to withhold their information, the Respondent's identity will not be revealed unless the Respondent represents a serious or ongoing threat to the safety of students, employees, or CMC, or law enforcement's assistance is needed in detaining the Respondent. In these circumstances, CMC's decision to report an incident to law enforcement will be shared with the individual. CMC will also comply with such mandatory reporting obligations as soon as it reasonably can after receiving notice of the alleged incident.

### **Procedures CMC Will Follow When a Crime/Prohibited Conduct is Reported**

CMC strongly encourages all individuals who are the subject of potential discrimination, harassment, hate crimes, sexual misconduct or other civil rights-related misconduct to pursue all remedies available to them, including pursuing a civil case or reporting incidents of potential criminal conduct to law enforcement. Reports, inquiries or complaints can be made to internal or external agencies (or both).

To promote timely and effective review, CMC strongly encourages individuals who have experienced or who have knowledge of a possible violation of any civil rights related policies to make reports as soon as possible following an incident. They may report the information to the Title IX Coordinator who can assist them in determining other resources and reporting options available to them on or off campus. A delay in reporting may impact CMC's ability to gather relevant and reliable information. CMC does not, however, limit the time frame for reporting alleged violations under this Policy. To the extent possible and consistent with the provisions of this Policy, CMC will take prompt and appropriate action in response to all reports in order to



end the conduct, prevent its recurrence, and address its effects regardless of when the alleged conduct occurred.

If the Respondent is not a member of the CMC community, or is no longer a member of the CMC Community, CMC will still seek to meet its commitment and obligation to end any discrimination or harassment, prevent its recurrence, and address its effects. However, CMC's ability to take disciplinary or other remedial action against the Respondent will be limited. If the Respondent is a staff member, faculty member, or student and leaves CMC with a pending complaint, the Respondent will not be permitted to return to CMC until the complaint is resolved pursuant to the Grievance Process.

Depending on the crime reported, the Claimant maybe directed immediately to Campus Safety, the Claremont Police Department, or Medical Assistance.

### **Reporting Options: Law Enforcement, CMC, and External Agencies**

- Reporting Sexual Misconduct to Law Enforcement
- Reports to CMC - Overview and Contact Information
- Reports Involving Minors or Suspected Child Abuse
- Reports to CMC - Miscellaneous Provisions
- Reporting to External Agencies - OCR, EEOC, and FEHA

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

CMC also strongly encourages individuals who have experienced potential discrimination, harassment, or sexual misconduct to report the incident to CMC so that CMC can assist these individuals in obtaining access to the support and resources they may need, and so CMC can respond appropriately. External and internal reporting options are not mutually exclusive and may be pursued concurrently.

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

### **Providing for the Safety of the Claimant and the Community**

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

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

Claimants have the choice to involve law enforcement and campus authorities. Claimants also have the

option to be assisted by campus authorities in notifying law enforcement authorities if a Claimant so chooses. Claimants also have the option to decline to notify such authorities.

The Title IX Office does offer no contact orders. In those circumstances, the Claimant and Respondent are to have no contact with one another for a designated time period or until both parties are advised otherwise. In certain circumstances, the mutual no contact orders can include area restrictions, such as residential halls.

Claimants may decide to request a court ordered restraining order or similar lawful orders issued by a criminal, civil, or tribal court. The Claimant can contact the [EmPOWER Center](#)<sup>35</sup> or the [Claremont Police Department](#)<sup>36</sup> (909-399-5411) for more information on how to obtain restraining orders. CMC will comply with these court orders. The party who obtained the order should notify Claremont Police Department of the restraining order for it to be enforced. The party who obtained the order can notify Campus Security if they need assistance notifying Claremont Police Department.

### **Evidence Collection**

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

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

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

### **Intake and Assessment with Claimant - Developing a Support and Response Plan**

Upon receipt of a report or complaint of potential misconduct under the CMC's Policy, the Chief Civil Rights Officer or Title IX Coordinator will request a confidential intake and assessment meeting with the Claimant to review the alleged misconduct. This meeting is not intended to serve as an exhaustive investigation interview but rather provides the Chief Civil Rights Officer or Title IX Coordinator with sufficient contextual information to determine appropriate next steps to support the Claimant and to guide CMC's response. This intake meeting should also not be considered as a discrete event, but rather as the beginning of an

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<sup>35</sup> <https://www.7csupportandprevention.com/>

<sup>36</sup> <https://www.ci.claremont.ca.us/government/departments-divisions/police-department>

interactive process between CMC and the Claimant to develop a comprehensive response plan related to the alleged misconduct that will provide for a fair, neutral, and equitable resolution to the alleged misconduct.

The development of a support and response plan involves two categories of institutional response: i) assistance, accommodations, and other support that are independent of the activation or outcome of the Grievance Process; and ii) evaluation of the complaint to determine whether to activate the Grievance Process, including the consideration of Interim Measures, sanctions, or other remedies that may be appropriate or necessary and that are dependent upon the activation and outcome of the Grievance Process.

The Chief Civil Rights Officer or Title IX Coordinator will then assess whether there is sufficient information to make a determination as to which institutional response process is appropriate, or whether the Chief Civil Rights Officer or Title IX Coordinator needs additional information to make the response determination through a "Limited Review." It is important to highlight that the Limited Review process is not part of the Formal Resolution Process. Instead, a Limited Review is used by the Chief Civil Rights Officer when additional information is necessary to determine which response process is most appropriate.

Upon discovery of an allegation, regardless of whether the offense occurred on or off campus, the student or employee Claimant will receive a written explanation of the student or employee's rights and options, confidentiality, accommodations, Claimant services within the institution and in the community, and an explanation of the procedures for institutional disciplinary action. The Claimant will also receive written explanation of their continued right to make a police report and their right to be assisted by the Title IX Office in making the report and/or their right not to notify the police.

CMC will provide written notification to Claimants about options for available assistance and how to request changes to academic, living, transportation, and working situations or protective measures. CMC will work to make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the Claimant chooses to report the crime to campus police or local law enforcement. This information is also available in the [Civil Rights Policy](#)<sup>37</sup>.

### **The Grievance Process**

There are two formal grievance processes designed to provide a fair, equitable, and prompt process for investigating and resolving complaints of alleged CMC's Civil Rights and Title IX Sexual Harassment Policy for Student Violations. CMC will make reasonable efforts to ensure that all parties are treated with respect, dignity, and sensitivity throughout the process. The process will be completed within reasonably prompt timeframe designated by CMC policy, from the initial investigation to the final results, including a process that allows for the extension of timeframes for good cause with written notice to the Claimant and the Respondent of the delay and the reason for the delay. The process is conducted consistent with the institution's policies and transparent to all parties; including timely notice of meetings to all parties. CMC will provide timely and equal access to all parties and the appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.

### **The Claremont Colleges Title IX Sexual Harassment Policy**

Behavior which does not fall under the Title IX Sexual Harassment Policy's definition of Sexual Harassment may be addressed through the CMC Civil Rights Policy. For conduct that did not occur within a TCC's "education program or activity," or occurred before August 14<sup>th</sup>, 2020, the conduct may be covered under

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<sup>37</sup> <https://catalog.claremontmckenna.edu/content.php?catoid=26&navoid=3972&hl=%22civil+rights+policy%22&returnto=search>

CMC's Civil Rights Policy. This information and the complete policy is available in the [Title IX Sexual Harassment Policy](#).<sup>38</sup>

### **Supportive Measures**

Supportive Measures are designed to restore or preserve equal access to a Complainant's and Respondent's educational program or activity without unreasonably burdening the other party.

The Complainant's Home Institution Title IX Coordinator shall, upon becoming aware of alleged Sexual Harassment, promptly contact the Complainant if their identity is known to discuss the availability of Supportive Measures as well as other rights and options in accordance with the Institution's policies. Supportive Measures shall be offered to the Complainant regardless of whether they wish to file a Formal Complaint. In implementing any Supportive Measures, the Title IX Coordinator shall consider the Complainant's wishes.

The Respondent's Home Institution Title IX Coordinator shall offer Supportive Measures to a Respondent upon notification to the Respondent that there has been a Formal Complaint, or earlier as appropriate if a Respondent is aware of a potential complaint against them.

Supportive Measures provided to a Complainant or Respondent shall remain confidential to the extent that maintaining such confidentiality will not impair the Institution's ability to provide the Supportive Measures. For complaints involving parties from more than one Institution, each party's Home Institution Title IX Coordinator shall promptly notify the other party's Home Institution Title IX Coordinator of any Supportive Measures implemented on behalf of a party or witness. This information will not be shared with the other party unless it specifically impacts that party. If there is disagreement about whether information about a specific supportive measure for one party will be shared with the other party, the parties' Home Institution Title IX Coordinators shall confer with the TCC Title IX Administrator.

Supportive Measures may include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments, in coordination with the relevant Faculty member;
- Modifications of work or class schedules, in coordination with the relevant Faculty member and/or supervisor;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;
- Leaves of absence;
- Increased security and monitoring of certain areas of campus; and,
- Other similar measures determined by the parties' Home Institution Title IX Coordinator(s) based on the specific facts of each case.

### **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 and will include the consultation of the Complainant's Home Institution. An

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<sup>38</sup> <https://services.claremont.edu/titleix/wp-content/uploads/sites/5/2021/04/TCC-Title-IX-Sex-Harassment-Policy-Final-041221-00300312xCOE954.pdf>

emergency removal is not equivalent to a determination of responsibility, nor is it a sanction for alleged behavior. The Respondent's Home Institution can pursue an emergency removal of a student and/or employee Respondent before or after the filing of a Formal Complaint.

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

- **Completion of an individualized safety and risk analysis.** This analysis will focus on the specific Respondent and the specific circumstances arising from the allegations of Sexual Harassment.
- **Determination that the following three components are present:**
  - *An "immediate threat" justifying emergency removal.* This analysis should focus on the Respondent's propensity, opportunity, and/or ability to effectuate a stated or potential threat. This determination will be fact-specific.
  - *The threat is "to the physical health or safety of any student or other individual."* This may be the Complainant, the Respondent, or any other individual.
  - *And the threat "arises from the allegations of Sexual Harassment."* The emergency situation must specifically arise from the allegations of Sexual Harassment.
- **Consideration of the appropriateness of Supportive Measures in lieu of an emergency removal.** Emergency removals should only occur when there are genuine and demonstrated emergency situations.
- **Providing the Respondent with notice and an immediate opportunity to challenge the emergency removal.** The Respondent's Home Institution will provide the Respondent with a sufficiently detailed notice, notifying the Respondent of the identified emergency threat of physical safety or harm. The Respondent is not entitled to a full evidentiary hearing (as set forth in Section IX.D.) to challenge an emergency removal.

### **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.

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. It is the obligation of TCC to ensure sufficient evidence has been gathered to reach a determination of responsibility.

### **General Information**

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.

### **Initial Meetings**

A Complainant may meet with their Home Institution's Title IX Coordinator for the purposes of discussing their reporting options, Supportive Measures, etc. Below is a summary of the topics the Complainant's Home Institution's Title IX Coordinator will address during initial meetings with the Complainant:

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

The Title IX Grievance Process is initiated upon receipt of a Formal Complaint.

### **Intake Process**

Upon receipt of such a Formal Complaint, the Complainant's Home Institution's Title IX Coordinator will engage in the Intake Process, in which they meet with the Complainant, gather preliminary information about the allegation(s), and write the information gathered in an Intake Report. The Intake Process might take place during the Title IX Coordinator's initial meeting with the Complainant, or it might take place during a subsequent meeting. The Intake Process commences when a Complainant has decided to make a Formal Complaint, and/or when the Institution has been provided sufficient information to proceed with a complaint signed by the Title IX Coordinator.

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

The Complainant's Home Institution's Title IX Coordinator will send a copy of the Formal Complaint and Intake Report to the Respondent's Home Institution's Title IX Coordinator and the TCC Title IX Administrator. The Complainant's and Respondent's Home Institution Title IX Coordinators will jointly make an initial determination of whether the Title IX Grievance Process is applicable to the Formal Complaint, as outlined in Section IX.B., below.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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 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 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.

### **Consolidation of Formal Complaints**

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. If the TCC Title IX Administrator determines consolidation is appropriate, they must send notice to all involved parties.

### **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.

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.

### **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;

- A notice regarding whether interviews will be recorded, and that only the Investigator is permitted to record interviews;
- A description of the parties' opportunities to present, inspect, and review evidence;
- A statement that the parties may have an Advisor of their choice, who is permitted to be an attorney;
- A statement that the parties may have a Support Person of their choice;
- A statement urging the parties to maintain discretion as to the details of the matter, both in recognition of the sensitive nature of the matter, and to ensure they do not influence other individuals' statements;
- A summary of the hearing process and a statement that the Hearing Decision will make factual and policy findings regarding the allegations;
- A statement that findings will be based on a Preponderance of the Evidence Standard;
- A notice admonishing the parties against Retaliation; and,
- A notice informing the parties they are prohibited from making false statements or knowingly submitting false information based on the Institution's conduct codes.

The Notice of Allegations shall be amended any time during the investigation to include additional allegations of Policy violations identified during the investigation. An amended Notice of Allegations should include all required information described above.

## **Step Two: Investigation Process**

### **Designation of the Investigator**

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

### **Investigation**

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

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

The Investigator will take reasonable steps to gather relevant available evidence. The Investigator may exclude evidence they determine to be irrelevant or immaterial. Parties may provide the Investigator with

any evidence they believe to be relevant, including expert and polygraph evidence. It is ultimately the role of the Adjudicator (Section IX.D.) to determine what weight, if any, to give to the evidence gathered. The Investigator will not consider evidence which requires seeking information protected by a legally recognized privilege, unless the person holding the privilege has waived the privilege.

TCC shall not restrict the ability of the parties to discuss the allegations under investigation for the purpose of gathering and presenting relevant evidence. The Investigator may gather information related to prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake.

The Investigator will not gather evidence or ask questions related to the parties' sexual predisposition or prior sexual behavior unless:

- The evidence and/or questions are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant;
- They concern specific incidents of the Complainant's or Respondent's prior sexual behavior with respect to one another and are offered to prove or disprove consent (with the understanding that consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity and that previous relationships or prior consent does not imply consent to future sexual acts);
- The sexual history is relevant to explain an injury; and/or,
- The sexual history is relevant to show a pattern of behavior.

The Investigator will not gather sexual history as it pertains to a party's reputation or character.

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

### **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.

### **Evidence Review**

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

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

As part of this Evidence Review Process, the parties may submit proposed questions for the Investigator to ask of the other party or any witness, request additional interviews and information-gathering, and/or suggest additional witnesses. The Investigator has discretion to determine if the responses warrant additional information-gathering. If the Investigator determines it is unnecessary to ask individuals additional questions, interview new witnesses, and/or gather additional evidence, the Investigator will explain their decision in the final Investigation Report.

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

### **Final Investigation Report**

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

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

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

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

### **Step Three: Hearing**

Upon receipt of the final Investigation Report, the TCC Title IX Administrator will evaluate the evidence gathered and determine if the Title IX Grievance Process is still applicable to the Formal Complaint. The TCC Title IX Administrator will consider if the following elements are met:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in TCC's education program or activity; and,
4. The alleged conduct, if true, would constitute Sexual Harassment, as defined in this Policy.
- 5.

If the TCC Title IX Administrator determines that the required elements are met, the matter shall proceed to a hearing. A hearing will be held in which an Adjudicator will make credibility determinations, findings of fact on disputed facts, and findings of policy on the relevant Policy the Respondent is alleged to have violated. In reaching findings, the Adjudicator may consider the final Investigation Report, all evidence gathered by the Investigator, and testimony provided at the hearing.

Individuals may choose not to participate in the hearing. If any individual – Complainant, Respondent, and/or witnesses – chooses not to participate in the hearing, the Adjudicator may not consider any statement made by the individual to the Investigator. Parties (Complainants and Respondents) may also choose to attend the hearing and not answer questions. The Adjudicator will not draw any adverse inference solely from an individual's decision to not participate in the hearing, although this decision may impact the information available to the Adjudicator in reaching their decision. However, the Adjudicator may draw adverse inferences if an individual selectively participates in the hearing (for example, answering some questions but declining to answer others).

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

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

### **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.

### **Designation of Adjudicator**

The TCC Title IX Administrator, in consultation with the parties' Home Institution's Title IX Coordinators, will designate an Adjudicator, distinct from the Hearing Coordinator and any Title IX Coordinator, who will preside over the hearing and draft the Hearing Decision. The Adjudicator is a single individual, either internal or external to TCC. The Adjudicator is responsible for overseeing the hearing, making procedural determinations, managing the questioning process, and issuing the Hearing Decision.

The Adjudicator will have had appropriate training in the definitions of Sexual Harassment, the scope of TCC's education programs and activities, the investigation and hearing processes, bias, the Alternative Resolution Process, and hearing decision writing.

Additionally, the Adjudicator will be trained on the following:

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

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

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

### **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.

### **Hearing Notice**

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

- The identity of the Adjudicator;

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

### **Recording**

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

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

### **Separation of Parties**

Hearings may be conducted with any or all parties, witnesses, and other participants appearing virtually, with technology enabling participants to simultaneously see and hear one another, or with parties physically present in the same geographic location.

As standard practice, the parties will be physically separated during the hearing and participate virtually unless both parties request otherwise. The Adjudicator is responsible for making a final decision about the location of the parties during the hearing.

### **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. The Adjudicator will evaluate each question asked. If the Adjudicator determines the question should not be asked, the Adjudicator will direct the party/witness not to answer the question and state their reasoning for this determination on the record. The Adjudicator also has the authority to pause questioning by an Advisor at any time to ask follow-up questions, or as otherwise deemed necessary. All determinations made by the Adjudicator are final, including determinations on questioning.

Should a party choose not to question a party or witness, the party shall affirmatively waive their right to question through a written or oral statement to the Adjudicator either before or during the hearing. A party's waiver of their right to question an individual providing testimony does not eliminate the ability of the Adjudicator to consider the testifying individual's statements made during the hearing and/or to the Investigator.

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

Parties are required to have an Advisor present during the hearing, even if the party does not wish to ask questions of any individual testifying. If a party does not have an Advisor at the commencement of the hearing, that party's Home Institution will provide the party with an Advisor trained in the hearing process and in the development and posing of relevant questions. The party must utilize the Advisor provided by their Home Institution for purposes of questioning during the hearing.

If parties know they will not have their own Advisor at the hearing, they are encouraged to notify the Hearing Coordinator of this fact as soon as possible. If a party does not participate in, or attend, the hearing, their Advisor may still appear at the hearing and ask questions of the other party(ies) and witnesses. Absent their role in questioning, Advisors will remain silent during the hearing. They may not answer questions on behalf of any party, nor may they make closing statements on behalf of any party. All participants at the hearing will behave in a respectful manner. The Adjudicator has discretion to remove any participant or observer who is not conducting themselves in a manner conducive to a fair, safe, and orderly hearing.

### **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.

### **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.

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

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

If the Adjudicator does not find a violation of Policy (and the Appeal process, as outlined in Section IX.F has concluded), the Adjudicator will finalize the Hearing Decision and submit the Hearing Decision to the TCC Title IX Administrator.

The final Hearing Decision will include the following:

- The allegations allegedly constituting Sexual Harassment, as defined by this Policy;
- A description of the procedural steps taken from receipt of the Formal Complaint through the determination;
- Findings of fact;
- Policy findings;
- Rationale for each finding;
- Sanctioning determination (if applicable); and,
- Rationale for the sanctioning determination (if applicable).

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

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

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

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

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

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

- They will notify the Title IX Coordinator of the Complainant's Home Institution and the appropriate Human Resources Professional (designated official) in the Respondent's Home Institution. The Respondent's Home Institution may submit written recommendations related to sanctions. The Respondent's Home Institution will provide those recommendations to the TCC Title IX Administrator, who will transmit them to the Adjudicator; and,
- They will provide the Adjudicator with any written party statements, as set forth in Section IX.D.8. If the parties did not provide written statements in accordance with Section IX.D.8., 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.

### **Step Five: Appeal Rights**

A Complainant or Respondent who is not satisfied with the determinations made as to proceeding with a Formal Complaint under this Policy, closure of a Formal Complaint under this Policy, and/or the Policy findings or sanctions imposed at the completion of the hearing process may submit an appeal to the TCC Title IX Administrator. The TCC Title IX Administrator, in consultation with the parties' Home Institution's Title IX Coordinators, will identify an appropriately trained Appeal Authority to review and make a determination of the appeal(s).

When the TCC Title IX Administrator identifies an Appeal Authority, they will provide written notice of the individual's identity to the parties. After the Notice identifying the assigned Appeal Authority has been sent to the parties, the parties will have two (2) business days to object to the selection of the Appeal Authority for an actual conflict of interest or bias. An *actual conflict of interest* exists if the Appeal Authority has a close personal relationship with one of the parties or witnesses. Prior work for TCC, prior work on Title IX-related matters, and any prior decisions regarding similar matters do not constitute bias on their own. The Appeal Authority's sex, gender identity, race, ethnicity, religion, sexual orientation, or other identifying characteristic do not constitute a reason for bias on their own. The TCC Title IX Administrator will consider and resolve any objections to the selection of an Appeal Authority.

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

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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).

### **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.

### **CMC Civil Rights Policy**

The CMC Civil Rights Policy may apply for conduct that does not meet the definition of Sexual Harassment under the Title IX Regulations, or conduct that occurred before August 14, 2020, or outside of the TCCs "education program or activity."

CMC's Grievance Process will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of Claimants and promotes accountability. The annual trainings will generally consists of training on; investigation from a trauma informed lens, training on personal bias, proper techniques for questioning witnesses, updates on policies and procedures, and other topics deemed necessary.

For a full description of the Grievance Process, please see the [Civil Rights Policy<sup>39</sup>](#). For a full description of the Title IX Sexual Harassment Grievance Process, please see [The Claremont Colleges Title Sexual Harassment Policy<sup>40</sup>](#).

### **Protections for All Parties**

As part of its commitment to providing a prompt and equitable process, the College will:

- Treat all parties with respect, dignity, and sensitivity throughout the process.
- Provide both the Claimant and the Respondent access to, and written notification of, support services, including those provided by Monsour Counseling and Psychological Services for students and the Employee Assistance Program for faculty and staff.
- For students, protect confidentiality consistent with the Family Education Rights and Privacy Act (FERPA).
- For all parties, make all reasonable efforts to protect confidentiality consistent with relevant legal requirements and with the need to conduct a fair and equitable investigation, including by restricting access to information to those with a legitimate need to know.
  - All parties should understand that information collected through the Grievance Procedures may be subpoenaed in a criminal and/or civil proceeding.
- Provide written notice of the policies implicated by the complaint, these Response and Grievance Procedures, the alleged facts related to any potential Policy violation, and the maximum possible sanctions that may be imposed if Respondent is found responsible.
- Provide both parties the opportunity to challenge the appointment of the Title IX Coordinator, the Investigator, the Hearing Officer, Appeal Officer, a Panel Member, or the Sanctioning Officer if there is a possible or actual conflict of interest or bias.

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<sup>39</sup> <https://catalog.claremontmckenna.edu/content.php?catoid=18&navoid=1760>

<sup>40</sup> <https://services.claremont.edu/titleix/wp-content/uploads/sites/5/2021/04/TCC-Title-IX-Sex-Harassment-Policy-Final-041221-00300312xCOE954.pdf>

- Bias or a conflict of interest on the part of the officer is not presumed. In order to establish an allegation of bias or conflict of interest, the party making the assertion must demonstrate facts that support an unacceptable likelihood of partiality.
- Allow the Claimant and the Respondent to choose to participate or decline to participate in the event the Grievance Procedures are activated, with the understanding that the Grievance Procedures may continue without their involvement and that the College will determine an outcome based on the information available.
- Notify both parties of the option to have a Support Person of their choice present at any meeting related to a complaint and at any point during the Response or Grievance Procedures. This includes notice that such Support Person may be legal counsel of an individual's choosing, so long as such legal counsel agrees to participate in these Procedures as a Support Person.
- Provide written notice of the resolution of any Grievance Procedures, including any appeal.
- Seek to complete the Response Procedures and any Grievance Procedures within a timely manner, when feasible, recognizing that this time frame will vary based upon the nature of the case and the need for an equitable and prompt process.

### **Confidentiality**

To ensure an equitable process and to minimize the possibility of Retaliation, all proceedings initiated under this Policy are confidential, which means:

- Claimants, Respondents, and Witnesses may be provided with confidential access to written materials or other confidential information throughout the Grievance Procedures. The parties may share such confidential information with individuals with a party's support group, such as a Support Person, or other close family members, as may be reasonably necessary and appropriate to promote an equitable process. However, confidential information that is obtained by a party through any proceeding initiated under this Policy may not be shared outside these parameters. In the absence of obtaining relevant written consent, this duty of confidentiality shall continue after the conclusion of these Response Procedures and any Grievance Procedures.
- College representatives are permitted to share confidential information within the organization among those who have a reasonable need to know in order to assist in the active review, investigation or resolution of the report pursuant to these Procedures. The College will not disclose the information to third parties who are not serving as College agents without: i) the express consent of the individual; ii) compliance with its FERPA responsibilities; or, iii) in response to a legally-binding request to disclose.
- A willful violation of these confidentiality provisions can subject a person to discipline with a maximum possible sanction of separation from the College (for students) or termination from the College (for staff or faculty).

### **Advisors**

The Claimant and Respondent may choose an Advisor to provide guidance throughout the Grievance Procedures outlined in this Policy. The Advisor may attend any meeting with their party as it related to the Grievance Procedures. To serve as an Advisor, the individual will be required to complete a form consenting to their agreement to the scope of their participation prior to serving as an Advisor. The Advisor may not speak on behalf of the party or otherwise disrupt any interviews or hearing proceedings.

Legal counsel is permitted to serve in the role of an Advisor but must adhere to the same limitations as any other Advisor. Legal counsel can provide advice and other support of their client. Parties are limited to one Advisor.

## **Support Persons**

The Claimant and Respondent may choose to be supported by a Support Person during the Grievance Procedures. Parties are entitled to a Support Person throughout every stage of the complaint process. The Support Person may be present in a support capacity only, and shall not directly participate or intervene in meetings, the investigation, or other matters related to the College's response under this Policy. Parties are limited to one Support Person. The College reserves the right to exclude a Support Person who does not abide by these procedures.

While Claimants and Respondents may have legal counsel serve in the role of an Advisor, they shall not have additional legal counsel serve in the role of a Support Person as defined in this Policy. While there may be circumstances in which a Support Person happens to be an attorney, e.g., when a party's parent is an attorney, they shall not act in their capacity as legal counsel while serving as a Support Person.

## **Time Frames**

As a general guide, the College seeks to resolve all reports of Prohibited Conduct in a timely manner when in receipt of the report, excluding appeals. Time frames expressly outlined in these Response and Grievance Procedures are meant as guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening College break or holiday, or other unforeseen circumstances. In the event that the process exceeds these time frames, the College will notify the Claimant and Respondent 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.

In the event that the delay is caused by the lack of response of either party the College will move forward with the process with the information available at that time.

Absent extensions for good cause, the entire grievance process for sexual misconduct cases should be completed within 90 to 100 business days from the issuance of a Notice of Referral for Formal Resolution to the parties. This includes any investigation, hearing, and appeal process. The parties will be provided with timeline information and status updates on (i) the investigation period, (ii) the date by which the parties shall be notified of the outcome of any investigation, and (iii) deadlines and process for an appeal. A thorough investigation and/or hearing may necessitate one or more extensions for good cause. The parties may make extension requests to the Title IX Coordinator. The Title IX Coordinator will provide notice to both parties of any timeline extensions and the reasons for the extensions. The College will not unreasonably delay a party's request for an extension of a deadline during periods of examinations or school closures. Failure to complete the process within this time period does not, in and of itself, constitute a procedural error. Any such argument of procedural error on appeal must also include an explanation as to how the delays materially impacted the outcome.

## **Interim Measures**

In response to all reports of Prohibited Conduct, the College may implement Interim Measures as necessary to support and protect the health and safety of the parties, the safety of the College community/its members, and fairness of any process activated under this Policy. In general, Interim Measures are designed to minimize the impact on the party making a credible report of Prohibited Conduct and to provide for a fair and equitable process.

With the exception of Non-Academic or Academic suspensions (for students), Paid Leave of Absence (for staff), or Emergency Suspension with Pay (for faculty), which are discussed below, Interim Measure determinations are not subject to appeal.

However, the Title IX Coordinator has the authority to adjust an Interim Measure during the Grievance Procedure process. The Title IX Coordinator is also charged with the responsibility of insuring that Interim Measures are reasonably related to safety or the fairness of the process and that they remain in place only for so long as is reasonably necessary.

### **Non-Academic or Academic Suspensions for Students or Paid Leaves of Absence for Staff**

The Title IX Coordinator may place a student Respondent on Interim Suspension (Non-Academic or Academic) or a staff Respondent on a Paid Leave of Absence based on the following factors:

- The severity of the alleged Prohibited Conduct (e.g., sexual assault, use of force or intimidation, etc.);
- The Respondent poses a potential threat to another;
- The safety and well-being of members of the College community and/or the preservation of College property are threatened by the Respondent's presence on campus;
- The Respondent poses a threat of disruption or interference with the normal operations of the College; or
- The Respondent commits violations of other College policies or Interim Measures imposed.

An Interim Suspension (Academic or Non-Academic) is the immediate, non-disciplinary, temporary separation of a student from the College pending the outcome of the Grievance Procedures. A Respondent placed on Non-Academic Interim Suspension is permitted to continue her or his academic program at the College, although the Title IX Coordinator may restrict the Respondent's privileges at the College (including, but not limited to, removing the Respondent from student housing, restricting participation in athletics or student government, prohibiting attendance at on or off-campus College events, and participating in sponsored internships or work study programs).

A Respondent placed on Academic Interim Suspension is prohibited from participation in any College activities/privileges described immediately above as well as prohibited from taking classes at any of The Claremont Colleges. Academic Interim Suspensions will only be considered in circumstances in which the Title IX Coordinator determines that Respondent presents a material threat of disruption or violence to the College community.

A Paid Leave of Absence for staff is the immediate, non-disciplinary, and temporary removal of a staff member from campus pending the outcome of the Grievance Procedures.

### **Appealing Interim Suspensions, Paid Leaves of Absence and Emergency Suspensions with Pay**

A Respondent has the right to appeal the Interim Suspension/Paid Leave of Absence/Emergency Suspension with Pay. The Chief Civil Rights Officer will receive the appeal and consider it in consultation with the appropriate supervising Vice President (although the Chief Civil Rights Officer retains the final authority in ruling on the appeal):

- Vice President of Student Affairs (or designee) for student Respondents;
- Vice President for Business and Administration (or designee) for staff member or third party Respondents.

### **Alleged Violations of Terms of Interim Measures**

In the event of being notified of a possible violation of any term of an Interim Measures by any Respondent, the Title IX Coordinator will promptly arrange a meeting with the Respondent to discuss the possible violation. The Title IX Coordinator will decide, based on a preponderance of evidence, whether the Respondent violated any term of an Interim Suspension, and if so, the appropriate sanction for the violation. Typically, the Title IX Coordinator will use graduated sanctions, but a single serious violation or one that threatens the integrity of this process, such as an attempt to intimidate or otherwise influence a witness, can result in the imposition of a full Academic Suspension, or leave without pay or termination for staff.

### **Providing for the Safety of the Claimant, Respondent, and the Community**

In reviewing all initial and subsequent reports of Prohibited Conduct, the College will assess as appropriate any risk of harm to the Claimant, Respondent or to the broader campus community and will take steps necessary to address those risks. These steps will include any Accommodations and/or Interim Measures to provide for the safety of the Claimant, Respondent, and the College community.

In addition, whenever the College receives a report of potential misconduct that indicates an immediate threat to Claimant, Respondent, or other member of the community, the College will seek to notify appropriate first responders (including law enforcement and emergency medical responders) as soon as reasonably possible. The College will also implement any Interim Measures as it determines are necessary and appropriate to provide for the safety of Claimant, Respondent or the College community.

### **Intake and Assessment of a Report of Prohibited Conduct**

Intake and Assessment occurs whenever the College receives a report of Prohibited Conduct under this Policy. Intake and Assessment is designed to develop a comprehensive response plan with respect to the report.

### **Outreach to Potential Claimants**

Upon receiving a report of alleged sexual misconduct, the Title IX Coordinator will assess the report and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of the reported conduct. The outreach will include all of the following information:

- The College has received a report that the student may have experienced sexual harassment;
- A statement that retaliation for filing a complaint or participating in a complaint process, or both, under this Policy is prohibited;
- Counseling resources within the College or in the community;
- Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement;
- The College's investigation procedures established pursuant to the requirements of this Policy;
- Potential supportive measures, such as no-contact directives, housing changes, and academic schedule changes, where applicable;
- The importance of preserving evidence;
- A request for the student to meet with the Title IX Coordinator to discuss options for responding to the report; and
- The manner in which the College responds to reports of sexual misconduct and a description of potential disciplinary consequences.

### **Intake Meeting with Claimant or Reporting Party**

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will request a confidential meeting



with the Claimant to review the alleged misconduct and advice on the Claimant's ability to bring a Support Person.

This meeting is not intended to serve as an exhaustive interview, but rather to provide the Title IX Coordinator with sufficient contextual information to determine the appropriate next steps to support the Claimant and to guide the College's response.

Below is a summary of the topics that the Title IX Coordinator will address in the meeting:

- Assistance with care and support resources, medical providers, and law enforcement;
- Accommodations;
- Interim Measures;
- Options for participating in an Alternative Resolution or Formal Grievance Procedures if reasonable cause exists; and
- Appropriate Non-Disciplinary Administrative Measures.

### **Requests for Confidentiality / Not to Proceed in Sexual Misconduct Complaint Involving Student Respondent**

Sexual misconduct cases involving students present unique considerations related to privacy and confidentiality. If a Claimant reporting to the College, including to a Responsible Employee, indicates that they wish to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College's general policy is to respect such request *unless* certain overriding factors are present related to the College's obligation to provide a safe, non-discriminatory environment for all members of the community, including the Claimant.

If the College honors a student Claimant's request for confidentiality, the College's ability to meaningfully investigate the incident, pursue Interim Measures, and impose discipline against the Respondent may be limited.

There are circumstances in which the College may not be able to honor a student Claimant's request in order to provide a safe, nondiscriminatory environment for all members of the community.

In evaluating these requests, the Title IX Coordinator will consider a range of factors, including the following:

- Whether there have been other sexual misconduct complaints about the same individual;
- Whether the individual has a history of arrests or records from a prior institution indicating a history of violence;
- Whether the individual threatened further sexual violence or other violence against the Claimant or others;
- Whether the sexual misconduct was committed by multiple alleged perpetrators;
- Whether the Respondent reportedly used a weapon or physical restraints or engaged in battery;
- Whether the Claimant is a minor;
- Whether the report reveals a pattern of misconduct
- Whether the Respondent is a faculty or staff member with oversight of students;
- Whether there is a power imbalance between the Claimant and Respondent;
- Whether the Claimant believes that the Claimant will be less safe if the Claimant's name is disclosed or an investigation is conducted; and

- Whether the College is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Claimant's cooperation

The Title IX Coordinator will inform the Claimant if factors require the College to activate the Grievance Procedures against a Claimant's wishes and will explain that the Claimant is not required to participate in the Grievance Procedures. If the Claimant does not want to participate, the Title IX Coordinator will appoint a representative from the College to serve in the role of Institution as Claimant.

If the Title IX Coordinator determines that it can honor the Claimant's request for confidentiality and not file a Complaint, the College shall still take reasonable steps to respond to the report, consistent with the request, to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the Respondent or revealing the identity of the Claimant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. CMC shall also take immediate steps to provide for the safety of the Claimant while keeping the Claimant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests.

**The steps the College takes may not include the imposition of disciplinary sanctions or other actions against the Respondent.** The Claimant shall be notified that the steps the College will take to respond to the report will be limited by the request for confidentiality.

If the Title IX Coordinator determines that it must disclose the Claimant's identity to the Respondent and/or proceed with an investigation, the Title IX Coordinator shall inform the Claimant prior to making this disclosure or initiating the investigation. The College shall also take immediate steps to provide for the safety of the Claimant where appropriate. In the event the Claimant requests that the College inform the Respondent that the Claimant asked the College not to investigate or seek discipline, the College shall honor this request.

### **Initiation of Formal Resolution Procedures**

The Title IX Coordinator will determine whether to open an investigation after making a determination as to whether the allegations on their face present a potential violation of this Policy and/or the TCC Title IX Policy and which resolution process is appropriate. These determinations will be documented in writing by the Title IX Coordinator.

- Where the Title IX Coordinator determines that the allegations on their face present a potential violation of this Policy and that a formal investigation under this Policy is appropriate, the Title IX Coordinator will conduct an intake meeting with the Respondent (see below) and then send a Notice of Referral for Formal Resolution to the Claimant and Respondent.
- Where the Title IX Coordinator determines that the allegations on their face present a potential violation of the TCC Title IX Policy and that a formal investigation under the TCC Title IX Policy is appropriate, the Title IX Coordinator will meet with the Respondent (see below) and then refer the matter to the TCC Title IX Grievance Procedures.
- Where the Title IX Coordinator determines that the allegations on their face do not present a potential violation of this Policy or the TCC Title IX Policy, the Title IX Coordinator will notify the Claimant in writing that the complaint will not be investigated under this Policy without further information. The Title IX Coordinator will refer the Claimant to another College office if appropriate

and will notify the Claimant of any referral. The Title IX Coordinator will also inform the Claimant that the Claimant may seek reconsideration of the Title IX Coordinator's determination by providing additional information as to why the allegations on their face do present a potential violation of this Policy and/or the TCC Title IX Policy.

### **Intake Meeting with the Respondent**

If the Title IX Coordinator determines that the Claimant's complaint on its face presents a potential violation of this Policy and/or the TCC Title IX Policy, the Title IX Coordinator will contact the Respondent to request a confidential meeting to review the alleged misconduct and advise the Respondent of the ability to bring a Support Person.

In the Title IX Coordinator's meeting with the Respondent, the Respondent will be notified of the nature of the alleged misconduct and the facts which give rise to the alleged violation based on the limited information available to the Title IX Coordinator at that time. The Title IX Coordinator will not interview the Respondent during this meeting.

The Title IX Coordinator will discuss the same topics with Respondent during the Intake meeting as is detailed for the Claimant, with the addition of describing Respondent's choice to participate or not in an Alternative Resolution or Formal Grievance Procedures.

### **Alternative Resolutions**

The College allows parties, if they so desire, to seek a mutually agreeable Alternative Resolution provided (i) the general safety of the campus community is not compromised, and (ii) the college is acting in full accordance with relevant laws and standards. The College has therefore adopted this Alternative Resolution Process to enable the Title IX Coordinator to identify the cases potentially appropriate for Alternative Resolution, discuss this option with the Claimant and Respondent, and, if they wish, assist them in reaching an agreed-upon set of understandings and conditions to resolving a complaint.

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

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

In addition to the Alternative Resolution Process discussed here, the Title IX Coordinator may choose another form of resolution when appropriate. Any process will adhere to relevant standards under Title IX, Title VII, FEHA, or other applicable federal or state law as appropriate. Mediation may be pursued with the consent of both parties, although it is never an option in cases involving non-consensual sexual intercourse. The parties should not contact each other to discuss mediation but instead request it through the Title IX Coordinator. If the mediation results in a resolution, the matter will be closed and no further action will be taken. The Title IX Coordinator will document the successful mediation and the parties will sign a document accepting any terms agreed upon during the mediation.

If the Title IX Coordinator subsequently determines that either party has violated a material term or condition of any Alternative Resolution, the matter will be referred to the appropriate Grievance Procedures or other appropriate disciplinary process.

If the parties are unable to reach an agreed-upon resolution through the Alternative Resolution Process, the Title IX Coordinator will proceed with the Formal Resolution Process as described in this policy.

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

### **Introduction and General Provisions**

The Civil Rights Grievance Procedures ("Grievance Procedures") address the College's commitment to providing an equitable and prompt process to investigate and resolve reports or complaints of Prohibited Conduct defined above. In addition, if the same set of alleged facts for a matter reviewed by these Procedures also implicate any other College Policy, that other Policy violation will be integrated into and resolved by these Procedures.

The maximum possible sanctions for Policy violations pursuant to this Grievance Procedure include:

- Suspension or expulsion for students;
- Dismissal or termination of employment for staff members;
- Dismissal or termination for adequate cause for faculty members; and
- Banning from campus and terminating contracts with third parties.

The College exercises its judgment in designing reasonable sanctions. Not all violations will be deemed equally serious offenses, and the College reserves the right to impose different sanctions depending on the severity of the offense and to take Non-Disciplinary, Administrative Measures as appropriate. Non-Disciplinary, Administrative Measures may include, but are not limited to, delaying the conferral of a degree until the conclusion of the Grievance Process where allegations, if true, may result in a student's suspension or expulsion. The following provisions apply to all formal Grievance Procedures.

### **Written Notice**

The Title IX Coordinator will provide each party with a written Notice of Referral for Formal Resolution, which will include:

- Names of the parties;
- Specific Prohibited Conduct and related Policy violations at issue;
- Description of alleged facts and other information supporting the Formal Referral, including the date, time, and location of the alleged conduct as best developed during Intake and Assessment;
- For students and faculty respondents, identifying whether the Type 1 or Type 2 Grievance Procedures will be followed;
- Where Type 2 Grievance Procedures will be followed, notice that evidence not identified during the investigation might not be considered at the hearing;
- The maximum possible sanctions that may be imposed if Respondent is found responsible
- A link to the relevant Grievance Procedures; and

- A reminder of the support and other resources available to both parties, including the ability to have an attorney serve in the role of Support Person.
- The Title IX Coordinator will provide an updated notice in the event of new allegations of Prohibited Conduct that arise during the course of the investigation that could subject either party to new or additional sanctions under this Policy. The updated notice will include the specific Prohibited Conduct and related Policy violations at issue.

### **Decision-Making Standard**

In order to determine whether a Respondent is responsible for a violation of one or more violations of CMC policy under these Procedures, CMC is required to apply a preponderance of the evidence decision-making standard. Preponderance of the evidence means that, based on the information presented to the fact-finder, it is “more likely than not” that a question of fact in dispute did or did not occur or that a violation of policy did or did not occur.

### **Evidentiary Considerations**

While these Formal Grievance Procedures are not governed by civil or criminal rules of evidence, it should include only information that is relevant, non-repetitive and the sort of information a reasonable person would find reliable. Evidence is relevant if it makes a fact of consequence in the matter more or less likely or if it reflects on the credibility of a participant. Within that framework, the Investigator and Hearing Officer will adhere to the following:

While these Formal Grievance Procedures are not governed by civil or criminal rules of evidence, it should include only information that is relevant, non-repetitive and the sort of information a reasonable person would find reliable. Evidence is relevant if it makes a fact of consequence in the matter more or less likely or if it reflects on the credibility of a participant. Within that framework, the Investigator and Hearing Officer will adhere to the following:

- Questions of either party or any witness that are repetitive, irrelevant, or harassing will not be permitted.
- The Hearing Officer may not make an adverse inference from a Respondent's decision not to participate in the Formal Grievance Procedures and will make a determination of Responsibility or Non-Responsibility based solely upon the information presented.
- Information about the past sexual history of the Claimant or the Respondent shall not be considered except in these limited circumstances:
  - Prior or subsequent sexual history between the Claimant and anyone other than the Respondent will only be considered if directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual.
  - The existence of a dating relationship or prior or subsequent consensual sexual relations between the Claimant and the Respondent will only be considered if the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations.
  - Where consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Claimant and the Respondent is permitted, the mere fact that the Claimant and the Respondent engaged in other consensual sexual relations with one another will not be sufficient, by itself, to establish that the conduct in question was consensual.
  - Before allowing consideration of any evidence of sexual history, the Investigator or Hearing Officer will provide a written explanation to the parties as to why consideration of the evidence is consistent with this Policy.

- Information about the good or bad character of the Claimant or Respondent is generally not relevant except in the unusual circumstance when such information could prove or disprove a relevant pattern of conduct or knowledge of wrongdoing. Information that shows a pattern of similar behavior may be included if the Investigator deems it relevant, regardless of whether the prior behavior was the subject of any disciplinary proceeding.
- In cases where Faculty is the Respondent, the Chief Civil Rights Officer will consult with the Chair of the faculty review panel, to determine the admissibility of evidence.
- The Title IX Coordinator will determine if the Investigator and the Hearing Officer will have access to prior complaints involving either party if there is a pattern of similar behavior or if a prior complaint may be deemed material in the current investigation.
- Advisors and the parties may, in written form, note objections to questions posed during the hearing. The Hearing Officer has no obligation to respond to the objections other than to include them in the record.

### **Alcohol or Substance Use**

The use of alcohol or other drugs will never be a defense for or mitigate any behavior that violates College Policy.

### **Accepting Responsibility**

At any point during a Formal Grievance Process, a Respondent can accept Responsibility for the identified Policy violation(s) and proceed directly to Sanctions. In doing so, the Respondent waives any right to appeal the determination of Responsibility.

### **No Communication Amongst Participants During the Formal Process**

To promote an equitable process, the Claimant, Respondent and witnesses should not discuss the matter amongst themselves during the pendency of the Formal Grievance Process other than as needed for the Claimant and Respondent to prepare for or participate in the Grievance Process.

The Appeal Panel Members may not discuss the matter with any participant during the pendency of the Formal Grievance Process, except as permitted during the Appeal Meeting and deliberations.

Any Advisor or Support Person who fails to adhere to the requirements set forth in this Policy may be prohibited from further participation in the Grievance Process. The Chief Civil Rights Officer will seek to provide reasonable warnings and opportunities to conform prior to prohibiting an individual from further participation as a Support Person.

### **Formal Resolution Procedures for Staff or Third Party Respondents**

The Chief Civil Rights Officer will appoint a trained internal or external investigator (the "Investigator") to conduct an equitable and prompt investigation of the complaint.

At the conclusion of the investigation, the Investigator will prepare an Investigation Report, which will contain a summary of issues, key findings of fact, and an analysis of disputed facts based on all available evidence. The Investigation Report will include recommended findings of fact based on a preponderance of the evidence standard, and an assessment of any Policy violations based on such findings of fact. Although not required, the Investigation Report may contain such underlying investigation materials as the Investigator determines is reasonably appropriate in view of the nature of the complaint and the investigation.

The Investigation Report will be made available to both parties for review, who will then have five (5) business days for them to submit a response to the Chief Civil Rights Officer. Except for good cause shown and accepted at the discretion of the Chief Civil Rights Officer, late responses or responses of more than five (5) pages (including any exhibits or appendices) will not be considered.

The Chief Civil Rights Officer may allow exceptions to these timing and length requirements upon written request by a Party and for good cause shown. The Chief Civil Rights Officer's determination with respect to whether to allow any exception is discretionary and is not subject to appeal.

The Chief Civil Rights Officer will then review the Report and any responses with the relevant Sanctioning Officer as identified in the Sanctions section of this Policy, based on the Respondent's status. The Sanctioning Officer will determine whether to accept or reject the Investigator's Report, will make a final determination of Responsibility, and will impose sanctions upon a finding of Responsibility.

As to staff and third parties, the determination of Responsibility and sanctions are final and are not subject to appeal. Nothing in this Policy or these Grievance Procedures alters an employee's at will employment status.

For the purposes of these Formal Grievance Procedures, coaches (excluding head coaches on renewable contracts in the Department of Athletics, Physical Education, and Recreation), and all other employees with the Department of Athletics, Physical Education, and Recreation, and teachers and all other employees with The Children's School are considered staff. Students are always treated as students under the Formal Grievance Procedures, even if the conduct giving rise to the alleged Policy violation occurred while the student was working for the College.

In cases involving sexual misconduct, the College may, within the sole discretion of the Title IX Coordinator, utilize a hearing appropriate to the circumstances to address such conduct.

In cases involving sexual misconduct and student Claimants, the College will provide written notice to both parties of the outcome of the complaint, including whether a policy violation was found to have occurred, the basis for that determination, including factual findings, and any discipline imposed.

## **Formal Resolution Procedures for Student and Faculty Respondents**

### **Type 1 Formal Procedures for Students and Faculty Respondents**

These procedures will be followed in circumstances in which, even if everything the Claimant alleges is true, the resulting sanction would not rise to the level of suspension or expulsion. These procedures are appropriate where probable sanctions could include a warning or conduct probation.

The Title IX Coordinator/Chief Civil Rights Officer will appoint a trained internal or external investigator (the "Investigator") to conduct a reasonable, impartial, and prompt investigation of the complaint.

At the conclusion of the investigation, the Investigator will prepare an Investigation Report, which will contain a summary of issues, key findings of fact, and an analysis of disputed facts based on all available evidence. The Investigation Report will include recommended findings of fact based on a preponderance of the evidence standard, and an assessment of any Policy violations based on such recommended findings. Although not required, the Investigation Report may contain such underlying investigation materials as the Investigator determines are reasonably appropriate in view of the nature of the complaint and the

investigation. The Investigation Report will be made available to both parties for review, who will then have five (5) business days to submit a response to the Chief Civil Rights Officer. Except for good cause shown and accepted at the discretion of the Chief Civil Rights Officer, late responses or responses of more than five (5) pages (including any exhibits or appendices) will not be considered. The Chief Civil Rights Officer will then review the Investigation Report and any responses with the relevant Sanctioning Officer as [identified in this Policy<sup>41</sup>](#) based on the Respondent's status. The Sanctioning Officer will determine whether to accept or reject the Investigator's Report, will make a final determination of Responsibility, and will impose sanctions upon a finding of Responsibility. In cases involving sexual misconduct and student Claimants, the College will provide written notice to both parties of the outcome of the complaint, including whether a policy violation was found to have occurred, the basis for that determination, including factual findings, and any discipline imposed.

Both parties will have five (5) business days to review the Investigator's Report and submit an appeal. The Appeal will be submitted to the Chief Civil Rights Officer or the Dean of Faculty for Faculty Respondents. The grounds for appeal are limited to the categories "significant procedural error" or "new information". The appeal should not exceed (5) pages, including all attachments and exhibits.

The decision on appeal is final and will be provided to the parties.

## **Type 2 Formal Procedures for Students**

Types 2 Procedures will be followed in circumstances in which the alleged Prohibited Conduct is severe enough to warrant potential suspension or expulsion. Type 2 Procedures will be utilized in all cases of alleged non-consensual sexual intercourse or other forms of alleged serious Sexual Misconduct.

**Appointment of Investigator:** The Title IX Coordinator will appoint a trained internal or external investigator or investigative team (the "Investigator") to conduct a reasonable, impartial, and prompt investigation of the complaint. The Title IX Coordinator's choice of Investigator will be based on several factors, including the parties involved, the complexity of the complaint, and the need to avoid any potential conflict of interest. Where appropriate, and at the discretion of the Investigator, the Investigator may engage the independent assistance of professional experts, such as case involving an unusual or otherwise complex question (e.g., academic freedom, mental health or trauma issues).

**Appointment of Hearing Officer:** The Title IX Coordinator will appoint a trained internal or external Hearing Officer or Hearing Officer team (the "Hearing Officer") to conduct a reasonable, impartial, and prompt adjudication meeting of the complaint. The Title IX Coordinator's choice of Hearing Officer will be based on several factors, including the parties involved, the complexity of the complaint, and the need to avoid any potential conflict of interest.

The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and has the authority to respond to disruptive or harassing behavior. The Hearing Officer can adjourn or exclude the offending person at any time during the Hearing proceedings. The Hearing Officer also has the authority to direct or refrain any party from asking questions that are harassing or that do not seek information relevant under the Policy.

**Investigation Phase One:** The Investigator will establish an Investigation Plan. The Investigator will brief the Title IX Coordinator and Hearing Officer on the preliminary investigation plan in writing or orally. The

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<sup>41</sup> <https://catalog.claremontmckenna.edu/content.php?catoid=26&navoid=3970#formal-resolution-procedures-for-student-and-faculty-respondents>



Investigator will then conduct an Investigation based upon the facts and circumstances reported to the College and developed through the course of the investigation, including interviews and follow-up interviews as feasible and appropriate with the Claimant, the Respondent, and any witnesses, and gathering other relevant materials (i.e. text messages, social media posts, pictures) to the extent reasonable and appropriate.

Claimant, Respondent, and witnesses are expected to respond to the Investigator's request to schedule an interview or to provide other evidentiary materials within a timely manner, generally within five business days of the Investigator's request. If a party or witness fails to respond in a reasonable time, the Investigator may continue the investigation without the benefit of this information.

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

Information may be developed during the course of the investigation that indicates additional potential Policy violations in addition to those identified in the Notice of Referral for Formal Resolution. In such circumstances, the Investigator shall review such additional potential violations with the Title IX Coordinator, who shall assess whether reasonable cause exists to believe the Respondent engaged in the newly-discovered Prohibited Conduct. If so, the Title IX Coordinator shall send a written Amended Notice of Referral for Formal Resolution to include the relevant information.

When the Investigator determines that the investigation is reasonably complete, the Investigator will prepare a Preliminary Investigation Report, which will include:

- A summary of the incident, alleged Policy violations from the initial notice, the Claimant's allegations, and the Respondent's response;
- Identification of any new potential Policy violations raised by the information developed through the investigation and as authorized for incorporation by the Title IX Coordinator;
- A description of relevant, material undisputed facts; and
- A description of relevant, material facts in dispute.

The Investigator will notify the Title IX Coordinator once the Preliminary Investigation Report is available for review. The Investigator will share the Preliminary Investigation Report with the Title IX Coordinator for approval. Once approved the Title IX Coordinator will notify the parties and Hearing Officer when the Preliminary Investigation Report is available by confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Report. Neither the Claimant nor Respondent (nor anyone on their behalf) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

**Response to Preliminary Investigation Report:** The parties will have five business days to submit a written request outlining any additional investigation steps that they believe are necessary or objections to the information included the Report, including:

- Posing any follow-up issues or questions for any witness, the Claimant or Respondent;

- Requesting a follow-up interview with the Investigator to clarify or provide any additional information that such party believes is relevant to the investigation or to seek clarification from the Investigator on aspects of the Preliminary Investigation Report;
- Identifying any new witnesses who should be interviewed (including a description of what topics/issues the witness should be asked to address and why this is necessary for the investigation);
- Identifying any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available (e.g., text messages, social media postings, etc.), understanding that the Investigator lacks the power to subpoena evidence; and,
- Identifying and objecting to any information that such party believes was inappropriately included in the Preliminary Report.

After considering these requests, the Investigator will develop a Final Investigation Plan that outlines any additional investigatory steps to be taken and briefly explains any denied requests. The Investigator will also address any objections to the information included in the Preliminary Report. To the extent such objections are accepted, the Investigator will redact the Preliminary Investigation Report and investigation materials accordingly. The Investigator will maintain copies of both the complete and redacted investigation materials. To the extent such objections are not accepted, the Investigator will summarize these reasons but also note the party's objection(s).

The Investigator will brief the Title IX Coordinator on the Final Investigation Plan in writing or orally. The Title IX Coordinator will share the Final Investigation Plan with the parties. If no one requests any further investigation or otherwise objects to the Preliminary Investigation Report, such Report shall be deemed the Final Investigation Report.

### **Investigation Plan and Final Investigation Report**

**Investigation Phase 2:** The Investigator will complete the investigation as outlined in the Final Investigation Plan. After the Investigator determines that the final investigation is reasonably complete, the Investigator will prepare a Final Investigation Report. The Investigator will share the Final Investigation Report with the Title IX Coordinator for approval. Once approved the Title IX Coordinator will notify the parties and Hearing Officer when the Final Investigation Report is available to review and will provide confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Final Investigation Report. The Final Investigation Report will highlight any additions or modifications from the Preliminary Investigation Report for ease of reference.

Neither the Claimant nor Respondent (nor anyone on their behalves) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

The Hearing Officer will have the opportunity to review the Final Investigation Report. The Hearing Officer can make requests for additional investigation or clarification to the Title IX Coordinator on aspects of the Final Investigation Report. The Title IX Coordinator will relay the request to the Investigator. If the Hearing Officer makes additional requests, the Title IX Coordinator will notify the parties.

**Hearing:** A Hearing will be held in which the Hearing Officer will make findings of fact on disputed facts and determine if a Policy violation occurred based on the facts the Hearing Officer determined to have occurred.

**Questioning:** All questions during the Hearing shall be asked by the Hearing Officer. The Hearing Officer will question the parties and whichever witnesses the Hearing Officer deem necessary to make their decision. The Hearing Officer will also pose all pre-approved questions from the parties. Neither the parties nor their

advisor will be able to ask questions of the witnesses or the other parties through the duration of the Hearing. All questions must be asked through the Hearing Officer.

Five (5) business days before the Hearing, each party must submit questions to the Title IX Coordinator that they request the Hearing Officer to pose to the witnesses and party at the Hearing. Questions will be limited to facts developed during investigation. The Title IX Coordinator will share those questions with the Hearing Officer. The Hearing Officer will briefly explain any denied question request in writing and share with the parties the day before the Hearing.

During the Hearing, a party may submit additional questions to the Hearing Officer. The Hearing Officer will determine during the Hearing which questions will be accepted or denied. The Hearing Officer will then pose approved questions to the witnesses or the parties. No request will be accepted after the witness or party has been dismissed. The parties will generally be able to submit questions once for each witness and party. It is at the discretion of the Hearing Officer to determine if they will allow more than one set of questions.

**Scheduling:** The Hearing date will be scheduled no sooner than ten (10) business days after the release of the Final Investigation Report. The Title IX Coordinator will notify the parties and witnesses of the Hearing date in writing. The Investigator must be available during the Hearing and may be called upon as a witness. All parties and witnesses must attend the Hearing.

**Participation of Parties and Witnesses:** If either Party participates in the Investigation, they must also answer questions during the Hearing in order for the information they provided during the investigation to be considered during the Hearing. If a Claimant chooses not to participate in the Hearing, the College's ability to fully investigate and respond to the complaint will be limited. The College may not be able to move forward to determine if a Policy violation occurred.

If a Party who participates in the investigation wishes to attend the Hearing but not answer any questions, they will be permitted to do so. However, the party's participation will be limited to attendance only. The Party will not be permitted to submit questions for any of the witnesses or parties.

If a Party does not participate in the Investigation but wishes to attend the Hearing, the Party cannot testify during the Hearing, answer questions at the Hearing, or otherwise present new information at the Hearing. The Party will be limited to only submitting questions for the Hearing Officer to pose about facts developed during the Investigation or during the Hearing.

The Hearing is closed and not open to the public. The Investigator and witnesses will only be in the Hearing room when they are called as a witness. A party or witness may make a request to participate in the Hearing in an alternative, remote meeting room or with a partition screen in the Hearing room. The alternative meeting room will be equipped with videoconferencing capabilities so that they can participate in the Hearing. The parties must make their request at least 48 hours before the date of the Hearing, and witnesses shall do so as well to the extent they have 48 hours advance notice. The parties' Advisors may remain in the Hearing room for the duration of the Hearing.

The Hearing will be audio recorded and a Court Reporter will be present for the duration of the Hearing. Audio recordings will be maintained by the College. Transcripts of the Hearing may be made available upon parties' request.

## **Hearing Procedures**

The Chief Civil Rights Officer and Title IX Coordinator will be present for the duration of the Hearing. The Hearing Officer will oversee the Hearing Meeting, which will generally follow the format below. The Hearing Officer in consultation with the Title IX Coordinator may change the order of the witnesses and parties if they deem it necessary.

- The Title IX Coordinator will make opening introductions.
- The Hearing Officer will explain the rules for the Hearing.
- Witnesses called
  - The Hearing Officer will determine the order of witnesses and ask questions of the witnesses,
  - Parties may submit additional questions to Hearing Officer
  - Hearing Officer will ask approved questions.
- Claimant called
  - Hearing Officer will ask questions of the Claimant
  - Parties may submit additional questions to Hearing Officer
  - Hearing Officer will ask approved questions.
- Respondent called
  - Hearing Officer will ask questions of the Respondent
  - Parties may submit additional questions to Hearing Officer
  - Hearing Officer will ask approved questions.
- The Claimant will have five (5) minutes to give an oral closing statement.
- The Respondent will have five (5) minutes to give an oral closing statement.

Hearing Officer will adjourn the Hearing.

## **Notice of Hearing Decision**

The Title IX Coordinator will notify the parties when the Hearing transcript has been received. The Title IX Coordinator will send the written Hearing Officer's decision to the parties within seven (7) business days of receipt of the Hearing transcript. The decision will include whether a policy violation was found to have occurred and the basis for that determination, including factual findings.

### *If Neither Party Appeals*

- If the Hearing Officer does not find Respondent Responsible for any Prohibited Conduct or other violation of College Policy, the Grievance Process will be closed.
- If the Hearing Officer finds Respondent Responsible for the alleged Prohibited Conduct or other violation of College Policy, the matter will be referred for Sanctioning.

### *If Either Party Appeals*

- Sanctioning will take place after the Appeal for Students in Type 2 Formal Procedures are completed.

## **Appeals for Students in Type 2 Formal Procedures**

The following provisions apply to Appeals for Students in Type 2 Formal Procedures pursuant to these Grievance Procedures. Appeals are confined to a review of the case record. They are not a de novo hearing. In any request for Appeal, the burden of proof lies with the party requesting the Appeal, as the original determination and any findings of fact are presumed to have been decided reasonably and appropriately.

Claimant and Respondent each may appeal an adverse finding. For a Claimant, an "adverse finding" is a decision by the Title IX Coordinator that no reasonable cause existed to pursue any or all alleged Policy

violations or a Hearing Officer's finding that the Respondent was not responsible for any or all alleged Policy violations. For a Respondent, an "adverse finding" is the Hearing Officer's finding that the Respondent is Responsible for any or all alleged Policy violations.

The party who first submits the written appeal shall be the "Appellant," and the responding party shall be the "Appellee." The grounds for appeal are limited to the following categories:

- **Significant Procedural Error:** A procedural error occurred that significantly impacted the relevant decision/determination as it applies to the Appellant (e.g. substantiated bias, material deviation from established procedures, etc.). A description of the procedural error and its impact must be described. If the appeal is based on information that the Appellant believes either should have been included or excluded from the Final Investigation Report and/or Hearing Officer's decision, the Appellant must show that, had the information been included or excluded, the decision on Responsibility/No Responsibility would have altered the decision or determination.
- **New Information:** New information has arisen which was not available, known, or reasonably could have been known to the Appellant, prior to the relevant decision or determination, or information that was improperly excluded from the Investigation despite a request from the Appellant to include it, which would have altered the decision or determination. Information that was known to the Appellant but which they chose not to present is not new information. A summary of this new or excluded evidence and its potential impact on the decision or determination must be specified.
- **Abuse of Discretion:** This ground for appeal is only available in cases in which the Title IX Coordinator determined during Intake and Assessment that no reasonable cause existed to believe a Respondent engaged in Prohibited Conduct. It is not a ground for an appeal after a finding of Responsibility or No Responsibility for a report of Prohibited Conduct. An abuse of discretion is established if the Title IX Coordinator failed to exercise sound, reasonable decision-making skills during Intake and Assessment to evaluate whether the report implicated Prohibited Conduct.

*An Appeal is not allowed simply to express dissatisfaction with the findings.* If an Appeal does not state one of the three permissible grounds for Appeal, it will be rejected by the Chief Civil Rights Officer. The Chief Civil Rights Officer will notify the party if they can cure the impermissible grounds for Appeal and give a new deadline to submit the corrected Appeal.

The Claimant has five (5) business days from receiving either the written notice of the Chief Civil Rights Officer's decision not to proceed with the Grievance Process or the written notice of the Hearing Officer's decision to submit a written Appeal to the Chief Civil Rights Officer.

The Respondent has five (5) business days from receiving the written notice of the Hearing Officer's decision to submit a written Appeal to the Chief Civil Rights Officer.

The Chief Civil Rights Officer will share the request for Appeal with the Appellee, who shall have five (5) business days to submit a response statement. The Appeal and Appeal Response are limited to ten (10) pages (including any attachments or exhibits that are not part of the Final Investigation Report). Except for good cause shown and accepted at the discretion of the Chief Civil Rights Officer, late responses or responses of more than ten (10) pages will not be considered.

The Appeal Record consists of the Final Investigation Report (with attachments), the Hearing transcript, the Hearing Officer's decision, the Appeal, the Appeal Response, and, when called into question by an Appeal, the Investigator's Final Investigation Plan.

During the pendency of the appeal, Respondent's relationship with the College will maintain the status quo (e.g. if Respondent was on Interim Suspension or Leave pending the Process, the Interim Suspension or Leave remains in place).

The Chief Civil Rights Officer will refer the Appeal Record to an Appeal Officer. The Chief Civil Rights Officer will appoint a trained internal or external Appeal Officer (such as a retired judicial officer, student affairs officer, or similarly experienced professional) ("Appeal Officer") to conduct a fair and impartial review of any appeals submitted by a Claimant or Respondent.

If the Appeal Officer determines that reasonable cause existed to believe a Respondent engaged in Prohibited Conduct and the Title IX Coordinator declined to initiate the Formal Grievance Process for that violation (either in total or in part), the Appeal Officer will send the case back to the Title IX Coordinator with instructions to initiate the Formal Grievance Process for the allegation(s).

If the Appeal Officer determines that a Procedural Error significantly impacted the decision or determination, the Appeal Officer will return the case to the Title IX Coordinator with instructions to correct the error. In rare cases when the procedural error cannot be corrected (as in cases of bias), the Appeal Officer may order a new Hearing.

If the Appeal Officer determines that New Information (or previously excluded information) should have been considered, the Appeal Officer will return the case to the Title IX Coordinator with instructions for the Investigator to include the information in the Final Investigation Report. The Appeal Officer may also order a new Hearing.

Appellant and Appellee will be notified in writing by the Title IX Coordinator of the outcome of the appeal within ten (10) business days of receipt of Appellee's response statement. The Appeal Officer's decision is final and not subject to appeal.

### **Sanctions for Students**

See Sanctions section beginning on page 90.

## **Type 2 Formal Procedures for Faculty Respondents**

### **Relationship to the College's Appointment, Promotion, and Tenure Procedures**

If a claim of discrimination, harassment, or sexual misconduct arises during the College's Appointment, Promotion, and Tenure ("APT") Procedures, such claim will be routed to this Grievance Procedures to determine if a Policy violation occurred and, if so, an appropriate sanction, provided the sanction does supplant the APT process. The APT procedure will be held in abeyance until completion of the Grievance Procedures. Upon completion of the Grievance Procedures, the findings of the Grievance Process shall be conveyed to the then-pending step, and subsequent steps, of the APT procedure. The APT process, including any appeal, shall give due consideration to the Grievance Procedures findings. Remedial actions, if any, for an APT candidate against whom a Policy violation occurred may include, among others, providing the candidate with additional time, requesting additional references, or remanding the dossier for reconsideration. If an APT candidate is found responsible for a Policy violation, the APT process may result in, among other options, denying or delaying appointment, tenure or promotion.

### **Determination of Procedures**

Type 2 Procedures will be followed in circumstances in which the alleged misconduct is sufficiently severe to warrant potential suspension without pay or termination of a faculty member. Type 2 Procedures will be

utilized in all cases of alleged serious sexual misconduct involving faculty Respondents that are referred for Formal Resolution.

If the Title IX Coordinator determines that the Type 2 Procedures may be appropriate in the matter involving a faculty Respondent, the Title IX Coordinator will assemble an Investigation Review Panel as outlined in the section “Appointment of Investigation Review Panel and Panel Chair” and provide the Panel Chair with the available case details. If the Panel Chair concurs with the Title IX Coordinator that the Type 2 process is appropriate, the complaint will then be referred to the Type 2 Procedures.

If the Panel Chair does not agree that Type 2 Process is appropriate, then the case will be forwarded to the entire Investigation Review Panel. If *at least two out of five members* of the Investigation Review Panel agree that, assuming the truth of the Claimant’s report and considering the information in the light most favorable to Claimant, suspension without pay or termination for adequate cause *may* be a reasonably appropriate sanction, *then the matter will be referred to the Type 2 process*. If fewer than two members of the panel agree, the matter is referred to the *Type 1 process*. These determinations are not subject to appeal.

**Appointment of Investigator:** The Title IX Coordinator will appoint a trained internal or external investigator or investigative team (the “Investigator”) to conduct a reasonable, impartial, and prompt investigation of the complaint. The Title IX Coordinator’s choice of Investigator will be based on several factors, including the parties involved, the complexity of the complaint, and the need to avoid any potential conflict of interest. Where appropriate, and at the discretion of the Investigator, the Investigator may engage the independent assistance of professional experts, such as in a case involving an unusual or otherwise complex questions (e.g., academic freedom, mental health or trauma issues, or collection of electronic evidence).

**Appointment of Investigation Review Panel and Panel Chair:**

The Title IX Coordinator will also designate an Investigation Review Panel. All Investigation Review Panel members receive advance training with respect to the College’s Civil Rights Policies. The principal functions of the Investigation Review Panel are to:

- Provide an independent, community-based procedural check to help ensure an equitable Process; and;
- Following a confidential deliberation, make ultimate findings of fact as to Responsibility for the alleged Policy violation(s) by a preponderance of the evidence.

*Composition of Review Panel for Faculty Respondents*

The Chief Civil Rights Officer will select five (5) faculty members of the Administration Committee by lot, provided that all Panel members shall be faculty of equal or higher rank than the faculty Respondent. The panel will elect its Chair. If any prospective Panel Member discloses a potential or actual conflict of interest that precludes such individual from serving, another Panelist will be chosen by lot.

The Panel Chair’s responsibilities include:

- Providing input on the appropriateness of a Type 1 or Type 2 Procedures;
- Reviewing and consulting with the Investigator as to the Preliminary Investigation Plan;
- Reviewing the Preliminary Investigation Report, including any requests by the parties for further or follow-up investigation, and requesting additional or follow-up investigation;
- Reviewing the Final Investigation Report, asking final questions of the Investigator; and,

- Moderating the Investigation Review Meeting.

The Title IX Coordinator will promptly notify the parties of the proposed composition of the Investigation Review Panel. If a party objects to a Panel Member's involvement based upon a conflict of interest or bias, the party must provide written notice explaining the alleged conflict or bias to the Title IX Coordinator within two business days. The Title IX Coordinator will promptly rule on the objection and provide notice to the party and, if the Title IX Coordinator finds a possible or actual conflict of interest or potential bias, a new Panel Member shall be selected through the appropriate process.

**Preliminary Investigation Phase:** The Investigator will establish a Preliminary Investigation Plan. The Investigator will brief the Panel Chair on the basic nature of the case and the preliminary investigation plan in writing or orally. The Panel Chair has two business days to provide any input to the Investigator on the preliminary investigation plan, including with respect to any potential issues that may warrant special consideration or expertise, such as questions of academic freedom, mental health or trauma issues, or electronic evidence. The Investigator reserves the right to begin investigating prior to receiving input on the plan if the composition of the Review Panel is delayed or if waiting for input could impact the timely gathering of information.

The Investigator will then conduct a Preliminary Investigation based upon the facts and circumstances reported to the College and gathered in preceding steps of the process. The Preliminary Investigation shall include interviews and follow-up interviews as feasible and appropriate with the Claimant, the Respondent, and any witnesses who may have relevant information. It shall also include collection of other pertinent evidentiary materials to the extent reasonable and appropriate.

The Claimant, Respondent, and any witnesses shall respond to the Investigator's request to schedule an interview or to provide other evidentiary materials in a timely manner, generally within five (5) business days of the Investigator's request. If a party or witness fails to respond in reasonably timely fashion, the Investigator may continue the investigation without the benefit of this information.

The Investigator will prepare a written summary of each interview and send the same to the witness for a review of accuracy. Unless the witness requests additional time which is deemed reasonable by the investigator, the witness statement will be deemed accurate if the witness does not provide feedback on the statement within two business days of the Investigator's emailing it to the witness at the individual's College email address or, for individuals not affiliated with the College, an email address they have previously provided.

Information may be developed during the course of the preliminary investigation that indicates additional potential Policy violations in addition to those identified in the Notice of Referral for Formal Resolution. In this circumstance, the Investigator shall review such additional potential violations with the Title IX Coordinator, who shall assess whether a reasonable fact-finder could find a Policy violation by a preponderance of the evidence based on the information developed through the Preliminary Investigation. If so, the Title IX Coordinator shall send a written Revised Notice of Referral for Formal Resolution that includes the relevant information and new potential violations. This determination is not subject to appeal.

Once the Investigator determines that the Preliminary Investigation is reasonably complete, the Investigator will prepare a Preliminary Investigation Report. The Report shall include:

- A summary of the incident, alleged Policy violations from the initial notice, the Claimant's



- allegations, and the Respondent's response;
- Identification of any new potential Policy violations raised by the information developed through the Preliminary Investigation and as authorized for incorporation by the Title IX Coordinator;
- A description of undisputed facts;
- A description of material facts in dispute; and
- An analysis and assessment of disputed facts based on all available evidence, including witness credibility.

The Investigator will notify the parties once the Preliminary Investigation Report is available to review and will provide confidential access (such as a protected, "read-only" posting to a secure web portal) to view the Report. Neither the Claimant nor Respondent (nor anyone on their behalf) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

**Response to Preliminary Investigation Report:** The parties will have five (5) business days to submit a written request outlining any additional investigation steps that they believe are necessary or objections to the information included in the Report, including:

- Posing any follow-up issues or questions for any witness, the Claimant or Respondent;
- Requesting a follow-up interview with the Investigator to clarify or provide any additional information that such party believes is relevant to the investigation or to seek clarification from the Investigator on aspects of the Preliminary Investigation Report;
- Identifying any new witnesses who should be interviewed (including a description of what topics/issues the witness should be asked to address and what the interview would contribute to the investigation);
- Identifying any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available (e.g., text messages, social media postings, etc.), understanding that the Investigator lacks the power to subpoena evidence; and,
- Identifying and objecting to any information that such party believes was inappropriately included in the Preliminary Report.

After considering these requests, the Investigator will develop a Final Investigation Plan that will outline any additional investigatory steps to be taken and will also briefly explain any requests that the Investigator recommends be denied. The Investigator will also address any objections to the information included in the Preliminary Report. To the extent such objections are accepted, the Investigator will redact the Preliminary Investigation Report and investigation materials accordingly. The Investigator will maintain copies of both the complete and redacted investigation materials. To the extent such objections are not accepted, the Investigator will summarize these reasons but also note the party's objection(s).

The Investigator will then circulate the Preliminary Investigation Report (as may be redacted), the parties' responses (if any), and the Final Investigation Plan to the Review Panel, who will have five (5) business days to review the materials and to provide feedback to the Panel Chair. The Investigator will consult with the Panel Chair on the proposed Final Investigation Plan in writing or in a meeting. After considering the Panel Chair's feedback, the Investigator will complete a Final Investigation Plan and will notify the parties and the Review Panel of the Final Plan in writing, which will again include a brief explanation as to the reasons for denying or not pursuing any requests for additional investigation.

Any appeal based on an Investigator's determinations set forth in the Final Investigation Plan is limited to the grounds and timing specified in Appeals, below (Section 6) and can only be appealed by Respondent

after the sanctioning phase or by the Claimant after a finding of Non-Responsibility.

If no one requests any further investigation or objects to the Preliminary Investigation Report, such Report shall be deemed the Final Investigation Report, and the Title IX Coordinator will schedule the Investigation Review Meeting consistent with the steps described below.

**Final Investigation Phase:** The Investigator will complete the investigation as outlined in the Final Investigation Plan. After the Investigator determines that the final investigation is reasonably complete, the Investigator will prepare a Final Investigation Report. The Investigator will notify the parties and the Review Panel once the Final Investigation Report is available to review and will provide confidential access (such as a protected, “read-only” posting to a secure web portal) to view the Final Investigation Report. The Final Investigation Report will highlight any additions or modifications from the Preliminary Investigation Report for the parties’ and Review Panel’s ease of reference. The parties and Review Panel will have ten business days to review the Final Investigation Report. The parties and their counsel will have electronic access to the report. However, neither the Claimant nor Respondent (nor anyone on their behalf) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

**Scheduling the Investigation Review Meeting:** The Title IX Coordinator will schedule the Investigation Review Meeting and will provide written notice to the parties, Investigator, and the Review Panel of the date, time, and location of the Meeting. This Investigation Review Meeting will normally be held within five (5) business days following the conclusion of the review period designated for the Final Investigation Report.

This written notification will also remind the parties that they have the ability to present a written statement in response to the Investigator’s Final Investigation Report. Any written statement must be submitted to the Title IX Coordinator two business days in advance of the Investigation Review Meeting and will be shared with the other party and the Review Panel. Written statements are limited to no more than ten pages (including any attachments or exhibits that are not part of the investigation record). Except for good cause shown and accepted at the discretion of the Panel Chair, late responses or responses of more than 10 pages will not be considered.

In addition to the written statement, both parties will be allowed to make oral presentations to the Review Panel at the Investigation Review Meeting. Written or oral statements to the Review Panel cannot contain material which the parties requested to be pursued by the Investigator and which the Title IX Coordinator determined was not relevant to this matter. The Title IX Coordinator will redact any such material in a written submission and will halt any oral presentation that includes such material with instructions to the Review Panel to disregard and an instruction that further attempts to discuss the irrelevant material will result in the party forfeiting their right to continue with the oral presentation.

**Investigation Review Meeting:** The Panel Chair moderates the Investigation Review Meeting and will explain the scope and sequence of the Meeting.

The Title IX Coordinator will attend in an oversight capacity only to monitor that the meeting conforms to the standards for fairness, neutrality, and equality, as well as to address any procedural questions that may arise. If requested and appropriate under the circumstances, the Title IX Coordinator will make arrangements for either party or any witness to participate from a remote location or to participate without being in the another party’s or witnesses’ direct physical presence, while still permitting both parties to hear the proceedings.

The purpose of the Investigation Review Meeting is for the Review Panel to make findings of fact and to determine whether the Respondent is responsible for violating the identified policies by a preponderance of the evidence. The burden of proof rests on the Claimant. The Review Panel shall receive the Final Investigative Report and access to any underlying investigative materials it may request.

The Investigation Review Meeting will be recorded, and the Panel Chair has unreviewable discretion to provide either audio or video recording, with the recording made available to the Claimant and Respondent upon request after the Meeting. The Meeting will normally follow the sequence set forth below:

- The Investigator will make a summary presentation of the Final Investigation Report;
- The Review Panel may ask the Investigator questions to clarify any aspect of the Final Investigation Report;
- The Claimant will have an opportunity to make a closing statement to the Review Panel, followed by the Respondent's closing statement;
- The parties and Investigator are then excused from the Meeting;
- The Title IX Coordinator provides general instructions as to the deliberation process and addresses any procedural questions from the Review Panel.

**Review Panel's Deliberations:** The Review Panel will then deliberate in confidence, and the deliberations cannot be recorded, nor may any Review Panel member discuss the deliberations with anyone following the deliberations. The Title IX Coordinator will be present during deliberations to serve in a consulting role for members of the Review Panel but will not participate in the deliberations or have a vote.

### **Determining Responsibility**

#### Faculty Respondents

- Each Review Panel member has single vote and will note their individual vote (using the preponderance of the evidence standard) for each alleged Policy violation on a form provided by the Title IX Coordinator.
- A finding of Responsibility will be made if at least four (4) out of five (5) Review Panel members find a violation of Policy. For any positive finding of Responsibility, the Review Panel member will also make an independent, simultaneous decision, noted on the form provided by the Title IX Coordinator, as to whether that Policy violation was also established by a clear and convincing evidence standard. This is relevant solely to sanctions, described below in Section 5.
- The Title IX Coordinator drafts a Findings Summary and submits the draft to the Panel Chair, who prepares the Findings Summary. The Panel Chair may adopt the draft in whole or in part. The Findings Summary must explain the Panel's decision with enough specificity for the parties to be able to file meaningful appeals. Thus, the Findings Summary should explain the information deemed important to the decisions, including why significant or contested information may have been deemed unreliable or unpersuasive. However, the Findings Summary will not attribute any statements or opinions to any individual Review Panel member.
- The Title IX Coordinator will distribute the Findings Summary to the Claimant and Respondent within five (5) business days of the Review Meeting.

### **Appeals for Faculty in Type 2 Formal Procedures**

The following provisions apply to appeals for Faculty in Type 2 Formal Procedures pursuant to this Grievance Process. Appeals are confined to a review of the Appeal Record (as defined below). They are not a *de novo* hearing. In any request for Appeal, the burden of proof lies with the party requesting the appeal, as the

original determinations and any findings of fact are presumed to have been decided reasonably and appropriately.

Claimant and Respondent each have a limited right to appeal. The party who first submits the written appeal shall be the “Appellant,” and the responding party shall be the “Appellee.” An appeal is not allowed simply to express dissatisfaction with the findings. Instead, the grounds for appeal are limited to the following categories:

- **Significant Procedural Error:** A procedural error occurred that significantly impacted the relevant decision/determination as it applies to the party (e.g., substantiated bias, material deviation from established procedures). A description of the error and its impact must be included in the written appeal. If the appeal is based on information which the party believes either should have been included or excluded from the Final Investigation Report, the party must show that, had the information been included or excluded, the decision on Responsibility/No Responsibility would have been different.
- **New Information:** New information has arisen which was not available or known to the party prior to the relevant decision or determination, or information that was improperly excluded from the Investigation Review Meeting despite a request from the party to include it, which could have substantially impacted the decision or determination. Information that was known to the party but which they chose not to present is not new information. A summary of this new or excluded evidence and its potential impact on the decision or determination must be specified.

The Claimant may appeal the following decisions:

- The Chief Civil Rights Officer’s determination after Intake and Assessment that no Formal Process is implicated by the Claimant’s allegations (either as to the allegations made at the initial Intake and Assessment *or* as to additional Policy violations which were revealed after the preliminary investigation was completed but which the Chief Civil Rights Officer decided not to include);
- The Investigator’s refusal to conduct further investigation upon a proper, timely request following the Preliminary Investigation Report; or
- A finding of No Responsibility through the Formal Resolution Process.

The Claimant has five (5) business days from receiving written notice of the Chief Civil Rights Officer’s decision not to proceed with the Grievance Process, five (5) business days from receiving written notice of the Review Panel’s determination of No Responsibility, or five (5) business days from receiving determination of sanctions to submit a written appeal to the Chief Civil Rights Officer.

The Respondent may appeal the following decisions:

- The Investigator’s refusal to conduct further investigation upon a proper, timely request following the Preliminary Investigation Report; or
- A finding of Responsibility through the Formal Resolution Process.

The Respondent has five (5) business days from receiving written notice of the Sanction to submit a written appeal to the Chief Civil Rights Officer. A Claimant may not appeal the appropriateness of a sanction, or lack of sanction, imposed on a Respondent.

The Chief Civil Rights Officer will share the request for Appeal with the Appellee, who shall have five (5) business days to submit a response statement.

The Chief Civil Rights Officer will appoint a trained Appeal Officer, to conduct a fair and impartial review of

any appeals submitted by a Claimant or Respondent. For faculty Respondents the Appeal Officer will be the Vice President for Academic Affairs, unless there is a conflict of interest as determined by the review committee chair, in which case the President will serve as the Appeal Officer.

In lieu of an internal Appeal Officer, the Chief Civil Rights Officer may appoint an external Appeal Officer who has appropriate experience, such as a retired judge or similar professional. The Chief Civil Rights Officer will also refer the written appeal, any response, and the underlying case record (the "Appeal Record") to the Appeal Officer. Requests for appeal and responses to them shall not exceed 10 pages (including any attachments or exhibits that are not part of the investigation record). Except for good cause shown and accepted at the discretion of the Appeal Officer, late responses or responses of more than 10 pages will not be considered.

The Appeal Officer will determine whether any grounds for the Appeal are substantiated.

If the Appeal Officer determines that a reasonable fact-finder could find a Policy violation by a preponderance of the evidence, and the Chief Civil Rights Officer declined to initiate the Formal Process for that violation (either in total or in part), the Appeal Officer will send the case back to the Chief Civil Rights Officer with instructions to initiate the Formal Process for the allegation(s).

If the Appeal Officer determines that the Request for Appeal shows a Procedural Error that significantly impacted the relevant decision or determination, the Appeal Officer will return the complaint to the Chief Civil Rights Officer with instructions to correct the error and to reconvene the Investigation Review Panel Meeting to reconsider the findings as appropriate. In rare cases where the procedural error cannot be corrected (as in cases of bias), the Appeal Officer will order a further process that removes the earlier source of error. The results of a reconvened Investigation Review Panel Meeting cannot be appealed.

If the Appeal Officer determines that the Appeal shows New Information (or previously excluded evidence) that should have been considered, the complaint will be returned to the Chief Civil Rights Officer, who in turn will direct the Investigator to draft a new Final Investigation Report in light of the new or previously-excluded information only. The Chief Civil Rights Officer will promptly reconvene the Investigation Review Panel Meeting to reconsider the original findings as appropriate. The findings of the reconvened Investigation Review Panel Meeting are not appealable.

The Appeal Officer will prepare a written Appeal Outcome Notice that will include an explanation of the basis of the decisions on appeal. The Appeal Outcome Notice will generally be provided to Appellant and Appellee within ten business days of receipt of Appellee's response statement. The Appeal Officer's Appeal Outcome Notice is final.

During the pendency of the appeal, Respondent's relationship with the College will maintain the status quo (e.g., if Respondent was on Interim Suspension pending the Process, the Interim Suspension remains in place).

### **Sanctions**

If a Respondent is found responsible for violating a Policy adjudicated under this Process, after the Appeal Process has been completed the Chief Civil Rights Officer will notify the parties in writing that the matter is being referred for Sanctioning as follows:

- For staff and third party Respondents: the Director of Human Resources (or designee) determines sanctions.
- For student Respondents: the Vice President for Student Affairs (or designee) determines sanctions.
- For faculty: described below.

If the Chief Civil Rights Officer determines that the designated Sanctioning Officer has a conflict with a particular case, the Chief Civil Rights Officer will appoint an appropriate, non-conflicted Sanctioning Officer.

Any one or more of the sanctions listed below may be imposed on a Respondent found responsible for a violation under this Grievance Process. Sanctions not listed here may be imposed in consultation with and approval by the Chief Civil Right Officer. Sanctions are assessed in response to the specific violation(s) and any prior discipline and academic dishonesty history of the Respondent. Some of the sanctions listed are applicable only to students, as indicated.

The College exercises its judgment in designing reasonable sanctions. Not all violations will be deemed equally serious offenses, and the College reserves the right to impose different sanctions depending on the severity of the offense and to take non-disciplinary, administrative actions as appropriate. Sanctions may not be appealed.

#### **Sanctioning Procedures for Student, Staff, and Third Party Respondents**

The Claimant and the Respondent may submit a Consideration of Sanctions statement to the Title IX Coordinator within five (5) business days of receiving the Final Investigation Report or upon receiving the Appeal Decision. The Consideration of Sanctions statement should outline the sanctions the party believes should be considered by the Sanctioning Officer as well as an explanation of why the requested sanctions are reasonable and appropriate.

After the time period for submitting any Consideration of Sanctions statements has expired, the Sanctioning Officer will determine or recommend sanctions. The Sanctioning Officer will receive the case record, Consideration of Sanctions statements, and Respondent's prior conduct history (including any prior employment discipline history).

The Sanctioning Officer shall notify the Title IX Coordinator in writing of the sanctioning decision within five (5) business days of receiving the case. The Title IX Coordinator will notify the parties of the sanctioning decision within two business days of receiving it from the Sanctioning Officer.

CMC provides simultaneous notification, in writing to both parties the result of the institutional disciplinary proceeding arising from Prohibited Conduct in the Civil Rights Policy. CMC will also notify both parties of their right to appeal the decision in the Final Investigation Report. Also, CMC provides simultaneous notification, in writing to both parties of a change in the result or when a result becomes final.

#### **Sanctioning Procedures for Faculty Respondents**

The Claimant and the Respondent may submit a Consideration of Sanctions statement to the Chief Civil Rights Officer within five (5) business days of the Chief Civil Rights Officer's notification. The Consideration of Sanctions statement should outline the sanctions the party believes should be considered by the Sanctioning Officer as well as an explanation of why the requested sanctions are reasonable and appropriate.

The Chief Civil Rights Officer will provide the statements to the Chair of the Review Panel, who will

reconvene the Panel to determine sanctions, consistent with this framework and any prior disciplinary history of the Respondent.

If the Panel Chair finds that the violation(s) constitute adequate cause for suspension without pay or termination for cause as defined in the Faculty Handbook (Section 4.3.1), then the Review Panel will reconsider whether the violation(s) were established by clear and convincing evidence. If four (4) out of five (5) Review Panel Members do not find at least one serious Policy violation established by clear and convincing evidence, suspension without pay or termination for cause may not be imposed. A serious violation of a Civil Rights Policy will normally be sufficient to establish that a Respondent engaged in “personal misconduct that is directly and substantially related to the fitness of a faculty member as a teacher and/or a researcher” as outlined in the Faculty Handbook.

The Panel Chair shall notify the parties in writing of the sanctioning decision within five (5) business days of receiving the case from the Chief Civil Rights Officer.

Upon written request, CMC will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **Sanctions**

If a Respondent is found responsible for engaging in Prohibited Conduct under the Civil Rights Guide, the Chief Civil Rights Officer or Title IX Coordinator will notify the parties in writing that the matter is being referred to the appropriate Sanctioning Officer or process as follows:

- For student Respondents: the Vice President for Student Affairs (or designee)
- For faculty Respondents: pursuant to the Faculty Disciplinary Process set forth in the Faculty Handbook
- For staff and third party Respondents: the Director of Human Resources (or designee)

Sanction(s) will be structured to end the conduct, prevent its recurrence, and remedy its effects on the Claimant and the CMC community. Not all violations will be deemed equally serious offenses, and CMC reserves the right to impose different sanctions depending on the severity of the offense. The Chief Civil Rights Officer or Title IX Coordinator will communicate the sanctions outcome to the parties within three business days of the conclusion of the sanction decision.

Any one or more of the sanctions listed here may be imposed on a Respondent found responsible for a violation under this Grievance Process. Sanctions not listed here may be imposed in consultation with and approval by the Chief Civil Rights Officer or Title IX Coordinator. Sanctions are assessed in response to the specific violation(s) and any prior discipline history of the Respondent. Some of the sanctions listed are applicable only to students, as indicated.

Possible sanctions include:

**A. Warning:** Written notice that the Respondent’s behavior was in violation of the Civil Rights and/or other policy and that future violations will result in more severe sanctions.

- B. Restitution:** Reimbursement by the Respondent(s) to CMC, another Claremont College, the Claremont University Consortium, the Claimant(s), or a member of The Claremont College's community to cover the cost of property damage or other loss.
- C. Fine:** A monetary penalty assessed as appropriate to the violation.
- D. Service Hours (students only):** A set number of work hours the Respondent must complete. The Chief Civil Rights Officer will determine the nature of the work to be performed. Generally, service hours are conducted on campus.
- E. Educational Program/Project:** Programs and activities designed to help the Respondent become more aware of CMC 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.
- F. Referral for Counseling:** A referral for an assessment with an appropriately-trained therapist and a mandate to follow any recommendations resulting from the assessment.
- G. Loss of Privileges (students only):** Denial of specific privilege(s) for a defined period of time. Privileges include, but are not limited to, participation in extra-curricular activities and events such as social events, intercollegiate athletics, intramural programs, student organizations, and student government, as well as the privilege of living on campus, living in a specific residence hall, participation in commencement ceremonies, or having a vehicle on campus.
- H. Restricted Access:** Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in CMC-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 college's campus.
- I. Removal of Offending Cause:** Requirement to remove the item which was the subject of the complaint.
- J. Relocation or Removal from Residence Halls (students only):** Requirement that the Respondent relocate to another residence hall, or off-campus, by a specified date.
- K. Conduct Probation (students only):** Formal, written notice that the Respondent's behavior is in violation of CMC's Civil Rights and Related Policies and an expectation that the Respondent exhibit good behavior for a defined period of time. Any violation during the probationary period will result in increased sanctioning and may result in suspension or expulsion. 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.
- L. Employment Probation:** Formal, written notice that the employee's conduct is in violation of CMC's Civil Rights and Related 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.



**M. Suspension** (students only): Separation from CMC for a defined period of time. During the suspension period the Respondent is not permitted on campus and is not permitted to participate in any CMC-sponsored or affiliated program or activity. The terms of the suspension may include the designation of special conditions affecting eligibility for readmission or special conditions to be in effect upon readmission, including a term of Conduct Probation. During the term of suspension, the student will have the notation of “ineligible to register” on their academic transcript. The notation will be removed upon returning to campus. Should the student desire to enroll in another academic institution while on suspension, they are advised to contact the Registrar for information regarding transfer of academic credits completed while suspended.

**N. Suspension without Pay** (employees): Separation of employment for a defined period of time without pay for the time of separation.

**O. Employment Termination:** Permanent separation of the employee if the respondent is a non-student employee and permanent separation of the employee from their student position if the respondent is a student.

**P. Expulsion** (students only): Permanent separation from CMC. A Respondent who has been expelled is not permitted on campus and is not permitted to participate in any CMC-sponsored or affiliated program or activity.

**Q. Revocation of Degree** (students only): A Respondent’s degree may be revoked if the Respondent is found responsible after having graduated. A Respondent whose degree has been revoked is not permitted on campus and is not permitted to participate in any College-sponsored or affiliated program or activity.

**Sanctioning Guidelines for sexual assault cases:** Although it is not possible to outline specific sanctions to be imposed in all sexual assault cases, the following guidelines have been established to provide notice to the community and provide context for the Sanctioning Officer in determining appropriate sanctions:

- For student Respondents: Normally expulsion or a minimum 1-year suspension.
- For faculty or staff Respondents: Normally suspension without pay or termination for cause.

Additionally, any of the above sanctions may be imposed.

**Sanctioning Guidelines for dating violence, domestic violence, or stalking cases:** Although it is not possible to outline specific sanctions to be imposed in these cases, the following guidelines have been established to provide notice to the community and provide context for the Sanctioning Officer in determining appropriate sanctions:

- For student Respondents: Educational Intervention up to expulsion - depending on the nature of the violence.
- For faculty or staff Respondents: Educational Intervention up to termination for cause depending on the nature of the violence.

Additionally, any of the above sanctions may be imposed.

Sexual assault is defined in CMC’s Discrimination, Harassment, and Sexual Misconduct.

**Non-Disciplinary, Administrative Measures:** In addition to and independent of the results an Investigation Review Meeting, the Chief Civil Rights Officer will determine any appropriate non-disciplinary, administrative measures. Such measures may include various forms of remedial, community-based responses, such as educational initiatives and/or trainings. In addition, the Chief Civil Rights Officer will continue to provide for the care and support of the parties as appropriate, including the ongoing provision of appropriate accommodations.

### **Victim Confidentiality & Marsy’s Law**

CMC recognizes the sensitive nature of sexual violence and is committed to protecting the privacy of any individual who reports an incident of sexual violence. Different officials on campus are, however, able to offer varying levels of privacy protection to victims. California’s “Marsy’s Law” ([California Constitution Article I, Section 28 \(b\)](#))<sup>42</sup> provides some protections of victim’s confidential information or records.

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

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

### **Sex Offender Registration – Campus Sex Crimes Prevention Act (“Megan’s Law”)**

Members of the general public may request community notification flyers for information concerning sexually violent predators in a particular community by visiting the chief of law enforcement officer in that community. The State of California maintains a [database of convicted sex offenders](#)<sup>43</sup> who are required to register their home addresses.

### **Missing Student Notification Policy**

The Clery Act requires institutions that maintain on campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092 (j) Section 488 of the Higher Education Opportunity Act of 2008).

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

### **Confidential Contact**

Students who reside in on-campus housing are encouraged to register one or more people as a confidential contact for the College to contact strictly for the purposes of attempting to verify whether you are a missing person. Confidential contacts can be, but are not required to be, the same as the student’s emergency contact(s). The confidential contact(s) will be kept confidential and can only be accessed by authorized College officials. College officials may only disclose the confidential contact(s) to law enforcement officials for the purposes of a missing student investigation. Students may update their missing person contact and their emergency contact information at any time by notifying the Dean of Students Office or updating the information on their student portal.

If a residential student believed to be missing is under 18 years old and not emancipated, CMC will also notify a custodial parent or guardian.

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<sup>42</sup> [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CONS&sectionNum=SEC.%2028.&article=I](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS&sectionNum=SEC.%2028.&article=I)

<sup>43</sup> <https://www.meganslaw.ca.gov/disclaimer.aspx?lang=ENGLISH>

## **Investigation and Notification Procedures**

If any member of the CMC community has reason to believe that a student may be missing, he or she should immediately notify the Dean of Students Office at 909-621-8114 (Monday-Friday, 8:00 am to 5:00 pm) or the Department of Campus Safety at 909-607-2000. The College will initiate an investigation into any report of a missing person as soon as this information is received by the College or the Department of Campus Safety. If Campus Safety was not initially notified, the Dean of Students Office will immediately notify Campus Safety upon receipt of a report that a student may be missing.

If a student is determined to have been missing for twenty-four (24) hours, the College and/or Department of Campus Safety will notify the appropriate law enforcement agency and initiate the notification procedures as set forth in this policy. Students in the Silicon Valley Program may also call the Director of the Program at 909-293-9418. Students in the Washington Program may call the Director of the Program at (240) 577-2015. In no instance should someone wait more than 24 hours after the student is thought missing to notify CMC.

CMC will initiate an investigation into any report of a missing person as soon as this information is received by CMC or Campus Safety. The appropriate Dean of Students representative, or other designated individual, will begin to coordinate efforts to find a missing student, including contacting the Confidential Contact, notifying Campus Safety, contacting the student's roommate or Resident Assistant, searching a student's use of their ID card around CMC, and/or checking social networks. The investigation may include notifying the local law enforcement agency that has jurisdiction in the geographical areas around the specific campus location (for CMC's main campus, this means the Claremont Police Department).

Although these notifications must only occur within 24 hours after CMC has been notified that a residential student is thought to have been missing for 24 hours, CMC will generally not wait for 24 hours to make these notifications.

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

The mission of CMC is to educate students for thoughtful and productive lives and roles of responsible leadership. In support of this mission, we seek to provide a living and learning environment in which students can advance their own intellectual, social, moral and personal development and in which all members of our community work together in pursuit of the CMC mission. The irresponsible, abusive, or illegal use of alcohol and other drugs is antithetical to the pursuit of our mission and students' growth and development and can result in negative consequences for the individual and the community. Negative consequences include, but are not limited to, hangovers and blackouts, disruptive behavior, academic impacts, vandalism, impaired driving, alcohol or drug dependence or addiction, sexual assault, and personal injury and death.

CMC expects students and staff to conduct themselves in a responsible manner and in accord with the law and CMC's policies. CMC complies with all federal, state, and local laws and regulations governing the possession, use, sale, and distribution of alcoholic beverages, illegal drugs, and controlled substances by all members of the CMC community. The College uses licensed bartenders for ticketed events to enforce California's drinking regulations. To drink alcohol at such events, students must provide a government issued photo identification (ID) with proof that they are of legal age. Additionally, students who are 21 or older are provided a wristband. CMC Public Safety, Campus Safety, and members of the Dean of Students Office, including Resident Assistants, are the primary enforcement agents at the college. Students in possession of a false ID will have the ID confiscated and will be subject to conduct proceedings. Regardless of age, when students drink in an immoderate, irresponsible, or unsafe manner, college personnel intervene to enforce community expectations of responsible moderation, and the students are subject to conduct proceedings.

CMC authorizes Campus Safety to act in an enforcement role on behalf of the institution when Public Safety, a CMC professional staff member or a Resident Assistant is not present or has requested support.

Similarly, the use of illicit drugs is prohibited and monitored. The possession and use of marijuana, though legal in California, is not permitted on campus in compliance with federal law. CMC Public Safety, Campus Safety, and members of the Dean of Students Office, including Resident Assistants, are the primary enforcement agents at the college. Resident Assistants or other college personnel who observe the possession or use of marijuana or other illegal substances are to notify Campus Safety immediately. Campus Safety protocol is to confiscate the illegal substances, take a thorough report, and notify the Dean of Students Office. Those students are subject to the college's conduct process. The influence of alcohol or other drugs is not an excuse for unsafe or irresponsible behavior and will not be seen as a mitigating factor in any proceeding to resolve alleged violations of College policy.

For more information, please see the [High-risk Alcohol and Drug Use Prevention Program Guide<sup>44</sup>](#) along with the [College's Drug-Free Schools and Communities Act Biennial Review<sup>45</sup>](#) and the [annual disclosures<sup>46</sup>](#) sent to all students.

### **College Regulations Regarding Alcohol**

The following policies are in place to ensure the moderate and responsible use of alcohol by members of CMC community.

1. The purchase, possession, or consumption of alcohol (including beer, wine, and hard alcohol/liquor) by any person under the age of 21 is prohibited.
2. Providing alcohol or access to alcohol to individuals under the age of 21 is prohibited.
3. Alcohol may not be served, consumed, or present at intercollegiate athletic events.
4. When alcohol will be present at a College-sponsored or affiliated event (including student hosted events) and students will be present, the event must be registered and approved by the Student Activities Office. Such events must comply with the Guidelines for the Use of Alcohol at Formal Activities and Events.
5. The sale of alcohol is prohibited without a liquor license.
6. Common-source containers of alcohol (including, but not limited to, kegs, kegerators, multi-gallon containers, and punch bowls) are not permitted on campus unless approved by Student Activities staff through the Event Registration process.
7. Event staff and security reserve the right to refuse entry to any student or guest.
8. Attendees may not bring more than one drink into or out of an event.
9. Alcohol use is not permitted on campus prior to the first day of classes each semester regardless of when the student returns to campus for that semester.
10. Student fee money may not be used to purchase alcohol.
11. Students who wish to consume alcohol at school sponsored functions must prove their age by presenting their government issued ID, such as a state issued driver's license, state or federal agency issued ID card, or passport.
12. Visibly intoxicated attendees will not be served alcohol and may be removed from any event.
13. Food water and other non-alcoholic beverages must be available throughout the event.
14. Public intoxication (openly drunken, disorderly behavior) is prohibited.

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<sup>44</sup> <https://catalog.claremontmckenna.edu/content.php?catoid=30&navoid=4711>

<sup>45</sup> <https://claremontmckenna.box.com/s/r6x372mftpdqcf4t0gxpqkqnirllgks45>

<sup>46</sup> <https://claremontmckenna.box.com/s/f6ee47gzst9t8j1beqlqgdw2h81azta>

15. The display of alcohol containers in windowsills or in clear view of the public is not permitted.
16. Any alcohol remaining after an event will be disposed of by event staff.
17. Students found responsible for violations of federal, state or local laws or College regulations governing the possession, use, sale, or distribution of alcoholic beverages will be subjected to CMC educational or disciplinary sanctions and may be referred to local law enforcement.

### **College Regulations Regarding Drugs**

The following policies are in place to prevent drug abuse and distribution by members of CMC community.

1. The use, sale, manufacture, possession, or distribution (providing, sharing, jointly purchasing, purchasing for others, or otherwise making available) all forms of illegal drugs (per Federal statutes) including edibles and drinkables are prohibited.
2. The use, sale, or distribution of legally prescribed medication for use in a manner in which the medication was not intended (including use by someone other than the person to whom the medication was prescribed) is prohibited.
3. Marijuana use on campus is prohibited in compliance with Federal law. Documentation of medically prescribed marijuana does not exempt a student from this Policy. A student who qualifies for medical use under California's Compassionate Use Act should speak with the Dean of Students regarding their option to live off campus.
4. The display of drug paraphernalia, regardless of whether the item has an alternate legal use, is not permitted.
5. Students found responsible for violations of federal, state or local laws or College regulations governing the possession, use, sale, or distribution of drugs will be subjected to CMC educational or disciplinary sanctions and may be referred to local law enforcement.

### **Facts About Alcohol**

1. The average serving of wine (5 oz), beer (12 oz), or hard alcohol/liquor (1.5 oz) contains approximately the same amount of alcohol.
2. It takes approximately one hour for the body to process (oxidize) the amount of alcohol in an average serving.
3. If a person drinks slowly (one average drink per hour or less), there is less likelihood of intoxication. A faster rate of consumption will produce a buildup of alcohol in the bloodstream, resulting in intoxication.
4. Eating before and while consuming alcohol will slow the rate at which alcohol is absorbed into the bloodstream.
5. Diluting alcohol with another liquid such as water slows down the absorption, but mixing alcohol with a carbonated beverage increases the rate of absorption.
6. The body oxidizes alcohol at a fairly constant rate. Nothing will accelerate the sobering-up process. You can give a drunk person gallons of coffee, for example, and the result will not be sobriety, but a wide-awake drunk.
7. Alcohol depresses the central nervous system. The relaxed "high" people often feel from drinking results from the alcohol depressing upper levels of the brain that store learned behavior such as judgment and self-control. Higher levels of alcohol depress deeper levels of the brain producing increased impairment.
8. Consuming alcohol while taking over-the-counter or prescription medications or illegal drugs is dangerous and presents serious health and safety concerns.

9. Binge drinking is defined by the Center for Disease Control and Prevention as a pattern of drinking that brings a person's blood alcohol concentration (BAC) to .08 grams percent or above. This typically happens when men consume five or more drinks and when women consume four or more drinks in about two hours.
10. Binge drinking is associated with many health problems including unintentional injuries (falls, burns, drowning, crashes), intentional injuries (fighting, sexual assault), alcohol poisoning, liver disease, sexually transmitted diseases, and unintended pregnancy.

### **California Laws Governing Alcohol Use on Campus**

Members of the CMC community are expected to be familiar with federal, state and local laws regarding alcohol. Students should be familiar with California laws governing the consumption of alcohol. The following summarizes those laws most relevant to all persons who might find themselves on the Claremont McKenna College campus. The list is provided for as a reference and is not all inclusive.

- It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public (CA Business and Professions Code 25662).
- Any person who furnishes gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor (CA Business and Professions Code 25658(a)).
- Any person under the age of 21 who attempts to purchase an alcoholic beverage is guilty of an infraction (CA Business and Professions Code 25658.5).
- Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor (CA Penal Code 647(f)).
- It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher (CA Vehicle Code Section 23152). NOTE: A golf cart is a motor vehicle.
- It is unlawful for a person under the age of 21 years who has 0.05 percent or more, by weight, of alcohol in his or her blood to drive a vehicle (CA Vehicle Code Section 23140(a)).
- It is illegal for a person under the age of 21 to drive a vehicle when he or she has a blood alcohol concentration (BAC) of .01% or higher (CA Vehicle Code Section 23136(a)).
- It is a misdemeanor to ride a bicycle under the influence of alcohol, drugs or both (CA Vehicle Code Section 21200.5).
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle (CA Vehicle Code Section 23223).
- It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in the passenger area (CA Vehicle Code Section 23225).

Violations committed by non-CMC students, will be addressed in accordance with existing MOUs (Memorandum of Understanding) between CMC Public Safety, TCC Campus Safety and the relevant law enforcement agency with jurisdictional responsibility. CMC Public Safety will complete relevant reports relating to alcohol related incidents and in instances where there is an active investigation or violation of law, that might necessitate an arrest, relevant law enforcement agencies will be requested for assistance/enforcement.

Violations committed by non-CMC students, will be addressed in accordance with existing MOUs (Memorandum of Understanding) between CMC Public Safety, TCC Campus Safety and the relevant law enforcement agency with jurisdictional responsibility. CMC Public Safety will complete relevant reports relating to alcohol related incidents and in instances where there is an active investigation or violation of law, that might necessitate an arrest, relevant law enforcement agencies will be requested for assistance/enforcement.

For more information about alcohol laws in California, please refer to [www.abc.ca.gov/LawsRulesReg.html](http://www.abc.ca.gov/LawsRulesReg.html).

### **Underage Drinking**

It is illegal for anyone under 21 years of age to attempt to purchase, consume, possess, or knowingly and intentionally transport any liquor, malt or brewed beverage. It is also illegal to lie about age to obtain alcohol and to carry a false identification card. It is also illegal to serve alcohol to a minor.

### **Carrying False I.D.**

It is illegal for anyone under 21 to possess an identification card falsely identifying that person by name, age, date of birth, or photograph as being 21 or older to attempt to obtain liquor, malt, or brewed beverage by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of the person who possesses the card.

### **Public Intoxication**

It is illegal to appear in any public place manifestly under the influence of alcohol to the degree that you may endanger yourself or other persons or property, or annoy others in your vicinity.

Public intoxication is a crime when a person appears in any public place manifestly under the influence of alcohol or a controlled substance to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

Public intoxication also leads to other behaviors and important health concerns. Oftentimes public intoxication contributes to many criminal mischiefs and disorderly conducts on campus. Persons must be responsible for their own actions and know their limits and tolerance levels before consuming alcohol.

### **Serving/Furnishing Alcohol to Obviously Intoxicated Person**

It is illegal to sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to any obviously intoxicated person.

### **Driving Under the Influence (DUI)**

In California, it is illegal to operate a motor vehicle with a Blood Alcohol Concentration level (BAC) or .01% BAC if you are under age 21, and it is illegal to operate a motor vehicle with a BAC of .08% at any age. Drivers under age 18 may not operate a motor vehicle with ANY measurable BAC. Penalties for a first offense include jail time of 4 days to 6 months, fines of up to \$1,000, driver's license suspension of 30 days to 10 months, and required installation of an Interlock Ignition Device.

### **Refusing a Chemical Test**

Any person who drives a motor vehicle automatically gives consent to one or more chemical test (e.g. breath, blood, or urine). This implied consent means that a person doesn't have the right to an attorney before testing. If a person refuses to submit to a chemical test: 1) the test will not be conducted; 2) the person's license will be suspended for one year; 3) the person will most likely be charged with DUI.

### **Container Laws**

In California, it is illegal to possess an open container of an alcoholic beverage in a car, even if that beverage

has not been consumed.

### **California Laws Governing Drug Use on Campus**

Members of the CMC community are expected to be familiar with federal, state and local laws regarding drugs. The following list is provided for as a reference and is not all inclusive.

- Possession of Marijuana (California Health & Safety Code Section 11357)
- Possession for Sale of Marijuana (California Health & Safety Code Section 11359)
- Transportation of Marijuana (California Health & Safety Code Section 11360)
- Possession of Drug Paraphernalia (California Health & Safety Code Section 11364)
- Unauthorized Possession of Controlled Substances (California Health & Safety Code Sections 11350 & 11377)
- Possession for Sale of Controlled Substances (California Health & Safety Code Sections 11351 & 11378)
- Sale of Synthetic Cannabinoid or Stimulant Compound Derivative (California Health & Safety Code Sections 11357.5 and 11375.5). Possession of these items are prohibited under federal law (21 United States Code 811).
- Transportation of Controlled Substances (California Health & Safety Code Sections 11352 & 11379)
- Possession with intent to manufacture methamphetamine (California Health & Safety Code Section 11383)
- Federal Omnibus Drug Initiative of 1988: Gives courts the authority to suspend eligibility for Federal student aid when sentencing an individual convicted of possession or distribution of a controlled substance.

Please visit the [National Institute on Drug Abuse website](https://www.drugabuse.gov/)<sup>47</sup> for more information.

CMC Public Safety Officers, On-Call Deans, DOS staff and other CMC leadership, will address policy violations around drug possession and/or other unknown substance use/abuse in real time. Student welfare will be considered first priority, with subsequent documentation and follow-up to address long term care and safety, as well as possible disciplinary action based on CMC's Student Code of Conduct Policy. Drug incidents that constitute violations of federal and state law will be addressed in accordance with existing MOUs (Memorandum of Understanding) between CMC Public Safety, TCC Campus Safety and the relevant law enforcement agency with jurisdictional responsibility. CMC Public Safety will complete relevant reports relating to drug related incidents and in instances where there is an active investigation or violation of law, that might necessitate an arrest, relevant law enforcement agencies will be requested for assistance/enforcement.

### **Alcohol and Drug Policies Specific to Faculty and Staff**

CMC seeks to maintain a work and educational environment that is safe for Employees and students and conducive to hard work and high educational standards. CMC complies with all appropriate federal, state and local regulations regarding illicit use of drugs and the abuse of alcohol in the workplace.

Drug and alcohol use is highly detrimental to the work place and to the efficiency and productivity CMC desires to promote. The use, possession, distribution or sale of drugs or alcohol, or being under the influence of drugs or alcohol, is strictly prohibited while working or while on CMC premises. Violation of this policy

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<sup>47</sup> <https://www.drugabuse.gov/drug-topics/commonly-used-drugs-charts>



will result in disciplinary action, possibly including discharge. This policy is not construed to prohibit the use of alcohol at social or business functions sponsored by CMC where alcohol is served. However, Employees must remember their obligation to conduct themselves properly at all times while at College sponsored functions or while representing CMC at off-campus events.

Legally prescribed medications are excluded from this rule and permitted only to the extent that the use of such medications does not adversely affect the Employee's work ability, job performance, or the safety of that individual or others. Employees using prescription drugs that may impair their abilities are to notify their supervisor in advance so that appropriate precautions may be taken.

### **Drugs Risks and Consequences**

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

For more information visit the National Institute on Drug Abuse (NIDA) website: [www.drugabuse.gov](http://www.drugabuse.gov).

### **Drug and Alcohol Abuse Education Programs**

#### **Resources for Students**

CMC is concerned about the harm that can come to students who use and abuse drugs, including alcohol. CMC has a strong support structure for students concerned about or involved in the abuse or misuse of alcohol and use or abuse of other drugs, including Resident Assistants, deans, first year guides, faculty members, counselors, chaplains, and many others. Campus resources include:

Health Education Outreach (HEO): (909) 607-3602

Monsour Counseling and Psychological Services (MCAPS): (909) 621-8202

Student Health Services: (909) 621-8222

For after-hours emergencies contact Campus Safety: (909) 607-2000

[College's Drug-Free Schools and Communities Act Biennial Review](#)<sup>48</sup>

#### **Resources for Faculty and Staff**

CMC wishes to assist employees who recognize that they have a problem with alcohol or drugs that may interfere with their ability to perform their job in a satisfactory manner. Employees who have a problem with alcohol or drugs and who decide to enroll voluntarily in a rehabilitation program will be given unpaid time off to participate in the program unless it would result in an undue hardship to provide time off. The employee may use any accrued sick time or vacation benefits while on leave. CMC's health benefits will be administered as under the FMLA policy.

If an employee requests time off to participate in such a program, CMC will also make reasonable efforts to keep the fact that the employee enrolled in the program confidential.

CMC reserves the right to request proof of the employee's attendance in a rehabilitation program.

Nothing in this policy shall be construed to prohibit CMC from refusing to hire, declining a request for a leave, or discharging an employee who, because of the employee's current use of alcohol or drugs, violates

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<sup>48</sup> <https://claremontmckenna.box.com/s/r6x372mftpdqcf4t0gxpqkqnrilgks45>

CMC's policies, or is unable to perform his or her duties in a manner which would not endanger his or her health or safety or the health or safety of others.



*Outdoor Class*

## Annual Disclosure of Crime Statistics

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

Campus Safety collects the crime statistics disclosed in the charts through a number of methods. Campus Safety dispatchers and officers enter all reports of crime incidents made directly to the department into 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. The Department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that Campus Safety maintains, the statistics below also include crimes that are reported to various Campus Security Authorities (CSAs) 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 subcategories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus authorities for respective violations, not the number of offenses documented.

## Definitions of Reportable Crimes

**Murder/Non-Negligent Manslaughter** - the willful killing of one human being by another.

**Manslaughter by Negligence** - the killing of another person through gross negligence.

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

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

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

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

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

**Motor Vehicle Theft** - 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 criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes includes all of the crimes listed above plus the following additional crimes:

**Larceny/Theft** - the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

**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** - 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 genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

**Religion** - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

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

**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.

**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 towards 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, and Stalking**

**Dating Violence** - violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Domestic Violence** – a felony or misdemeanor crime of violence committed:

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

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

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

Schools are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: Liquor Law Violations, Drug Law Violations, and Illegal Weapons Possession (defined by state and municipal laws).

Campus crime statistics must be reported by location:

**On campus** - any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in the above definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On campus student housing** - any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

**Public Property** - all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Non-campus buildings or property** - any buildings or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This includes property located at the Washington D.C. Program and Silicon Valley Program, as well as other hotels and campgrounds which CMC students stay at on college-sponsored overnight trips.

The annual report is to be made available to all currently enrolled students and all employees by October 1 each year. The report must also be provided to any prospective student or prospective employee upon request. The report must be distributed to all current students and employees by one of the following: directly by publications and mailings; by the US Postal Service; by campus mail; email or a combination of these methods. Posting the Annual Campus Safety Report on an Internet or Intranet Web site is also permissible as long as the required recipients are notified and provided the exact (URL) Internet or Intranet web site at which the report is posted.

Neither Campus Safety nor CMC Public Safety has the ability to deem allegations as "unfounded," and thus the following crime charts do not fail to include any such "unfounded allegations."

2022 CMC Crime Statistics Chart\*

Offense		On-Campus	Residential Facility	Non-campus Building/Property**	Public Property
<b>Criminal Homicide</b>					
<i>Murder and Non-negligent Manslaughter</i>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<i>Manslaughter by Negligence</i>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses</b>					
<i>Rape</i>	2020	2	2	0	0
	2021	3	3	0	0
	2022	1	1	1	0
<i>Fondling</i>	2020	1	1	0	0
	2021	0	0	0	0
	2022	2	1	0	0
<i>Incest</i>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<i>Statutory Rape</i>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Robbery</b>	2020	0	0	0	0
	2021	1	0	0	0
	2022	0	0	0	0
<b>Aggravated Assault</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Burglary</b>	2020	9	0	0	0
	2021	6	3	0	0
	2022	10	6	5	0
<b>Motor Vehicle Theft</b>	2020	2	0	0	0
	2021	2	0	1	0
	2022	13	0	0	0
<b>Arson</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0



Arrests		On-	Residential	Non-campus	Public
		Campus	Facility	Building or Property*	Property*
Liquor Law Violations	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Drug Abuse Violations	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Illegal Weapons Possession	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

Judicial Referrals		On-	Residential	Non-campus	Public
		Campus	Facility	Building or Property*	Property*
Liquor Law Violations	2020	0	0	0	0
	2021	1	1	0	0
	2022	0	0	0	0
Drug Abuse Violations	2020	6	6	0	0
	2021	3	3	0	0
	2022	15	11	2	0
Illegal Weapons Possession	2020	2	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

VAWA Amendment Offenses		On-	Residential	Non-campus	Public
		Campus	Facility	Building or Property*	Property*
Dating Violence	2020	1	1	0	0
	2021	1	1	0	0
	2022	2	2	0	0
Domestic Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Stalking	2020	1	1	0	0
	2021	0	0	0	0
	2022	2	0	0	0

**Unfounded Crimes**

2020: There were no unfounded crimes.

2021: There were no unfounded crimes.

2022: There were no unfounded crimes.

**Hate Crimes:**

2020: There were no reportable hate crimes.

2021: There were no reportable hate crimes.

2022: There were no reportable hate crimes.

\* Statistics were requested from local law enforcement agencies with jurisdiction over these locations, but some agencies did not respond or their responses were provided in a format not usable for Clery reporting.



## College Areas and Campus Map

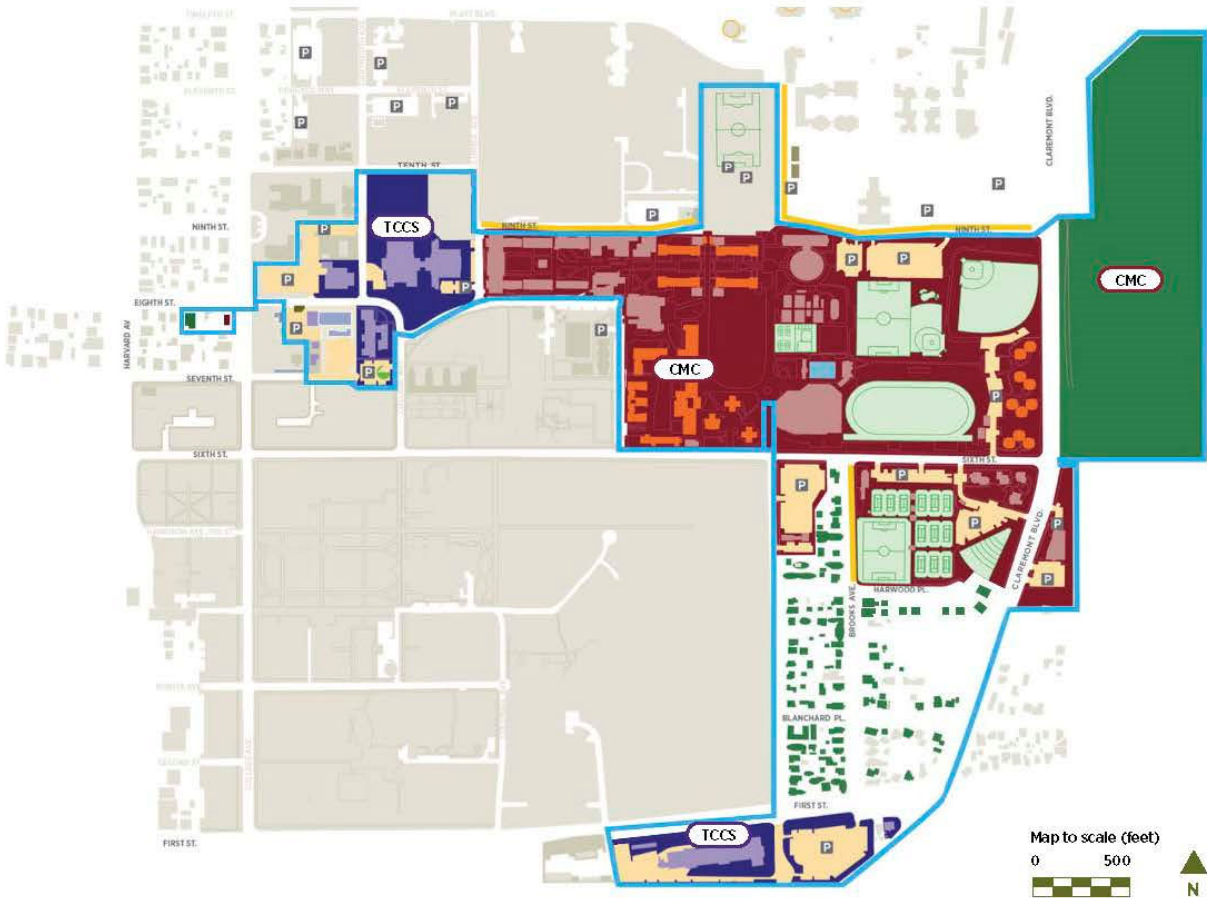
CMC owns or controls space for educational purposes at the following five locations:

- In Claremont, California:
  - Main campus, business address: 500 E. Ninth Street, Claremont, CA, 91711
- In Montclair, California:
  - Residences: 4785 Cypress Street, Montclair, CA, 91763
  - Residences: 4825 Cypress Street, Montclair, CA, 91763
  - Residences: 4828 Cypress Street, Montclair, CA, 91763
  - Residences: 4865 Cypress Street, Montclair, CA, 91763
- In Washington, D.C.:
  - 1101 17<sup>th</sup> Street NW, Suite 604, Washington, DC, 20036
  - Residences: 415 L Street NW, Washington, DC, 20001
- In Silicon Valley, California, at three locations:
  - 440 North Wolfe Road, Sunnyvale, CA 94085
  - Residences: 201 Marshall Street, Redwood City, California, 94063
  - Residences: 1405 El Camino Real, Redwood City, California, 94063
  - Residences: 1421 San Antonio Avenue, Menlo Park, California, 94025
- In Lee Vining (near Mono Lake), California:
  - Burger Sierra Research Station: 677 Log Cabin Mine Road, Lee Vining, California, 93541

Although not required by current law, CMC provides a “boundary” map of our main, Claremont campus as well as property that is owned by the The Claremont Colleges Services that is frequently used by CMC students, faculty, and staff. We offer this to help readers understand and define the borders of our campus.

# Claremont McKenna College – Clery Map

- CMC CMC main campus, deemed on campus property
- CUC CUC property, deemed on campus property
- CMC or CUC owned roads, deemed "on campus."  
All other roads = Public Property or owned by another institution.
- CMC Core Campus Boundary
- CMC or CUC parking lots, deemed "on campus property."
- CMC on campus residential facilities
- CMC private property
- CMC Main campus, athletic fields



Revised 12/2020

### III. Crime Prevention Tips

While the CMC campus is a reasonably safe environment, crimes do occur. We offer the following safety tips so that you may increase your awareness of measures that you can take to protect yourself, other CMC community members, and property.

- Exterior doors should never be propped open. A propped door puts everyone at risk.
- Residence hall room doors should be locked at all times even when leaving for a short time.
- Keys or key-cards should be carried at all times and never loaned to others.
- Exercise good judgment when walking, jogging, or engaged in solitary activity, especially at night. Consider working out in one of our indoor exercise facilities.
- Engrave, mark, and/or photograph your property and record serial numbers and property description.
- Consider not bringing expensive jewelry, valuable property, and important keepsakes to campus.
- Purses, backpacks, and other personal property should not be left unattended or unsecured in office buildings, libraries, and other common use areas.
- Parked cars should be locked at all times and valuables should be concealed.
- Become familiar with the location of emergency phones throughout the campuses and use them if you have an emergency or observe criminal or suspicious activity.
- Program the phone number of Campus Safety (909-607-2000) and your Resident Assistant into your cellphone.
- Travel across campus with a friend, sticking to lighted paths and walkways. When this is not possible, you may call Campus Safety to request an escort.
- All crimes and suspicious persons should be reported to Campus Safety immediately.

It is most helpful to Campus Safety if you can provide your name, telephone number and location as well as the following information on any crime suspect: physical appearance, clothing, height, weight, coloring, approximate age, sex, scars, or other noticeable features (glasses, facial hair, etc.), and whether or not s/he displayed or threatened a weapon. If a vehicle is involved, please note: last direction of travel, license plate number and state, make and model of the vehicle, color and body type, and other identifying marks (rust, dents, etc.).

#### Theft

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

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
- Do not provide access to unauthorized persons in buildings or classrooms
- Do not keep large amounts of cash with you
- Lock all valuables, money, jewelry, checkbooks, and passports in a lock box or locked drawer
- Take a photograph of any valuable possessions, including makes, models, and serial numbers, and email it to yourself so that you can access it later

- Using a personal engraver, mark specific identifying symbols into your 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 police 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 ways that involve fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account, or credit card information.

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

There are measures you can take to prevent this from happening to you:

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

## IV. Annual Fire Safety Report and Disclosure of Fire Statistics

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 CMC.

### Definitions

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

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

### Fire Safety

CMC takes fire safety very seriously and continues to enhance its programs to the CMC community through education, engineering and enforcement. Educational safety prevention programs are presented throughout the year to all students and staff. Automatic sprinkler systems and fire alarm systems are recognized engineered building features that help to provide for a safe living environment. All College residence halls and apartments are provided with automatic sprinkler systems, smoke detectors, carbon monoxide detectors, and building fire alarm systems to provide early detection and warning of a possible

fire emergency. Additional fire safety features for College residence halls and apartments are detailed in this section in the chart entitled “Description of On-Campus Student Housing Fire Safety Systems.”

CMC maintains and tests all fire alarms and automatic fire suppression systems in accordance with the appropriate National Fire Protection Association Standard and California Fire Code to ensure system readiness and proper operation in the event of a fire emergency. The sprinkler systems and fire suppression systems are inspected annually by certified outside contractors. Fire extinguishers are inspected monthly by the CMC Facilities Department.

Additional protection is provided by TCCS Campus Safety and CMC Public Safety Officers who are trained for initial response to fire incidents occurring at CMC facilities. Officers provide assistance in building evacuation and extinguishment/confinement of small fires.

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

CMC’s Emergency Preparedness program provides annual training to Resident Assistants, Building Coordinators, Housekeeping staff, and teachers in the Children’s School on these topics:

- Fire prevention
- What to do in the event of a fire
- How to report a fire or other emergency
- Use of fire extinguishers and other safety systems

Building Coordinators (at least two per building) receive monthly training in how to assist during a variety of incidents or crisis situations. Resident assistants also view training materials on the website for the [Center for Campus Fire Safety](#)<sup>49</sup>. The training includes fire prevention efforts, policies and procedures, evacuation plans, how to educate residents in the policies and procedures, and behavioral expectations around fire safety on campus.

In addition, students are provided twice-yearly training about fire safety. The resident assistants host a hall meeting for all residents each semester in which they review fire safety policies as well as evacuation procedures. Students are told that they are required to participate in fire drills twice each year. Students are provided a printed list of prohibited items including halogen lamps, candles, hot plates, and microwaves. They are also familiarized with behavioral expectations such as:

- Candles, fire pits, or any other flame may not be used on campus unless they are used as part of a campus event and approved by the Associate Dean of Students for Student Engagement.
- Cook only where allowed. Set a timer on your phone to remind you that food is cooking.
- Never burn candles in your residence hall or apartment room.
- Make sure cigarettes and ashes are out. Never toss hot cigarettes butts or ashes in trash cans.
- Don’t smoke when you have been drinking or are drowsy.
- Never use an extension cord with appliances like a refrigerator.
- Do not overload electrical outlets.
- Never cover light fixtures or smoke detectors.
- Never disable a smoke detector or fire alarm.

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<sup>49</sup> <http://www.campusfiresafety.org/Training-Activities/Campus-Fire-Safety-for-Students/Share>

## **Fire Incident Reporting**

Students, faculty, and staff are instructed to call 9-1-1 to report a fire emergency.

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

- Resident Assistants or the Dean of Students Office (Heggblade Center, 909-621-8114)
- Facilities & Campus Services (Story House, 909-621-8112)
- Campus Safety (101 S. Mills Avenue, 909-607-2000)

## **On-Campus Student Housing Fire Drills**

Unannounced fire drills and/or fire system tests are conducted in all on-campus residence halls during the school year to allow occupants to become familiar with and practice their evacuation skills. The drills are conducted by the CMC Emergency Preparedness & Safety Manager with assistance from CMC Public Safety Officers and Resident Assistants. The drills conform to the California Fire Code. All College residence halls have emergency evacuation plans and pre-identified evacuation assembly areas. These are shared with all students via Resident Assistant training and other yearly community training such as emergency Evacuation Drills, in response to earthquakes, fires and other critical incidents that would require immediate evacuation and subsequent recovery and reconstitution.

Full evacuation fire drills are held each semester in occupied residence halls and once per semester in non-residential buildings. Response and evacuations are timed and recorded. Fire drill records are maintained by the Emergency Preparedness and Safety Office. Building Safety Coordinators are present during fire evacuation drills.

## **Evacuation of Residence Halls in the Event of a Fire**

Through the annual, unannounced drills, CMC prepares its students for the proper evacuation protocols to follow in the event of a fire. Upon being alerted to a fire alarm, students are required to leave their residence hall, report to their designated evacuation area, and report to their Building Coordinator or Resident Assistant.

If a student notices a fire in a residence hall that has not yet been reported, the person should activate the fire alarm, evacuate to the designated evacuation area, and call TCCS Campus Safety at 909-607-2000 to report the location and nature of the fire. The student should then report to their Building Coordinator or Resident Assistant.

Evacuees maintain a distance of generally at least 100 feet away from the building, 500 feet away for explosions or further if necessary. No one may return to an evacuated building unless told to do so by appropriate incident response personnel.

In the event that persons with mobility challenges need to be assisted during an evacuation, fire/ambulance personnel will conduct stairway evacuations of wheelchair users. As a precaution, anyone using a wheelchair should consider being housed on the ground level floor, whenever possible.

All College residence halls have assigned evacuation assembly areas and evacuation routes, which are that posted within every residence hall.

## **Smoking and Open Flames in On-Campus Student Housing Facilities**

All CMC residence halls are smoke-free. This includes the hallways, stairwells, balconies and terraces.

CMC's [Smoking Policy](#)<sup>50</sup> can be found online.

Due to fire hazards, open flames are also not permitted on CMC's campus unless they are used in conjunction with a campus event and are approved by the Director of Student Activities. Barbeque areas are provided near certain residence halls, but personal barbeques are not allowed on campus.

CMC's [Open Flames Policy](#)<sup>51</sup> can be found online.

### Appliances in On-Campus Student Housing Facilities

To mitigate risks of fires, CMC limits the quantity and types of appliances allowed in all on-campus student housing facilities. No more than two high-wattage appliances may be used at one time in an on-campus student housing room or apartment. Air conditioning units, halogen lights, washing machines and dryers, and cooking appliances with heating elements are prohibited in all on campus residence halls.

CMC's [Appliance Policy](#)<sup>52</sup> can be found online.

### Plans for Future Improvements in Fire Safety

CMC continues to monitor trends related to residence hall fire incidents and alarms to provide a fire safe living environment for all students. The Director of Public Safety and Emergency Preparedness continues to attend national, state and localized training to ensure fire safety compliance as well as to collaboratively strategize with CMC key leadership, to facilitate the development of new innovative programs, policies, and systems for the safety of all students, faculty and staff. CMC is examining additional mass notification systems and increasing new capabilities within the existing Everbridge platform. Currently there are no infrastructure or system improvement additions or modifications planned for the future.

### Fire Statistics for On-Campus Student Housing Facilities\* - 2020

Building	Address All in Claremont	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to fire	Property Damage Value (\$)	Report Number
Appleby	408 E. 8th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Auen	497 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Beckett	726 N. Amherst Ave.	0	N/A	N/A	N/A	N/A	N/A	N/A
Benson	411 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Berger	413 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Boswell	849 N. Mills/410 E. 9th St (FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Claremont	412 E. 6 <sup>th</sup> Street	0	N/A	N/A	N/A	N/A	N/A	N/A
Crown	650 Amherst Ave.	0	N/A	N/A	N/A	N/A	N/A	N/A
Fawcett	695 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Green	845 N. Mills Ave./ 412 E. 9th St.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Marks	400 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Phillips	415 E. 6th St./734 N. Amherst Ave.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Stark	455 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Wohlford	406 E. 9th St.	0	N/A	N/A	N/A	N/A	N/A	N/A

<sup>50</sup> [https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Residence\\_Life\\_Policies#smoking-policy](https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Residence_Life_Policies#smoking-policy)

<sup>51</sup> [https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Residence\\_Life\\_Policies#open-flames](https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Residence_Life_Policies#open-flames)

<sup>52</sup> [https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Residence\\_Life\\_Policies#appliance-policy](https://webapps.cmc.edu/acalog/getAcalogLink2.php?content=Residence_Life_Policies#appliance-policy)

Student Apartments	651 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	661 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	671 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	681 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A

\*No drills were conducted in 2020 because the campus was closed because of COVID-19.

### Fire Statistics for On-Campus Student Housing Facilities\* - 2021

Building	Address All in Claremont	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to fire	Property Damage Value (\$)	Report Number
Appleby	408 E. 8th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Auen	497 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Beckett	726 N. Amherst Ave.	0	N/A	N/A	N/A	N/A	N/A	N/A
Benson	411 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Berger	413 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Boswell	849 N. Mills/410 E. 9th St (FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Claremont	412 E. 6 <sup>th</sup> Street	0	N/A	N/A	N/A	N/A	N/A	N/A
Crown	650 Amherst Ave.	0	N/A	N/A	N/A	N/A	N/A	N/A
Fawcett	695 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Green	845 N. Mills Ave./ 412 E. 9th St.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Marks	400 E. 6th St.	1	11/21/21	Electrical	0	0	\$3,300 approx.	20213193
Phillips	415 E. 6th St./734 N. Amherst Ave.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Stark	455 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Wohlford	406 E. 9th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	651 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	661 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	671 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	681 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A

\*No drills were conducted in 2020 or the spring of 2021 because the campus was closed because of COVID-19. One fire drill was conducted in the fall of 2021.



## Fire Statistics for On-Campus Student Housing Facilities - 2022

Building	Address All in Claremont	#	Date	Cause	Injuries Requiring Treatment	Deaths Related to fire	Property Damage Value (\$)	Report Number
Appleby	408 E. 8th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Auen	497 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Beckett	726 N. Amherst Ave.	0	N/A	N/A	N/A	N/A	N/A	N/A
Benson	411 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Berger	413 E. 6th St.	1	1/27/22	Candle	N/A	N/A	\$0.00	20223709
Boswell	849 N. Mills/410 E. 9th St (FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Crown	650 Amherst Ave.	1	9/25/22	Electrical	N/A	N/A	\$200.00	20226441
Fawcett	695 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Green	845 N. Mills Ave./ 412 E. 9th St.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Marks	400 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Phillips	415 E. 6th St./734 N. Amherst Ave.(FD)	0	N/A	N/A	N/A	N/A	N/A	N/A
Stark	455 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Valach	412 E. 6 <sup>th</sup> Street	0	N/A	N/A	N/A	N/A	N/A	N/A
Wohlford	406 E. 9th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	651 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	661 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	671 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A
Student Apartments	681 E. 6th St.	0	N/A	N/A	N/A	N/A	N/A	N/A

**Description of CMC On-Campus Student Housing Fire Safety Systems — Residence Halls/Apartments**

Building Name	Address	Year Built or Renovated	Fire Sprinklers	Fireproof Frame	Sq. Ft. Protected	CO Detection	Smoke Detection	Fire Extinguishing Devices	Evacuation Plans and Placards	Evacuation Drills per Year (2021 & 2022)*	Fire Alarm Monitoring done on site	Annual Fire Alarm Testing	Fire Dept Water/Standpipe Connection
Appleby Hall	408 E. 9th Street	2003	Yes	Yes	15,680	Yes	Yes	Yes	Exits directly outside	1	Yes, Campus Safety	Yes	408 E. 9th Street
Auen Hall	497 E. 6th Street	2008	Yes	Yes	24,629	Yes	Yes	Yes	Hallways	1	Yes, Campus Safety	Yes	497 E. 6th Street
Beckett Hall	726 North Amherst Avenue, c/s 8th	2013-14	Yes	Yes	17,194	Yes	Yes	Yes	Hallways	1	Yes, Campus Safety	Yes	726 N. Amherst Ave.
Benson Hall	411 East 6th Street, c/s Amherst	2014	Yes	Yes	17,421	Yes	Yes	Yes	Hallways	1	Yes, Campus Safety	Yes	411 E. 6th Street
Berger Hall	413 East 6th Street, c/s Amherst	2013	Yes	Yes	15,110	Yes	Yes	Yes	Hallways	1	Yes, Campus Safety	Yes	413 E. 6th Street
Boswell Hall	410 East 9th Street	2003	Yes	Yes	15,742	Yes	Yes	Yes	Exits directly outside	1	Yes, Campus Safety	Yes	410 E. 9th Street
Valach Hall	650 North Amherst Avenue	2015	Yes	Yes	13,744	Yes	Yes	Yes	Hallways	1	Yes, Campus Safety	Yes	400 E. 6th Street
Crown Hall	650 N. Amherst Ave.	2008	Yes	Yes	37,257	Yes	Yes	Yes	Hallways	1	Yes, Campus Safety	Yes	650 N. Amherst Ave.
Fawcett Hall	695 N. Mills Ave.	2008	Yes	Yes	24,629	Yes	Yes	Yes	Hallways	1	Yes, Campus Safety	Yes	695 N. Mills Ave.

Building Name	Address	Year Built or Renovated	Fire Sprinklers	Fireproof Frame	Sq. Ft. Protected	CO Detection	Smoke Detection	Fire Extinguishing Devices	Evacuation Plans and Placards	Evacuation Drills per Year (2021 & 2022)	Fire Alarm Monitoring done on site	Annual Fire Alarm Testing	Fire Dept Water/Standpipe Connection
Green Hall	412 E. 9th Street	2003	Yes	Yes	15,677	Yes	Yes	Yes	Each apt. enters directly outside	1	Yes, Campus Safety	Yes	412 E. 9th Street
Marks Hall	400 E. 6th Street	2014-15	Yes	Yes	28,754	Yes	Yes	Yes	Hallways	1	Yes, Campus Safety	Yes	400 E. 6th Street
Phillips Hall	734 N. Amherst Ave	2013	Yes	Yes	15,973	Yes	Yes	Yes	Hallways	1	Yes, Campus Safety	Yes	734 N. Amherst Ave
Stark Hall	455 East 6th Street, c/s Amherst	1997	Yes	Yes	32,400	Yes	Yes	Yes	Hallways	1	Yes, Campus Safety	Yes	499 E. 6th Street
Student Apartments-651	651 East 6th Street, c/s Claremont	1995	Yes	No	10,969	Yes	Yes	Yes	Exits directly outside	1	Yes, Campus Safety	Yes	651 E. 6th Street
Student Apartments-661	661 East 6th Street, c/s Claremont	1995	Yes	No	13,372	Yes	Yes	Yes	Exits directly outside	1	Yes, Campus Safety	Yes	661 E. 6th Street
Student Apartments-671	671 East 6th Street, c/s Claremont	2018	Yes	No	8,800	Yes	Yes	Yes	Exits directly outside	1	Yes, Campus Safety	Yes	671 E. 6th Street
Student Apartments-681	681 East 6th Street, c/s Claremont	2018	Yes	No	8,800	Yes	Yes	Yes	Exits directly outside	1	Yes, Campus Safety	Yes	681 E. 6th Street
Wohlford Hall	406 E. 9th Street	2018	Yes	Yes	16,270	Yes	Yes	Yes	Exits directly outside	1	Yes, Campus Safety	Yes	406 E. 9th Street

\*No drills were conducted in 2020 and spring of 2021 because the campus was closed because of COVID-19. One fire drill was conducted in the fall of 2021.

## **Appendix: Contact List**

- Campus Safety Office, 101 S. Mills Ave., 909-607-2000
- Dean of Students Office, Heggblade Center, 400 E. Ninth St, 909-621-8114
- Title IX Coordinator, Athenaeum #217, 385 E. Eighth St., 909-607-8131
- Office of Civil Rights, Heggblade Center, Second Floor, 400 E. Ninth St., 909-607-0347
- Human Resources Office, 528 N. Mills Ave. West, 909-607-1236
- Dean of the Faculty's Office, Athenaeum North 225, 909-621-8117
- Monsour Counseling and Psychological Services (MCAPS), Tranquada Center, 757 College Way, 909-621-8202
- Student Health Services (SHS), Tranquada Center, 757 College Way, 909-621-8222
- Health Education Outreach (HEO), Tranquada Center, 757 College Way, 909-607-1147
- The Washington (DC) Program, 1101 17<sup>th</sup> St NW, Suite 604, Washington, D.C., 240-577-2015
- The Silicon Valley Program, 440 North Wolfe Road, Sunnyvale, California, 95051, 408-524-1593
- Claremont Police Department, 570 W. Bonita Ave, 909-399-5411 (business) or 9-1-1 (emergency)